

# **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, Waxahachie, Texas, on ***Monday, February 21, 2022 at 7:00 p.m.***

Council Members: Doug Barnes, Mayor, Council Member Place 2  
Billie Wallace, Mayor Pro Tem, Council Member Place 4  
David Hill, Council Member Place 1  
Melissa Olson, Council Member Place 3  
Travis Smith, Council Member Place 5

1. Call to Order
2. Invocation
3. Pledge of Allegiance and Texas Pledge of Allegiance
4. ***Public Comments:*** Persons may address the City Council on any issues. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code. ***Speakers must observe the five (5) minute time limit.***

5. ***Consent Agenda***

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

- a. Minutes of the City Council meeting of February 7, 2022
  - b. Minutes of the City Council briefing of February 7, 2022
  - c. Minutes of the City Council and Planning & Zoning Commission Joint Work Session of February 15, 2022
  - d. Event application for Worship at the Park to be held April 9, 2022
  - e. Event application for C10s in the Park to be held September 17, 2022
  - f. Electing to Participate in the Proposed Opioid Settlements and authorize the City Manager to sign and return the Teva TX Subdivision Release Form and the Endo TX Subdivision Release Form
  - g. Budget Adjustment for Midyear Cost of Living Adjustment (COLA)
  - h. Receive Fiscal Year 2022 1<sup>st</sup> Quarter Financial Report
6. ***Consider*** request by Claudio Segovia, for a Plat of Vista Way, Phase 2, 4 Open Space Lots, being 2.946 acres, located at East of Hwy 77 and North of North Grove Boulevard, situated in the Henry Sange Survey, Abstract 1009, an addition to the City of Waxahachie (Property ID 262133) – Owner: J HOUSTON HOMES LLC (SUB-3-2022)

7. **Public Hearing** on a request by Iyke F. Enemo, IYCAN Investments, LLC, for a Replat of Lot 4, Block 173, Official Town Map of Waxahachie, to create Lot 4A & 4B, Block 173, Official Town Map of Waxahachie, 2 Residential Lots, being 0.525 acres, located at 807 Dr Martin Luther King Jr Blvd. (Property ID 171251)– Owner: IYCAN INVESTMENTS, LLC (SUB-209-2021)
8. **Consider** approval of SUB-209-2021
9. **Public Hearing** on a request by George Salvador, Waxahachie One Development, for a Zoning Change from a Future Development (FD) zoning district to a Planned Development Single Family-1 (PD-SF-1) zoning district, located at 3811 Black Champ Road (Property ID 225711) - Owner: CHRIS & HEATHER NOWELS (ZDC-217-2021)
10. **Consider** proposed Ordinance approving ZDC-217-2021
11. **Consider** Development Agreement for ZDC-217-2021
12. **Consider** approval of Construction Manager at Risk (CMAR) for Fire Station 4
13. **Consider** bid award for new Granular Activated Carbon media in the Robert W. Sokoll Water Treatment Plant
14. **Consider** bid award for Lee Penn Pool parking lot
15. **Convene** into Executive Session for consultation with attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code
16. **Reconvene** and take any necessary action
17. Comments by Mayor, City Council, City Attorney and City Manager
18. 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 469-309-4006 or (TDD) 1-800-RELAY TX

(5a)

City Council  
February 7, 2022

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, February 7, 2022 at 7:00 p.m.

Council Members Present: Doug Barnes, Mayor, Council Member Place 2  
Billie Wallace, Mayor Pro Tem, Council Member Place 4  
David Hill, Council Member Place 1  
Melissa Olson, Council Member Place 3  
Travis Smith, Council Member Place 5

Others Present: Michael Scott, City Manager  
Albert Lawrence, Deputy City Manager  
Shon Brooks, Executive Director of Development Services  
Gumaro Martinez, Executive Director Park & Leisure Services  
Richard Abernethy, Director of Administrative Services  
Robert Brown, City Attorney  
Amber Villarreal, City Secretary

**1. Call to Order**

Mayor Doug Barnes called the meeting to order and recognized Boy Scout Troop 234 in attendance.

**2. Invocation**

**3. Pledge of Allegiance and Texas Pledge of Allegiance**

Father Terry Reisner, St. Paul's Episcopal Church, gave the invocation. City Manager Michael Scott 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 January 18, 2022
- b. Minutes of the City Council briefing of January 18, 2022
- c. Event application for Sweethearts and Orphans Car Show on March 5, 2022
- d. Variance request by La Nortenita Grill, LLC for mixed beverage restaurant permit located at 1102 Ferris Avenue
- e. Waxahachie Police Department Racial Profiling Report for 2021
- f. Termination of Construction Manager at Risk contract with WRL for Fire Station 4
- g. Consumer Price Index adjustment to the Garbage and Trash Collection effective April 1, 2022

**Action:**

(5a)

*Council Member Melissa Olson moved to approve items a., b., d., e., f. and g. on the Consent Agenda. Mayor Pro Tem Billie Wallace seconded, All Ayes.*

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve item c., with an alternative location, on the Consent Agenda. Council Member Melissa Olson seconded, All Ayes.*

6. **Public Hearing on a request by Kenyatta Henderson, YaYa's Yuniversity, for a Specific Use Permit (SUP) for a Child Daycare Center use within a Single Family-2 (SF-2) zoning district located at 323 Kirksey Street (Property ID 193801) - Owner: SEVENTH DAY ADVENTIST (ZDC-216-2021)**

Planning Director Jennifer Pruitt presented the case noting the applicant is requesting a Specific Use Permit to allow for a daycare use on the subject property and staff recommended approval per the following staff comments:

1. The applicant will need to obtain a permit from the City of Waxahachie Building Inspections Department prior to any construction on the subject property.
2. Any new pavement added to the site shall be concrete.
3. The applicant will need to obtain a Certificate of Occupancy (CO) from the City of Waxahachie Building Inspections Department prior to operating on the subject property.

Mayor Barnes opened the Public Hearing.

There being no others to speak for or against ZDC-216-2021, Mayor Barnes closed the Public Hearing.

7. **Consider proposed Ordinance approving ZDC-216-2021**

**ORDINANCE NO. 3317**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A DAYCARE USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED 323 KIRKSEY STREET, BEING PROPERTY ID 193801, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 3, BLOCK 1 OF THE FERRIS 2ND REVISION SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Council Member Melissa Olson moved to approve Ordinance No. 3317 per staff comments. Mayor Pro Tem Billie Wallace seconded, All Ayes.*

8. **Consider proposed Ordinance ordering an election to be held on May 7, 2022 for the purpose of electing At-Large Council Member Places 1, 2, & 3, and providing for a contract for election services with Ellis County Elections Administration**

**ORDINANCE NO. 3318**

(50)

**AN ORDINANCE ORDERING AN ELECTION TO BE HELD FOR THE PURPOSE OF ELECTING AT-LARGE COUNCIL MEMBER PLACES 1, 2, & 3; PROVIDING FOR A JOINT ELECTION SERVICES CONTRACT WITH ELLIS COUNTY ELECTIONS ADMINISTRATION; DECLARING AN EMERGENCY AND SETTING AN EFFECTIVE DATE.**

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve Ordinance No. 3318. Council Member Melissa Olson seconded, All Ayes.*

**9. Consider Interlocal Agreement with the City of Ft. Worth for radio repairs & installations**

Fire Chief Ricky Boyd requested approval of an Interlocal Agreement with the City of Ft. Worth for radio repairs and installations. He noted there is no annual fee associated with this agreement and it can be terminated with or without cause without penalty upon 90 days written notice.

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve an Interlocal Agreement with the City of Ft. Worth for radio repairs & installations. Council Member Melissa Olson seconded, All Ayes.*

**10. Consider a Professional Services Agreement with Teague Nall and Perkins in the amount of \$94,565.00 for the design and engineering of a water main rehabilitation project on Bryson Street**

Assistant Director of Utilities Brandon Lacy requested approval of a professional services agreement with Teague Nall and Perkins for the design and engineering of an upgraded water main on Bryson Street in the amount of \$94,565.00. He explained the agreement will include upgrading the existing six (6) inch cast iron water line within Bryson Street.

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve a Professional Services Agreement with Teague Nall and Perkins in the amount of \$94,565.00 for the design and engineering of a water main rehabilitation project on Bryson Street as presented. Council Member Melissa Olson seconded, All Ayes.*

**11. Consider a Professional Services Agreement with Gresham Smith in the amount of \$165,210.00 for the design and engineering of various water and sewer line rehabilitations throughout the City of Waxahachie**

Mr. Lacy requested approval of an engineering services agreement with Gresham Smith to allow for the design and engineering of upgraded water and sewer lines on Oldham Street and E. Ross Street (water) and S. Rogers Street & Alley and Bauder Street (sewers).

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve a Professional Services Agreement with Gresham Smith in the amount of \$165,210.00 for the design and engineering of various water and sewer line rehabilitations throughout the City of Waxahachie as presented. Council Member Melissa Olson seconded, All Ayes.*

**12. Discuss recurring power outages**

City Manager Michael Scott reported staff is working with Oncor to review options to prevent power outages during cold weather.

Council Member Olson inquired about options for the City to be proactive to prevent power outages and Mr. Scott noted staff can work closely with Oncor; however, they are a separate utility company not operated by the City.

Mayor Barnes explained Oncor can prepare a report of why the outage occurred and Council can allow them the opportunity to report their findings and what they are doing to be proactive.

Council Member Travis Smith asked if staff coordinates with Oncor prior to new development construction. Mr. Brooks noted communication with Oncor is done on a broader scale as opposed to specific developments. Council Member Smith asked if Oncor has expressed concern with capacity availability and Mr. Scott noted they have not.

Mayor Pro Tem Billie Wallace expressed concern with power outages during the winter storm. She explained Council was in communication with Mayor Barnes and he was in constant communication with Oncor. She explained Oncor representative Kerric Bradford is open to addressing citizen's concerns and Council is hopeful to have answers soon.

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

Mayor Barnes announced at 7:22 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.

**14. Reconvene and take any necessary action**

The meeting reconvened at 8:08 p.m.

*No action taken.*

**15. Comments by Mayor, City Council, City Attorney and City Manager**

City Secretary Amber Villarreal announced the filing deadline for candidates for the May 7, 2022 General Election is Friday, February 18, 2022 at 5:00 p.m.

(5a)

City Council  
February 7, 2022  
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City Manager Michael Scott announced the following: Waxahachie Chamber of Commerce Banquet is February 24<sup>th</sup> and a joint meeting between City Council and the Planning & Zoning Commission February 15<sup>th</sup> at 5:30 p.m.

Council Member Melissa Olson thanked City staff, administration, and first responders for their work during the winter storm.

Executive Director of Development Services Shon Brooks announced the Comprehensive Plan Advisory Committee Neighborhood Meeting will be February 8<sup>th</sup> at 5:30 p.m.

**16. Adjourn**

There being no further business, the meeting adjourned at 8:10 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary

(5b)

City Council  
February 7, 2022

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, February 7, 2022 at 6:30 p.m.

Council Members Present: Doug Barnes, Mayor, Council Member Place 2  
Billie Wallace, Mayor Pro Tem, Council Member Place 4  
David Hill, Council Member Place 1  
Melissa Olson, Council Member Place 3  
Travis Smith, Council Member Place 5

Others Present: Michael Scott, City Manager  
Albert Lawrence, Deputy City Manager  
Shon Brooks, Executive Director of Development Services  
Gumaro Martinez, Executive Director Park & Leisure Services  
Richard Abernethy, Director of Administrative Services  
Robert Brown, City Attorney  
Amber Villarreal, City Secretary

**1. Call to Order**

Mayor Doug Barnes 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:

- Item 5c, event application for annual Sweethearts and Orphans Car Show on March 5, 2022.

Council Members expressed concerns with approving any street closures downtown due to current ongoing construction. Mr. Scott explained Council can remove the agenda item for a separate vote.

- Item 5d, approving variance request by La Nortenita Grill, LLC for mixed beverage restaurant permit located at 1102 Ferris Avenue.
- Item 5e, annual Waxahachie Police Department Racial Profiling Report for 2021 as required by Texas Code of Criminal Procedure.
- Item 5f, approving termination of construction manager at risk contract with WRL for Fire Station 4. He noted the proposal process has started to find a replacement.
- Item 5g, approval of Consumer Price Index adjustment to the garbage and trash collection effective April 1, 2022. He explained the average customer will see an additional .25¢ increase per month.
- Item 8, approving Order of Election to be held on May 7, 2022 for the purpose of electing At-Large Council Member Places 1, 2, & 3 and providing a contract with Ellis County for election services.
- Item 12, will allow City Council the opportunity to have an open discussion regarding recurring power outages.

(5b)

Planning Director Jennifer Pruitt reviewed the following agenda item:

- ZDC-216-2021, the applicant is requesting a Specific Use Permit to allow for a daycare use on the subject property. Staff recommends approval per staff comments.

Police Chief Ricky Boyd reviewed Item 9 requesting approval of an Interlocal Agreement with the City of Ft. Worth for radio repairs and installations. He explained there is no annual fee and the contract can be cancelled with a 90 day written notice.

Assistant Director of Utilities Brandon Lacy reviewed the following items:

- Item 10 requesting approval of a professional services agreement with Teague Nall and Perkins in the amount of \$94,565.00 for the design and engineering of a water main rehabilitation project on Bryson Street.
- Item 11 requesting approval of a professional service agreement with Gresham Smith in the amount of \$165,210.00 for the design and engineering of various water and sewer line rehabilitation throughout the City of Waxahachie. He explained the funds are available in the 21-22 CIP plan.

### **3. Adjourn**

There being no further business, the meeting adjourned at 6:48 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary

(50)

City Council and Planning & Zoning Commission  
February 15, 2022

A Joint Work Session of the Mayor and City Council and Planning & Zoning Commission of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers on Tuesday, February 15, 2022 at 5:30 p.m.

Council Members Present: Doug Barnes, Mayor, Council Member Place 2  
Billie Wallace, Mayor Pro Tem, Council Member Place 4  
David Hill, Council Member Place 1  
Melissa Olson, Council Member Place 3  
Travis Smith, Council Member Place 5

Planning & Zoning  
Members Present: Rick Keeler, Chairman  
Melissa Ballard, Vice Chairman  
Betty Square Coleman  
Bonney Ramsey  
Jim Phillips  
David Hudgins  
Erik Test

Planning & Zoning  
Member Absent: Betty Square Coleman

Others Present: Michael Scott, City Manager  
Albert Lawrence, Deputy City Manager  
Shon Brooks, Executive Director of Development Services  
Jennifer Pruitt, Director of Planning  
Eleana Tuley, Senior Planner  
James Gaertner, Graduate Engineer  
Amber Villarreal, City Secretary

**1. Call to Order by Mayor Doug Barnes and Chairman Rick Keeler**

Mayor Doug Barnes called the City Council meeting to order.

Chairman Rick Keeler called the Planning and Zoning Commission meeting to order.

**2. Discuss City's desired development requirements and standards**

The City Council and Planning and Zoning Commission discussed desired development requirements and standards to serve as a guide for staff, developers, and elected/appointed officials. The goal is to provide a minimum list of expectations to developers and identify insufficient standards.

There was a discussion on the allowance of alleys in future developments due to the financial burden to maintain and replace alleys.

(5C)

City Council and Planning & Zoning Commission

February 15, 2022

Page 2

Additionally, City Council and the Planning and Zoning Commission discussed impact of Public Improvement Districts, density, masonry, architectural styles, lot size variations, park land dedications, connectivity, dedication of land for schools, and tree preservation.

After a lengthy discussion, the following guidelines were established:

*Must Haves (minimum requirements):*

- Masonry
- Custom floor plans
- Variation in architectural styles (100 units (3 styles), 300 units (5 styles), 400+ units (6 styles))
- Defined guidelines/definitions for architectural styles
- Increased lot variation within each block
- 60' lots or smaller can have alleys; 70-80' lots are to have j-swing garage
- Open space connectivity (especially to public park land)
- Minimum school site sizes: 15 acres (grade school), 20 acres (junior high), 50 acres (high school)
- Landscape buffers with masonry screening walls for subdivisions specifically along 60' right-of-way or greater
- Preservation of existing trees based on size and species
- Homeowner's Association maintenance of small park lands. City would consider receiving 5-10 acres regional park dedications

*Characteristics of quality development:*

- Variation in open space/park amenities for all age groups

*Deal breaker (no-go)*

- Maximum density: 3.5 homes/per net acre (not including floodplain/green space)

*Reviewed on a case by case basis:*

- Reduce number of small lots where the garage fronts the street and use alley instead; larger lots use a j-swing garage
  - 40-50% of 40-50' lots use an alley
- Consideration of Public Improvement Districts
  - In instances that standards are well above minimums
  - Significant dedication of roadways, amenities, park lands, etc.

### **3. Discuss changing the start times of Planning and Zoning Commission meetings**

It was the consensus to make no changes to the start time of the Planning and Zoning Commission meetings at this time.

(5C)

City Council and Planning & Zoning Commission

February 15, 2022

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**4. Adjourn**

There being no further business, the meeting adjourned at 6:29 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary

(5d)



### Application for a Festival or Event Permit

Event Name and Description: Worship at the Park

Worship service outside with college students and the community of Waxhachie.

#### Applicant Information

Name: Abigail Cruz

Address: 1200 Sycamore St.

City, State, Zip: Waxahachie, TX, 75165 Phone: 432-209-0712

E-mail Address: smacommunity@sagu.edu

#### Organization Information

Organization Name: Southwestern Missions Association

Address: 1200 Sycamore St

Authorized Head of Organization: Nelson DeFrietas

Phone: 972-825-4698 E-mail Address: smaofficer@sagu.edu

#### Event Chairperson/Contact

Name: Abigail Cruz

Address: 1200 Sycamore St.

City, State, Zip: Waxahachie, TX, 75165 Phone: 432-209-0712

E-mail Address: smacommunity@sagu.edu

#### Event Information

Event Location/Address: Railyard Park Ampitheater

Purpose: Worship

Event Start Date and Time: April 9, 2022 at 5:00pm

Event End Date and Time: April 9, 2022 at 7:00pm

(5d)

Approximate Number of Persons Attending Event Per Day: 100

Site Preparation and Set-Up Date and Time: April 9, 2022 at 3:00pm

Clean-Up Completion Date and Time: April 9, 2022 at 8:00pm

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.

Booth for Fresh Coffee tickets

Requested City Services: \_\_\_\_\_

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**

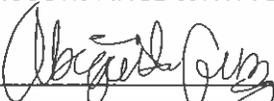
**If yes, will the event be in the Historic Overlay District? YES/NO**

Will dumpsters be needed? \_\_\_\_\_

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.

  
Signature of Applicant

January 28, 2022  
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).**

(5d)

**Bonner, Jami**

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**From:** Boyd, Ricky <RBoyd@waxahachiefire.org>  
**Sent:** Sunday, January 30, 2022 7:23 AM  
**To:** Bonner, Jami  
**Subject:** Re: Event Application - Worship at the Park  
**Attachments:** image001.png; EA2022.04.09 Worship at the Park.pdf

I have no concerns with this request.

Sent from my iPhone

On Jan 28, 2022, at 16:21, Bonner, Jami <jami.bonner@waxahachie.com> wrote:

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

For your review / comments. Thank you.

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**From:** Skistimas, Kelly <kelly.skistimas@waxahachie.com>  
**Sent:** Friday, January 28, 2022 3:52 PM  
**To:** Villarreal, Amber <avillarreal@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>  
**Cc:** SMA VPCommunity Outreach <SMAVPCommunity@sagu.edu>  
**Subject:** Event Permit Application April 9th - SAGU Worship Night - Railyard Park

Hi there,

Please see attached application. This is a small event. They do not plan to have any food trucks and are not asking for the street closure. They are aware that the section of Rogers St. currently closed is likely to still be closed at this time. I have copied the organizer, Abigail, on this message.

Organizer: SAGU  
Date Requested: April 9<sup>th</sup>  
Time: 5-7PM  
Location: Railyard Park  
Approx. # people: 100

Kelly Skistimas  
Cultural Arts and Programming Manager  
City of Waxahachie  
Office: 469.309.4051  
Cell: 214.463.7815

(5a)

**Bonner, Jami**

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**From:** Gaertner, James  
**Sent:** Monday, January 31, 2022 8:44 AM  
**To:** Bonner, Jami; Wade Goolsbey; Ricky Boyd; Griffith, Thomas; Martinez, Gumaro; Barnes, Bradley; Campos, Yadira; Brooks, Shon; Skistimas, Kelly; Mosley, Laurie  
**Cc:** Scott, Michael; Lawrence, Albert; Villarreal, Amber; Crocker, Clarice  
**Subject:** RE: Event Application - Worship at the Park

I don't have any comments to this event.

**James Gaertner, PE, CFM, CPM**  
**Director of Public Works & Engineering**  
Office: 469-309-4301  
[jgaertner@waxahachie.com](mailto:jgaertner@waxahachie.com)

**From:** Bonner, Jami <[jami.bonner@waxahachie.com](mailto:jami.bonner@waxahachie.com)>  
**Sent:** Friday, January 28, 2022 4:20 PM  
**To:** Wade Goolsbey <[wgoolsby@waxahachiepd.org](mailto:wgoolsby@waxahachiepd.org)>; Ricky Boyd <[rboyd@waxahachiefire.org](mailto:rboyd@waxahachiefire.org)>; Griffith, Thomas <[john.griffith@waxahachie.com](mailto:john.griffith@waxahachie.com)>; Gaertner, James <[jgaertner@waxahachie.com](mailto:jgaertner@waxahachie.com)>; Martinez, Gumaro <[gmartinez@waxahachie.com](mailto:gmartinez@waxahachie.com)>; Barnes, Bradley <[bradley.barnes@waxahachie.com](mailto:bradley.barnes@waxahachie.com)>; Campos, Yadira <[ycampos@waxahachie.com](mailto:ycampos@waxahachie.com)>; Brooks, Shon <[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)>; Skistimas, Kelly <[kelly.skistimas@waxahachie.com](mailto:kelly.skistimas@waxahachie.com)>; Mosley, Laurie <[mosley@waxahachiecvb.com](mailto:mosley@waxahachiecvb.com)>  
**Cc:** Scott, Michael <[msscott@waxahachie.com](mailto:msscott@waxahachie.com)>; Lawrence, Albert <[alawrence@waxahachie.com](mailto:alawrence@waxahachie.com)>; Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>; Crocker, Clarice <[ccrocker@waxahachie.com](mailto:ccrocker@waxahachie.com)>  
**Subject:** Event Application - Worship at the Park

For your review / comments. Thank you.

**From:** Skistimas, Kelly <[kelly.skistimas@waxahachie.com](mailto:kelly.skistimas@waxahachie.com)>  
**Sent:** Friday, January 28, 2022 3:52 PM  
**To:** Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>; Bonner, Jami <[jami.bonner@waxahachie.com](mailto:jami.bonner@waxahachie.com)>  
**Cc:** SMA VPCCommunity Outreach <[SMAVPCCommunity@sagu.edu](mailto:SMAVPCCommunity@sagu.edu)>  
**Subject:** Event Permit Application April 9th - SAGU Worship Night - Railyard Park

Hi there,

Please see attached application. This is a small event. They do not plan to have any food trucks and are not asking for the street closure. They are aware that the section of Rogers St. currently closed is likely to still be closed at this time. I have copied the organizer, Abigail, on this message.

Organizer: SAGU  
Date Requested: April 9<sup>th</sup>  
Time: 5-7PM  
Location: Railyard Park  
Approx. # people: 100

Kelly Skistimas  
Cultural Arts and Programming Manager

(5A)

**Bonner, Jami**

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**From:** Wade Goolsby <wgoolsby@waxahachiepd.org>  
**Sent:** Wednesday, February 2, 2022 5:10 PM  
**To:** Bonner, Jami; Ricky Boyd; Griffith, Thomas; Gaertner, James; Martinez, Gumaro; Barnes, Bradley; Campos, Yadira; Brooks, Shon; Skistimas, Kelly; Mosley, Laurie  
**Cc:** Scott, Michael; Lawrence, Albert; Villarreal, Amber; Crocker, Clarice  
**Subject:** RE: Event Application - Worship at the Park

I don't have any concerns with it.

**Wade G. Goolsby**  
Chief of Police  
Waxahachie Police Department

**From:** Bonner, Jami <jami.bonner@waxahachie.com>  
**Sent:** Friday, January 28, 2022 4:20 PM  
**To:** Wade Goolsby <wgoolsby@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>  
**Cc:** Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>  
**Subject:** Event Application - Worship at the Park

For your review / comments. Thank you.

**From:** Skistimas, Kelly <kelly.skistimas@waxahachie.com>  
**Sent:** Friday, January 28, 2022 3:52 PM  
**To:** Villarreal, Amber <avillarreal@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>  
**Cc:** SMA VPCCommunity Outreach <SMAVPCCommunity@sagu.edu>  
**Subject:** Event Permit Application April 9th - SAGU Worship Night - Railyard Park

Hi there,

Please see attached application. This is a small event. They do not plan to have any food trucks and are not asking for the street closure. They are aware that the section of Rogers St. currently closed is likely to still be closed at this time. I have copied the organizer, Abigail, on this message.

Organizer: SAGU  
Date Requested: April 9<sup>th</sup>  
Time: 5-7PM  
Location: Railyard Park  
Approx. # people: 100

(5d)

**Bonner, Jami**

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**From:** Martinez, Gumaro  
**Sent:** Wednesday, February 2, 2022 5:18 PM  
**To:** Bonner, Jami; Wade Goolsbey; Ricky Boyd; Griffith, Thomas; Gaertner, James; Barnes, Bradley; Campos, Yadira; Brooks, Shon; Skistimas, Kelly; Mosley, Laurie  
**Cc:** Scott, Michael; Lawrence, Albert; Villarreal, Amber; Crocker, Clarice  
**Subject:** Re: Event Application - Worship at the Park

I don't have any issues or concerns with this event request.

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**From:** Bonner, Jami <jami.bonner@waxahachie.com>  
**Sent:** Friday, January 28, 2022 4:20 PM  
**To:** Wade Goolsbey <wgoolsby@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Skistimas, Kelly <kelly.skistimas@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>  
**Cc:** Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>  
**Subject:** Event Application - Worship at the Park

For your review / comments. Thank you.

---

**From:** Skistimas, Kelly <kelly.skistimas@waxahachie.com>  
**Sent:** Friday, January 28, 2022 3:52 PM  
**To:** Villarreal, Amber <avillarreal@waxahachie.com>; Bonner, Jami <jami.bonner@waxahachie.com>  
**Cc:** SMA VPCommunity Outreach <SMAVPCommunity@sagu.edu>  
**Subject:** Event Permit Application April 9th - SAGU Worship Night - Railyard Park

Hi there,

Please see attached application. This is a small event. They do not plan to have any food trucks and are not asking for the street closure. They are aware that the section of Rogers St. currently closed is likely to still be closed at this time. I have copied the organizer, Abigail, on this message.

Organizer: SAGU  
Date Requested: April 9<sup>th</sup>  
Time: 5-7PM  
Location: Railyard Park  
Approx. # people: 100

Kelly Skistimas  
Cultural Arts and Programming Manager  
City of Waxahachie  
Office: 469.309.4051  
Cell: 214.463.7815

(5e)



### Application for a Festival or Event Permit

Event Name and Description: CIO's in the PARK

#### Applicant Information

Name: Terry Hill

Address: 207 Nocona Drive

City, State, Zip: Waxahachie, TX 75165 Phone: 972-921-5187

E-mail Address: CIO's in the PARK @ yahoo.com

#### Organization Information

Organization Name: CIO's in the PARK

Address: 207 Nocona Dr

Authorized Head of Organization: Terry Hill

Phone: 972-921-5187 E-mail Address: CIO's in the PARK @ yahoo.com

#### Event Chairperson/Contact

Name: SAME AS ABOVE

Address: " "

City, State, Zip: " " Phone: " "

E-mail Address: " "

#### Event Information

Event Location/Address: Getzenbauer PARK

Purpose: to host ~~an~~ Trunk event

Event Start Date and Time: September 17th, 2002 7 AM

(52)

Event End Date and Time: September 17th 5pm

Approximate Number of Persons Attending Event Per Day: 4000

Get 2nd tier PARK

Site Preparation and Set-Up Date and Time: September 16th 11AM

Clean-Up Completion Date and Time: September 18th 10 AM

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.

Use of PARK for Truck show. Vendors will be there also

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

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

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

If food will be prepared on-site, a Temporary Food Permit must be obtained by the Environmental Health Department.

Will dumpsters be needed? 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.

Sam Hess  
Signature of Applicant

11/3/22  
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).

(5e)

**Bonner, Jami**

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**From:** Wade Goolsby <wgoolsby@waxahachiepd.org>  
**Sent:** Monday, January 3, 2022 4:46 PM  
**To:** Bonner, Jami; Martinez, Gumaro; Brooks, Shon; Ricky Boyd; Barnes, Bradley; Campos, Yadira; Griffith, Thomas; Me'Lony Jordan  
**Cc:** Scott, Michael; Lawrence, Albert; Villarreal, Amber  
**Subject:** RE: Event Application - C-10s in the Park

I have no issues.

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

---

**From:** Bonner, Jami <jami.bonner@waxahachie.com>  
**Sent:** Monday, January 3, 2022 4:12 PM  
**To:** Gumaro Martinez <gmartinez@waxahachie.com>; Shon Brooks <sbrooks@waxahachie.com>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>  
**Cc:** Michael Scott <mscott@waxahachie.com>; Albert Lawrence <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>  
**Subject:** Event Application - C-10s in the Park

For your review / comments. Thank you.

Jami Bonner  
Assistant City Secretary  
City of Waxahachie  
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168  
[www.waxahachie.com](http://www.waxahachie.com)

(5e)

**Bonner, Jami**

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**From:** Boyd, Ricky <RBoyd@waxahachiefire.org>  
**Sent:** Monday, January 3, 2022 4:49 PM  
**To:** Bonner, Jami  
**Subject:** Re: Event Application - C-10s in the Park  
**Attachments:** EA2022.09.17 C-10s in the Park.pdf

Have no concerns with this application.

Sent from my iPhone

On Jan 3, 2022, at 16:13, Bonner, Jami <jami.bonner@waxahachie.com> wrote:

For your review / comments. Thank you.

Jami Bonner  
Assistant City Secretary  
City of Waxahachie  
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168  
[www.waxahachie.com](http://www.waxahachie.com)

(5e)

**Bonner, Jami**

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**From:** Martinez, Gumaro  
**Sent:** Tuesday, January 4, 2022 9:57 AM  
**To:** Bonner, Jami; Brooks, Shon; Wade Goolsbey; Ricky Boyd; Barnes, Bradley; Campos, Yadira; Griffith, Thomas; Me'Lony Jordan  
**Cc:** Scott, Michael; Lawrence, Albert; Villarreal, Amber  
**Subject:** RE: Event Application - C-10s in the Park

I have no issues with this event.

Sent via the Samsung Galaxy S9, an AT&T 5G Evolution capable smartphone

----- Original message -----

**From:** "Bonner, Jami" <jami.bonner@waxahachie.com>  
**Date:** 1/3/22 4:11 PM (GMT-06:00)  
**To:** "Martinez, Gumaro" <gmartinez@waxahachie.com>, "Brooks, Shon" <sbrooks@waxahachie.com>, Wade Goolsbey <wgoolsby@waxahachiepd.org>, Ricky Boyd <rboyd@waxahachiefire.org>, "Barnes, Bradley" <bradley.barnes@waxahachie.com>, "Campos, Yadira" <ycampos@waxahachie.com>, "Griffith, Thomas" <john.griffith@waxahachie.com>, Me'Lony Jordan <mjordan@waxahachie.com>  
**Cc:** "Scott, Michael" <msscott@waxahachie.com>, "Lawrence, Albert" <alawrence@waxahachie.com>, "Villarreal, Amber" <avillarreal@waxahachie.com>  
**Subject:** Event Application - C-10s in the Park

For your review / comments. Thank you.

Jami Bonner  
Assistant City Secretary  
City of Waxahachie  
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[www.waxahachie.com](http://www.waxahachie.com)

(5)

**Bonner, Jami**

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**From:** Me'Lony Jordan  
**Sent:** Tuesday, January 4, 2022 2:57 PM  
**To:** Bonner, Jami  
**Subject:** RE: Event Application - C-10s in the Park

Please remind the event coordinator ALL food vendors must obtain food permits five (5) days prior to the event. Other than that, I am all good.



MeLony Jordan  
Health Inspector/CCO  
Office: (469) 309-4134  
Mobile: (972) 740-6724

---

**From:** Bonner, Jami  
**Sent:** Monday, January 3, 2022 4:12 PM  
**To:** Martinez, Gumaro <gmartinez@waxahachie.com>; Brooks, Shon <sbrooks@waxahachie.com>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>  
**Cc:** Scott, Michael <mscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>  
**Subject:** Event Application - C-10s in the Park

For your review / comments. Thank you.

Jami Bonner  
Assistant City Secretary  
City of Waxahachie  
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[www.waxahachie.com](http://www.waxahachie.com)

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## Memorandum

To: Honorable Mayor and City Council

From: Michael Scott, City Manager

Thru:

Date: February 14, 2022

Re: Midyear COLA Budget Adjustment

---

As you all are aware during the FY21-22 budget process, a 3% sum was approved to provide a midyear merit-based adjustment for all non-civil service personnel. These funds, like in past years, would be allocated based on the employees' annual performance evaluations.

With this agenda item, I am requesting reconsideration of this approach. Given the finicky job market, the number of hard-to-hire positions, and the aggressive salaries being offered elsewhere, I believe a Cost of Living Adjustment (or "COLA") more appropriate at this time. The intention of a COLA is to maintain the employee's purchasing power and maintain the organization's ability to fill and retain its personnel; both would be accomplished with this request.

I am recommending that we amend the FY21-22 Budget to provide for a 5% COLA for all City employees (Civil Service and non-Civil Service) effective April 1<sup>st</sup> instead of the currently-planned/budgeted 3% merit-based increase. The budgetary impact is \$520,000. Given the higher than expected sales tax revenues as well as sufficient reserves, funding is available from the City's unrestricted reserves.

(5h)



## Memorandum

To: Honorable Mayor and City Council  
From: Chad Tustison, Finance Director  
Thru: Michael Scott, City Manager  
Date: February 15, 2022  
Re: Fiscal Year 2022 First Quarter Financial Report

---

I am pleased to present the First Quarter Financial Report for Fiscal Year 2022, covering the period of October 2021 through December 2021. This report highlights the General Fund, Water and Wastewater funds, Waxahachie Community Development Corporation (WCDC) Fund, Hotel/Motel Fund and the Tax Increment Refinance Zone (TIRZ) Fund. This report compares actual revenue collections and expenses incurred during the year to the approved budget.

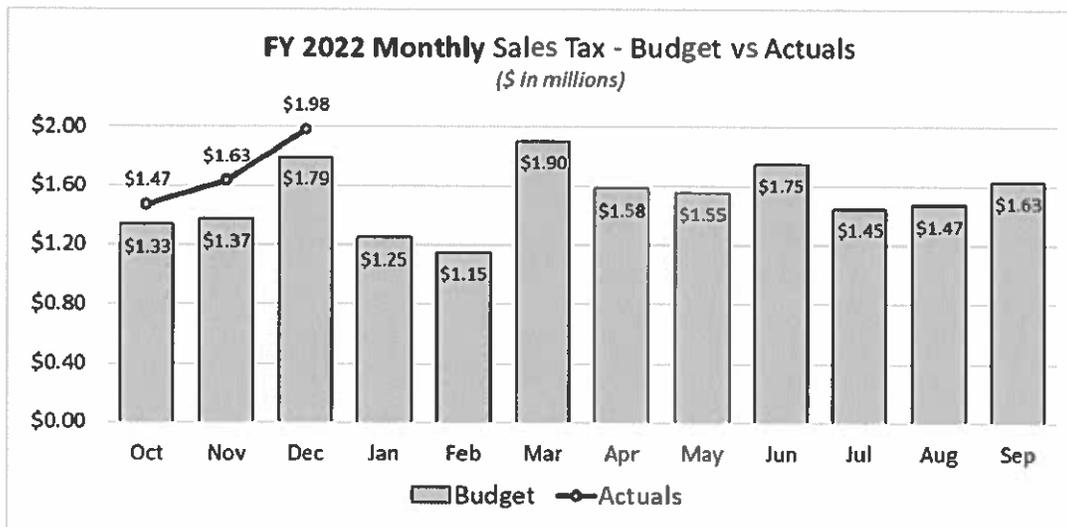
### General Fund

- The City's General Fund accounts for activities commonly associated with municipal government such as police and fire protection, parks and recreation, routine street maintenance, and library services. This fund is supported by property tax, sales tax, user fees, permits and other miscellaneous revenues. Overall, revenues have performed better than anticipated and expenses are within budget.
- **Revenues** for the first quarter (3 months) total \$9.6 million, or 18% of the budget. It is normal for revenues, particularly in the General Fund, to lag due to timing of when payments are actually received.

(5M)

- **Property tax collections** account for approximately 40% of the City's revenue. Through the first quarter, property taxes in the City's General Fund amount to \$1.9 million and are in line with prior year collections. The majority of collections occur from December through March as property tax payments become due and will be reflected in the report for the second quarter.
- **Sales tax** is the second largest revenue source, accounting for 35% of the City's General Fund. Of the 8.25 cents for every dollar of taxable sales, the state of Texas collects 6.25 cents, while 1.5 cents are distributed to the City's General Fund, and 0.5 cents goes to the WCDC fund.

Through the second quarter, collections in the General Fund total \$5.1 million and represent an increase of 20% over the prior year. Compared to the budget for the same period, sales tax collections are up \$580,000, or 13%.

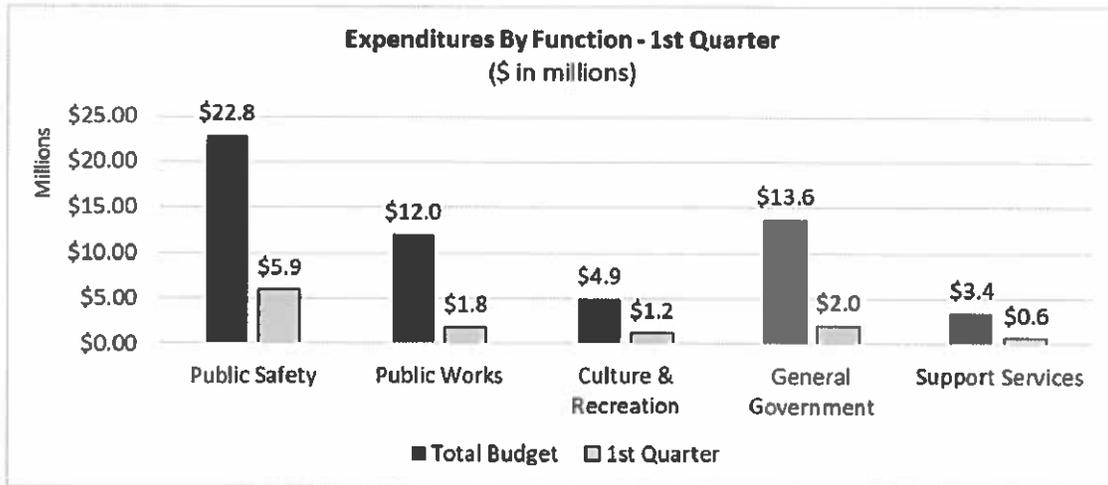


- Other major revenue sources include Franchise Fees, Licenses and Permits, Charges for Service, Miscellaneous revenue and Transfers In. Franchise fees are collected from local utility companies to pay for the use of the City's right-of-way. The first quarter will lag significantly since the majority of the utilities make payment following the close of their fiscal quarter. In other categories, building inspections and permits is trending slightly lower than budget, while street inspection fees, court

(5h)

finances, and miscellaneous revenue are trending above budget through the first three months of the fiscal year.

- **Expenditures** in the General Fund for the first quarter (3 months) total \$11.5 million, or 20% of the budget. The following chart compares the budget for each City function to the actual expenditures through the first quarter.



- In the area of Public Works, spending is lagging slightly as the City ramps up and begins work on the street and sidewalk projects included in the budget. As the year progresses and contracts are authorized and executed, these funds are anticipated to be spent at the budgeted levels.
- In the area of General Government, the variance between budget and actual expenditures can be mainly attributed to the timing of the construction of the City Hall Annex building. Funding for this project is available through bond funds and general fund, with bond funds being spent down first.

### Other Funds

- The water and wastewater funds account for all revenues and expenditures associated with the operation and maintenance of the City's water distribution and wastewater treatment activities. For the water and wastewater funds, revenue is in line with the budget. Expenses are lower than budget for both funds due to the timing of the annual debt service payments. Principal and interest payments occur in

(5h)

the second and fourth quarters of the fiscal year and will be reflected in those financial reports.

- The WCDC fund accounts for revenues and expenses associated with the Waxahachie Community Development Corporation in operating the Civic Center and Sports Complex, promoting economic development, and implementing quality of life improvements throughout the community. This fund is mainly funded by ½ cent sales tax and user fees. Overall, revenues and expenses are within budget. Similar to the General Fund, sales tax is up nearly 13%, or \$193,000, over the budget.
- The Hotel/Motel Tax Fund receives the proceeds from a 7% hotel occupancy tax available to be used to promote tourism and the convention and hotel industry. The City uses the fund to operate the Convention and Visitor's Bureau and various smaller non-city organizations that promote the arts and historic tourism and preservation. Due to strong room occupancy rates, revenues from hotel/motel taxes are coming in above budget. Expenditures are lagging slightly due to the timing of the annual transfer to the Arts Council, which represents 25% of hotel revenue collections. This transfer occurs in the third and fourth quarters of the fiscal year.

(5h)



## CITY OF WAXAHACHIE QUARTERLY FINANCIAL REPORT

### FISCAL YEAR 2022 - 1ST QUARTER

(Oct 1, 2021 - Dec 31, 2021)

#### GENERAL FUND SUMMARY

	ACTUALS FY 2021	BUDGET FY 2022	1ST QUARTER FY 2022	QTR ACTUAL AS % OF BUDGET
<b>REVENUES</b>				
Property Tax	\$19,427,867	\$21,165,330	\$1,866,823	9%
Sales Tax	18,045,104	18,210,000	5,084,064	28%
Franchise Fees	4,600,209	4,567,760	426,695	9%
Licenses & Permits	2,751,576	2,719,310	482,580	18%
Charges for Service	2,296,518	1,989,250	563,515	28%
Miscellaneous	2,935,443	625,900	319,784	51%
Transfers In	3,501,408	3,479,940	874,690	25%
<b>Total Revenues</b>	<b>\$53,558,126</b>	<b>\$52,757,490</b>	<b>\$9,618,151</b>	<b>18%</b>
<b>EXPENDITURES BY FUNCTION</b>				
Public Safety	\$21,930,009	\$22,830,790	\$5,930,321	26%
Public Works	7,836,850	11,969,517	1,770,354	15%
Culture & Recreation	4,224,983	4,881,769	1,187,493	24%
General Government	6,022,664	13,618,362	2,009,979	15%
Support Services	2,961,194	3,381,937	649,372	19%
<b>Total Expenditures</b>	<b>\$42,975,700</b>	<b>\$56,682,375</b>	<b>\$11,547,519</b>	<b>20%</b>

\* Quarterly actual figures are preliminary and unaudited

\* Budget figures includes budget amendments since October 1, 2021 and prior-year encumbrances

(5h)



## CITY OF WAXAHACHIE QUARTERLY FINANCIAL REPORT

FISCAL YEAR 2022 - 1ST QUARTER

*(Oct 1, 2021 - Dec 31, 2021)*

### OTHER FUNDS SUMMARY

	ACTUALS FY 2021	BUDGET FY 2022	1ST QUARTER FY 2022	QTR ACTUAL AS % OF BUDGET
<b>WATER FUND</b>				
Revenues	\$15,252,541	\$15,997,710	\$4,404,461	28%
Expenses	25,465,878	16,095,704	2,433,038	15%
<b>WASTEWATER FUND</b>				
Revenues	\$14,986,081	\$11,853,880	\$2,747,852	23%
Expenses	21,636,839	11,635,071	1,608,021	14%
<b>WAXAHACHIE COMMUNITY DEVELOPMENT FUND (WCDC)</b>				
Revenues	\$6,637,783	\$6,742,370	\$1,834,428	27%
Expenses	5,531,411	6,091,095	1,569,587	26%
<b>HOTEL / MOTEL FUND</b>				
Revenues	\$880,317	\$814,750	\$302,234	37%
Expenses	842,063	860,101	138,260	16%
<b>TAX INCREMENT FINANCE ZONE FUND (TIRZ 1)</b>				
Revenues	\$553,281		\$223,620	-
Expenses	309,909		19,276	-

\* Quarterly actual figures are preliminary and unaudited

\* Budget figures includes budget amendments since October 1, 2021 and prior-year encumbrances

(4)

# Planning & Zoning Department

## Plat Staff Report

Case: SUB-3-2022



### MEETING DATE(S)

*Planning & Zoning Commission:* February 15, 2022

*City Council:* February 21, 2022

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held February 15, 2021, the Commission voted 7-0 to recommend approval of plat SUB-3-2022, along with the Variance Request for ROW dedication.

### CAPTION

*Consider* request by Claudio Segovia, for a **Plat** of Vista Way, Phase 2, 4 Open Space Lots, being 2.946 acres, located at East of Hwy 77 and North of North Grove Boulevard, situated in the Henry Sange Survey, Abstract 1009, an addition to the City of Waxahachie (Property ID 262133) – Owner: J HOUSTON HOMES LLC (SUB-3-2022)

### APPLICANT REQUEST

The applicant is requesting to plat the subject property and dedicate 80 feet of Right-of-Way (ROW) as an extension of Vista Way with four (4) open space lots to serve as landscaped medians.

### CASE INFORMATION

*Applicant:* Claudio Segovia, J. Volk Consulting, Inc.

*Property Owner(s):* JHDMC, LLC

*Site Acreage:* 2.946 acres

*Number of Lots:* 4 lots

*Number of Dwelling Units:* 0 units

*Park Land Dedication:* The plat adheres to the North Grove PD, no park land dedication is required with this plat.

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

### SUBJECT PROPERTY

*General Location:* Directly North of the intersection of Vista Way and E North Grove Boulevard

*Parcel ID Number(s):* 262133

*Current Zoning:* PD-SF1,2,3, MF-1, GR

*Existing Use:* The subject property is currently undeveloped.

(14)

**Platting History:**

The subject property is part of the Henry Sange Survey, Abstract 1009.

**Site Aerial:**



**PLATTING ANALYSIS**

The applicant is proposing to plat the subject property and dedicate 80 feet of Right-of-Way (ROW) as an extension of Vista Way with four (4) open space lots to serve as landscaped medians. The width and location of Vista Way adheres to the City of Waxahachie Thoroughfare Plan. This plat will establish the ROW necessary to extend Vista Way north and provide access to the Dove Hollow development. Vista Way will be constructed in its entirety with Phase 1 of Dove Hollow. As part of this construction, the developer will extend a 16" water line along the extent of Vista Way to serve Dove Hollow.

**VARIANCE REQUEST**

The City of Waxahachie Thoroughfare Plan shows Hedgewood Drive as an 80' ROW. Due to this, the applicant is required to dedicate 80' of ROW for Hedgewood Drive. The applicant is requesting to dedicate 54' of ROW in lieu of this requirement.

Due to Hedgewood Drive having an existing ROW width of 60' in The Arbors Phase 2 subdivision, staff is supportive of this variance request. Future phases of The Oasis at North Grove development will need to transition the Hedgewood ROW width from 60' at The Arbors Phase 2 down to 54' at the intersection with Vista Way.

**Required City Council Action**

Due to this case having a variance request associated with it, City Council will need to approve the Variance Request. The action required will be the following:

1. Either a recommendation for approval or disapproval of the plat.
2. Either a recommendation for approval or disapproval of the variance request.

*Note: These actions can be taken in one motion.*

**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.

**ATTACHED EXHIBITS**

1. Plat

**APPLICANT REQUIREMENTS**

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

**CITY REQUIREMENTS FOR PLAT RECORDING AND FILING**

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

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

Zack King  
Planner

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

*Reviewed by:*

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

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

(6)

No.	Length	Direction
L1	89.56	S 79° 21' 04" E
L2	14.90	S 64° 18' 50" W
L3	0.98	S 68° 33' 03" W
L4	54.00	N 05° 58' 16" W
L5	0.85	N 88° 33' 03" E
L6	74.19	N 43° 43' 03" E
L7	14.14	N 46° 06' 42" W
L8	1.00	S 88° 51' 18" W
L9	54.00	N 05° 42" W
L10	7.00	N 88° 51' 18" E
L11	14.14	N 43° 51' 18" E
L12	18.76	N 87° 51' 18" E
L13	14.14	S 46° 06' 42" E
L14	1.00	N 88° 51' 18" E
L15	54.00	S 05° 42" E
L16	1.00	S 88° 51' 18" W
L17	74.14	S 43° 51' 18" W

No.	Length	Direction
L18	14.16	S 46° 18' 50" E
L19	1.04	N 88° 33' 03" E
L20	54.00	S 12° 28' 57" E
L21	1.36	S 88° 33' 03" W
L22	14.18	S 43° 43' 03" W
L23	179.83	N 05° 42" W
L24	178.83	N 05° 42" W
L25	103.74	S 08° 42" E
L26	103.74	N 05° 42" W
L27	862.71	S 08° 42" E
L28	862.71	N 05° 42" W
L29	212.87	S 08° 42" E
L30	253.00	N 05° 42" W
L31	108.27	S 07° 40' 20" E
L32	108.27	N 02° 40' 20" W
L33	124.44	S 07° 40' 20" E

No.	Length	Radius	Delta	Chord Length	Chord Bearing
C1	63.25	2250.00	091° 16' 30"	63.25	N 88° 36' 48" E
C2	25.13	0.00	180° 00' 00"	48.00	N 88° 53' 18" E
C3	25.13	0.00	180° 00' 00"	48.00	S 88° 53' 18" W
C4	25.13	0.00	180° 00' 00"	48.00	N 88° 53' 18" E
C5	25.13	0.00	180° 00' 00"	48.00	S 88° 53' 18" W
C6	25.13	0.00	180° 00' 00"	48.00	N 88° 53' 18" E
C7	25.13	0.00	180° 00' 00"	48.00	S 88° 53' 18" W
C8	25.13	0.00	180° 00' 00"	48.00	N 88° 53' 18" E



**BENCHMARKS:**

- MONUMENT NO. 1:**  
Mag nail set in concrete on the north sidewalk of North Grove Boulevard approximately 1300' west of the centerline intersection of U.S. Highway No. 77 and North Grove Boulevard. The monument is located approximately 45' west of a fire hydrant and 54' northeast of a light pole. Elevation = 630.25'
- MONUMENT NO. 2:**  
Mag nail set in concrete on the north sidewalk of North Grove Boulevard approximately 390' west of the centerline intersection of North Grove Boulevard and Highland Drive. The monument is located approximately 15' northeast of a fire hydrant and 100 feet northwest of a storm inlet. Elevation = 636.73'
- MONUMENT NO. 3:**  
Mag nail set in concrete on the north sidewalk of North Grove Boulevard at the northeast corner of the intersection of North Grove Boulevard with Vista Way. The monument is located approximately 15' north of a fire hydrant and 1' from a pair of water valves. Elevation = 596.13'

POINT OF COMMENCING  
N 8846302.01  
E 2484210.30

JAMES STAPRETT  
SURVEY  
ABSTRACT NO. 1024

FUTURE STREET M  
FUTURE STREET D

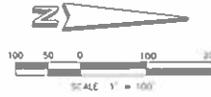
**LEGEND**

- Point of Curvature or Tangency on Center Line
- 1/2" Iron rod set with a yellow plastic cap stamped "MC" (unless otherwise noted)
- 1/2" IR (unless otherwise noted)

AC Acre  
BL Building Line  
CI Curve No.  
C(M) Control Monument  
DE Drainage Easement  
Elev: Elevation  
LT Low No.  
SF Square Feet  
UE Utility Easement  
VAB Visibility Easement  
BPEC = Deed Records of Ellis County, Texas

**GENERAL NOTES**

- All lot corners monumented with a 1/2" iron rod with a yellow plastic cap stamped "MC" unless otherwise noted.
- All Utility easements and Drainage easements within this platted property are created by this plat, unless otherwise noted.
- Base of Bearing and E coordinates shown hereon refer to Texas State Plane Coordinate System, North Central Zone (4203), North American Datum of 1983 (NAD83) on Goid Coordinate values.
- North Grove HOA shall maintain the open space lots.



**PLAT**

**VISTA WAY PHASE 2**  
2.946 ACRES  
4 OPEN SPACE/COMMON AREAS  
2.435 AC ROW DEDICATION  
OUT OF THE  
HENRY SANGE SURVEY, ABSTRACT NO. 1009  
CITY OF WAXAHACHIE  
ELLIS COUNTY, TEXAS  
ZONING (PD-SF1,2,3, MF-1, GR)  
20 January 2022  
SHEET 1 OF 2

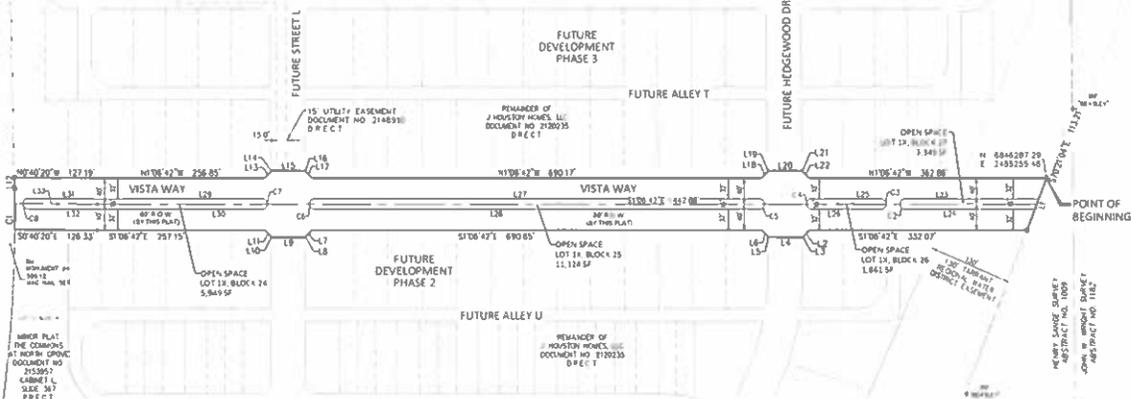
**Owner:**  
J Houston Homes, LLC  
421 Century Way  
Red Oak, TX 75154  
Phone: 512-567-4504  
Contact: Chip Boyd

**Developer:**  
GRBK Edgewood, LLC  
2805 Dallas Parkway, Suite 400  
Plano, TX 75093  
Phone: 817-658-2112  
Contact: Bobby L. Samuel III

**Engineer/Surveyor:**  
J. Volk Consulting, Inc.  
830 Central Parkway East, Suite 300  
Plano, Texas 75074  
Phone: 972-201-3102  
Contact: Claudio Segovia, P.E.



NORTH GROVE BOULEVARD  
CITY OF WAXAHACHIE  
PLAT NO. 100-134  
100-134-1-0-0



HENRY SANGE SURVEY  
ABSTRACT NO. 1009  
DOWN IN FRONT SURVEY  
ABSTRACT NO. 1162

REMANUENT OF  
HOUSTON HOMES, LLC  
DOCUMENT NO. 2179235  
D E C E T

REMANUENT OF  
HOUSTON HOMES, LLC  
DOCUMENT NO. 2130335  
D E C E T

15' UTILITY EASEMENT  
DOCUMENT NO. 2148391  
D E C E T

15' UTILITY EASEMENT  
DOCUMENT NO. 2148391  
D E C E T

MINOR PLAT  
THE COMMONS  
AT NORTH GROVE  
DOCUMENT NO.  
2152953  
CABINET L  
SLICE 367  
P B E C T

MINOR PLAT  
THE COMMONS  
AT NORTH GROVE  
DOCUMENT NO.  
2152953  
CABINET L  
SLICE 367  
P B E C T

(6)

STATE OF TEXAS §  
COUNTY OF ELLIS §

LEGAL DESCRIPTION

WHEREAS, J HOUSTON HOMES, LLC is the Owner of a tract of land situated in the HENRY SANGE SURVEY, ABSTRACT NO 1009, City of Waxahachie, Ellis County, Texas and being part of that tract of land described as 121.385 Acre Tract in Deed to J HOUSTON HOMES, LLC, as recorded in Document No. 210235, Deed Records, Ellis County, Texas and being and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set in the east line of THE ARBORS TWO, an Addition to the City of Waxahachie, Ellis County, Texas according to the Plat thereof recorded in Document No. 2002977, Plat Records, Ellis County, Texas for the northwest corner of said J HOUSTON HOMES, LLC tract,

THENCE Easterly, with the north line of said J HOUSTON HOMES, LLC tract, the following three (3) courses and distances:

North 88 degrees 32 minutes 57 seconds East, leaving said east line, a distance of 938.64 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "BEASLEY" found for corner.

South 70 degrees 21 minutes 04 seconds East, a distance of 113.21 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for the POINT OF BEGINNING of the tract of land herein described.

South 70 degrees 21 minutes 04 seconds East, a distance of 85.56 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner.

THENCE South 01 degrees 06 minutes 42 seconds East, leaving said north line, a distance of 332.07 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner.

THENCE South 46 degrees 16 minutes 50 seconds East, a distance of 1410 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner.

THENCE North 88 degrees 33 minutes 03 seconds East, a distance of 0.98 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner.

THENCE South 00 degrees 58 minutes 16 seconds East, a distance of 54.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner.

THENCE South 88 degrees 33 minutes 03 seconds West, a distance of 0.85 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner.

THENCE South 43 degrees 43 minutes 10 seconds East, a distance of 1418 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner.

THENCE South 01 degrees 06 minutes 42 seconds East, a distance of 690.65 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner.

THENCE South 46 degrees 06 minutes 42 seconds East, a distance of 1414 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner.

THENCE North 88 degrees 53 minutes 18 seconds East, a distance of 1.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner.

THENCE South 01 degrees 06 minutes 42 seconds East, a distance of 54.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner.

THENCE South 88 degrees 53 minutes 18 seconds West, a distance of 1.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner.

THENCE South 01 degrees 06 minutes 42 seconds East, a distance of 257.15 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner.

THENCE South 00 degrees 40 minutes 20 seconds East, a distance of 126.33 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner in the north line of North Grove Boulevard, a 110 foot right-of-way, at the beginning of a non-tangent curve to the left having a central angle of 01 degrees 36 minutes 30 seconds, a radius of 2,250.00 feet and a chord bearing and distance of South 88 degrees 39 minutes 48 seconds West, 63.35 feet.

THENCE Westerly, with said north line and said curve to the left, on an arc distance of 63.25 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner.

THENCE South 87 degrees 51 minutes 29 seconds West, continuing with said north line, a distance of 16.76 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner.

THENCE North 00 degrees 40 minutes 20 seconds West, leaving said north line, a distance of 127.19 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner.

THENCE North 01 degrees 06 minutes 42 seconds West, a distance of 256.85 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner.

THENCE North 46 degrees 06 minutes 42 seconds West, a distance of 1414 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner.

THENCE South 88 degrees 53 minutes 18 seconds West, a distance of 1.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner.

THENCE North 01 degrees 06 minutes 42 seconds West, a distance of 34.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner.

THENCE North 88 degrees 53 minutes 18 seconds East, a distance of 1.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner.

THENCE North 43 degrees 53 minutes 18 seconds East, a distance of 14.14 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner.

THENCE North 01 degrees 06 minutes 42 seconds West, a distance of 690.17 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner.

THENCE North 46 degrees 16 minutes 50 seconds West, a distance of 1410 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner.

THENCE South 88 degrees 33 minutes 03 seconds West, a distance of 1.04 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner.

THENCE North 01 degrees 26 minutes 57 seconds West, a distance of 54.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner.

THENCE North 88 degrees 33 minutes 03 seconds East, a distance of 1.36 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner.

THENCE North 43 degrees 43 minutes 10 seconds East, a distance of 14.18 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner.

THENCE North 01 degrees 06 minutes 42 seconds West, a distance of 362.86 feet to the POINT OF BEGINNING and containing 2.946 acres of land, more or less.

OWNER'S DEDICATION:

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS

That J Houston Homes, LLC, acting by and through its duly authorized agent, does hereby adopt this plat, designating the herein described property as VISTA WAY PHASE 2, an addition to the City of Waxahachie, Texas, and do hereby dedicate in fee simple the streets, alleys, and common areas shown thereon. The streets, alleys are dedicated for street purposes. The Easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over or across the Easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Waxahachie. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities 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 Public's and City of Waxahachie's use thereof. The City of Waxahachie and public utility entities shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective system in said Easements. The City of Waxahachie and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission from anyone.

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

WITNESS OUR HANDS this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

By J Houston Homes, LLC

NAME: CHP BOYD

TITLE: COO

STATE OF TEXAS §  
COUNTY OF ELLIS §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State on this date personally appeared CHP BOYD, Owner's Agent, 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 purpose and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

Notary Public in and for the State of Texas

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

SURVEYORS CERTIFICATE:

KNOW ALL MEN BY THESE PRESENTS that I, Ryan S. Reynolds, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown hereon as set were properly placed under my personal supervision in accordance with the platting rules and regulations of City of Waxahachie, Texas.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

RYAN S. REYNOLDS, R.P.L.S.  
Registered Professional Land Surveyor No. 6385

STATE OF TEXAS §  
COUNTY OF DALLAS §

APPROVED BY: Planning and Zoning Commission City of Waxahachie  
By: \_\_\_\_\_ Date: \_\_\_\_\_  
Chairperson  
Attest: \_\_\_\_\_ Date: \_\_\_\_\_  
If APPLICABLE APPROVED BY: City Council City of Waxahachie  
By: \_\_\_\_\_ Date: \_\_\_\_\_  
Mayer  
Attest: \_\_\_\_\_ Date: \_\_\_\_\_

Owner:  
J Houston Homes, LLC  
421 Century Way  
Red Oak, TX 75154  
Phone: 512-567-4504  
Contact: Chip Boyd

Developer:  
GRBK Edgewood, LLC  
2805 Dallas Parkway, Suite 400  
Plano, TX 75093  
Phone: 817-658-2112  
Contact: Bobby L. Samuel III

Engineer/Surveyor:  
J Volk Consulting, Inc.  
830 Central Parkway East, Suite 300  
Plano, Texas 75074  
Phone: 972-201-3102  
Contact: Claudio Segovia, P.E.



PLAT  
VISTA WAY PHASE 2  
2.946 ACRES  
4 OPEN SPACE/COMMON AREAS  
2.435 AC NOW DEDICATION  
OUT OF THE  
HENRY SANGE SURVEY, ABSTRACT NO. 1009  
CITY OF WAXAHACHIE  
ELLIS COUNTY, TEXAS  
ZONING: (PD-SF1,2,3, MF-1, GR)  
20 January 2022  
SHEET 2 OF 2

(7)

# Planning & Zoning Department

## Plat Staff Report



Case: SUB-209-2021

### MEETING DATE(S)

*Planning & Zoning Commission:* February 15, 2022

*City Council:* February 21, 2022

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held February 15, 2021, the Commission voted 6-1 to recommend approval of plat SUB-209-2021, along with the Variance Request for ROW dedication.

### CAPTION

**Public Hearing** on a request by lyke F. Enemo, IYCAN Investments, LLC, for a **Replat** of Lot 4, Block 173, Official Town Map of Waxahachie, to create Lot 4A & 4B, Block 173, Official Town Map of Waxahachie, 2 Residential Lots, being 0.525 acres, located at 807 Dr. Martin Luther King Jr Blvd, (Property ID 171251) Owner: IYCAN INVESTMENTS, LLC (SUB-209-2021)

### APPLICANT REQUEST

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

### CASE INFORMATION

*Applicant:* Tim Jackson, Texas Realty Capture & Surveying LLC

*Property Owner(s):* lyke Enemo, IYCAN Investments LLC

*Site Acreage:* 0.525 acres

*Number of Lots:* 2 lots

*Number of Dwelling Units:* 2 units

*Park Land Dedication:* The cash-in-lieu for park land dedication is \$400.00 (1 additional residential lot at \$400.00 per lot).

*Adequate Public Facilities:* Adequate Public Facilities are available

### SUBJECT PROPERTY

*General Location:* 807 MLK Blvd.

*Parcel ID Number(s):* 171251

*Current Zoning:* Single Family-3 (SF-3)

*Existing Use:* A single family home currently exists on the subject property.

**Platting History:**

The subject property is platted as Lot 4, Block 173 of the Town Addition.

**Site Aerial:**



**PLATTING ANALYSIS**

The purpose of this replat is to divide the existing single family lot into two (2) lots for continued single family residential use. Adequate public facilities are available to the site along MLK Boulevard. The subject property is located within the Infill Overlay District and meets or exceeds all lot size and dimension requirements of said district. A sidewalk will be required to be installed with any new construction on the proposed lots.

**VARIANCE REQUEST – PETITION FOR HARDSHIP WAIVER**

The City of Waxahachie Thoroughfare Plan shows MLK Blvd. as a future 110' Right-of-Way (ROW). Due to this, a ROW dedication of 27.5' along MLK Blvd. is required with this plat. The applicant is requesting a variance from this requirement due to the location of an existing home on the property; which is approximately 20' from the existing ROW. If the full ROW dedication was provided, it would require the applicant to move or demolish the existing home on the property.

The applicant is proposing to provide a 10' ROW dedication instead of the required 27.5' dedication. The proposed 10' dedication is consistent with other recently approved ROW dedication variances along MLK Boulevard. Staff is supportive of this variance request.

**Required City Council Action**

Due to this case having a petition for hardship waiver associated with it, City Council will need to approve the Petition for Hardship Waiver. The action required will be the following:

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

*Note: These actions can be taken in one motion.*

**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

**ATTACHED EXHIBITS**

1. Replat

**APPLICANT REQUIREMENTS**

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

**CITY REQUIREMENTS FOR PLAT RECORDING AND FILING**

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

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

Zack King

Planner

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

*Reviewed by:*

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

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

(7)



OWNER'S CERTIFICATE

STATE OF TEXAS  
COUNTY OF ELLIS

WHEREAS, IFCAN INVESTMENTS, L.L.C. ARE THE OWNERS OF A TRACT OF LAND SITUATED IN THE A.M. KEEN SURVEY, ABSTRACT NO. 586, CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS AND BEING ALL OF LOT 1, BLOCK 173, OFFICIAL TOWN MAP OF WAXAHACHE, RECORDED IN CARRANT H. BLOCK 181 OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OFFICIAL) AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO IFCAN INVESTMENTS, L.L.C. RECORDED IN INSTRUMENT NO. 218187, CORRECT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING AND A 5/8" IRON ROD WITH CAP STAMPED "TWO" SET FOR THE SOUTHWEST CORNER OF SAID IFCAN TRACT AND THE COMMON SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO VERA LAGO, RECORDED IN VOLUME 718, PAGE 898, BEING FURTHER DESCRIBED IN VOLUME 718, PAGE 738, CORRECT AND IN THE NORTH RIGHT-OF-WAY (ROW) LINE OF DR. MARTIN LUTHER KING JR. BOULEVARD (A VARIABLE WIDTH ROW).

THENCE S 84° 17' 16" W ALONG THE SOUTH LINE OF SAID IFCAN TRACT AND THE COMMON NORTH ROW LINE OF SAID MARTIN LUTHER KING JR. BOULEVARD, A DISTANCE OF 146.88 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "THREE" FOUND FOR THE SOUTHWEST CORNER OF SAID IFCAN TRACT.

THENCE S 87° 16' 16" E ALONG THE WEST LINE OF SAID IFCAN TRACT AND THE COMMON EAST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO ANA CARLOS CONTRAS, RECORDED IN INSTRUMENT NO. 339298A, CORRECT, A DISTANCE OF 214.84 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "FOUR" FOUND FOR THE NORTHWEST CORNER OF SAID IFCAN TRACT AND THE COMMON NORTH-EAST CORNER OF SAID CONTRAS TRACT AND IN THE SOUTH LINE OF TOWN ADDITION, LOT 2A, BLOCK 173, RECORDED IN CARRANT H. BLOCK 186, CORRECT.

THENCE S 88° 13' 31" E ALONG THE NORTH LINE OF SAID IFCAN TRACT AND THE COMMON SOUTH LINE OF SAID TOWN ADDITION, A DISTANCE OF 114.14 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "FIVE" FOUND FOR THE NORTHEAST CORNER OF SAID IFCAN TRACT AND THE COMMON SOUTHWEST CORNER OF SAID TOWN ADDITION AND IN THE WEST LINE OF SAID IFCAN TRACT.

THENCE S 21° 16' 16" W ALONG THE EAST LINE OF SAID IFCAN TRACT AND THE COMMON WEST LINE OF SAID IFCAN TRACT, A DISTANCE OF 221.36 FEET TO THE POINT OF BEGINNING, AND CONTAINING 6.525 ACRES OF LAND MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS

THAT, IFCAN INVESTMENTS, L.L.C. DOES HEREBY ADOPT THIS PLAN DESCRIBING THE HEREIN ABOVE DESCRIBED PROPERTY AS LOTS 4A & 4B, OFFICIAL TOWN MAP OF WAXAHACHE, AN ADDITION TO THE CITY OF WAXAHACHE, 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 ALLEYS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED FOR THE PUBLIC USE FOREVER. FOR THE PURPOSES INDICATED ON THIS PLAN, NO SUBDIVISION, TRACES, TRENCHES 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 ELEMENTS, IF APPROVED BY THE CITY OF WAXAHACHE. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR CROSS THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES. SAID USE OF PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC AND CITY OF WAXAHACHE'S USE THEREOF. THE CITY OF WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND REPAIR REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS. SAID EASEMENTS THE CITY OF WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF WAY AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSES OF CONSTRUCTING, RECONSTRUCTING, MAINTAINING, REPAIRING, REPLACING, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OBTAINING PERMISSION FROM ANYONE.

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

NOTES

BEARING BASES FOR THIS SURVEY IN TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE 4302, NAD 83 PER GPS OBSERVATION.

THE SUBJECT PROPERTY LIES WITHIN ZONE "C" - DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 8 1/4" WINDSHIELD "FLOODPLAIN" ACCORDING TO THE THE FLOOD INSURANCE RATE MAP NO. 48130C0189, DATED JUNE 3, 2011 AS PUBLISHED BY THE FEDERAL CREDITATION MANAGEMENT AGENCY.

ALL LOT CORNERS ARE CORNERED WITH A 5/8" IRON ROD WITH CAP STAMPED "FOUR" UNLESS OTHERWISE NOTED.

WITNESSE BY HAND, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2022

IFCAN INVESTMENTS, L.L.C.  
ASSIGNED AGENT  
VERA LAGO

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 VERA LAGO, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS ASSIGNED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSES HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2022

NOTARY PUBLIC, IN AND FOR THE STATE OF TEXAS

APPROVED BY PLANNING AND ZONING COMMISSION CITY OF WAXAHACHE

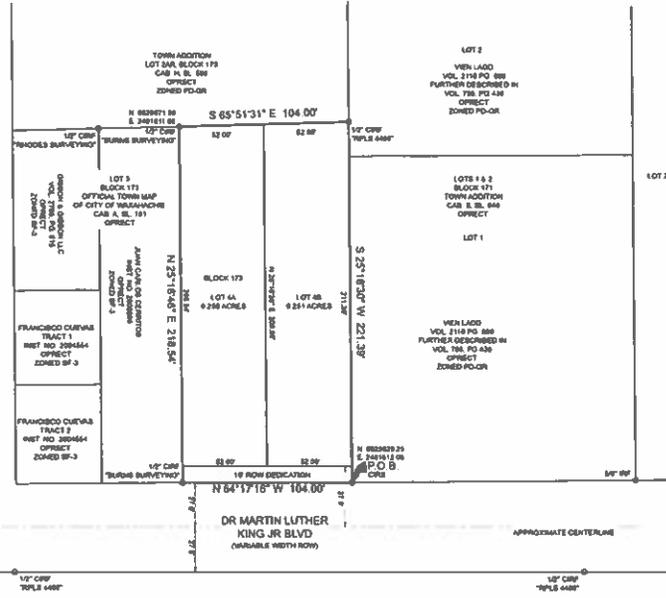
L. MARTIN L. JACKSON, RP/L, MERRY CEFTEY THAT THIS PLAN WAS MADE ON THE GROUNDS UNDER MY DIRECT SUPERVISION, ON THE DATE SHOWN, AND THAT ALL PROPERTY CORNERS HEREOF HAVE BEEN FOUND OR SET AS SHOWN.

BY COMMISSIONER \_\_\_\_\_ DATE \_\_\_\_\_

"PRELIMINARY: THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSES AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT"

TRACY L. JACKSON  
REGISTRAR NUMBER 5464

ATTEST \_\_\_\_\_ DATE \_\_\_\_\_



LEGEND

CRS = 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "FOUR" SET

RF = IRON ROD FOUND

FD = FOUND

OFFICIAL = OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS

U.E. = UTILITY EASEMENT

S.L. = BUILDING LINE

OWNER  
IFCAN INVESTMENTS, L.L.C.  
610 DENALI DRIVE  
ARLINGTON, TEXAS 76010  
817 741 6901

SURVEYOR  
TEXAS REALTY CAPTURE &  
SURVEYING, L.L.C.  
P.O. BOX 203  
WAXAHACHE, TEXAS 75180  
800 8 8 8238  
781 8 7000 NO 8784360

REPLAT  
LOTS 4A & 4B  
BLOCK 173  
OFFICIAL TOWN MAP OF  
WAXAHACHE  
0.525 ACRES  
SITUATED IN THE  
A.M. KEEN SURVEY,  
ABSTRACT NO 586  
CITY OF WAXAHACHE  
ELLIS COUNTY, TEXAS  
2 RESIDENTIAL LOT  
ZONED SF-3  
CASE NO SUB-208-2621

(9)

# Planning & Zoning Department

## Zoning Staff Report

Case: ZDC-217-2021



### MEETING DATE(S)

*Planning & Zoning Commission:* February 15, 2022

*City Council:* February 21, 2022

### ACTION SINCE INTIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held February 15, 2022, the Commission voted 7-0 to recommend approval for case number ZDC-217-2021, subject to all staff comments.

Following the Planning & Zoning Commission meeting, held February 15, 2022, the applicant has taken steps to address citizen concerns regarding drainage, utility availability, and roadway safety. The applicant reached out to internet and electricity service providers to begin addressing any potential issues with the provision of these services. The applicant has also reached out to Ellis County to discuss adding a stop sign on Black Champ Road in order to alleviate traffic safety concerns for the development. Additionally, the applicant reached out to the current property owner to research any existing drainage mitigation that has been done on the subject property.

### CAPTION

**Public Hearing** on a request by George Salvador, Waxahachie One Development, for a **Zoning Change** from a Future Development (FD) zoning district to **Planned Development Single Family-1 (PD-SF-1)** zoning district, located at 3811 Black Champ Road (Property ID 225711) - Owner: CHRIS & HEATHER NOWELS (ZDC-217-2021)

### APPLICANT REQUEST

The applicant is requesting a zoning change from Future Development to Planned Development-Single Family-1 (PD-SF-1).

### CASE INFORMATION

*Applicant:* George Salvador, Waxahachie One Development

*Property Owner(s):* Chris Nowels & Heather Nowels

*Site Acreage:* 65.00 acres

*Current Zoning:* Future Development (FD)

*Requested Zoning:* Planned Development-Single Family-1 (PD-SF-1)

### SUBJECT PROPERTY

*General Location:* 3811 Black Champ Road

(9)

Parcel ID Number(s): 225711

Existing Use: The portion of the property included in this zoning change request is currently undeveloped.

Development History: The subject property is a portion of the D.S. Gentry Survey, Abstract 409.

Adjoining Zoning & Uses:

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	FD	Undeveloped land
East	N/A (ETJ)	Single Family Residential Homes (1+ acre lots)
South	FD & O	Undeveloped land and 2 small office buildings
West	FD	Undeveloped land

Future Land Use Plan: Airport Industrial & Highway Commercial

Comprehensive Plan: Airport Industrial: The Airport Industrial land use type is intended to provide areas for industrial uses that are related to the Midway Regional Airport, such as industrial uses that need the ability to transport goods by plane. Another example would be industries that manufacture airplane parts or components. This land use designation is also intended to help protect the future sustainability of the airport and its operations.

Highway Commercial: Highway Commercial areas are intended to allow for traditional commercial land uses, but such uses should be developed to a higher standard. For example, outside storage may be permitted, but would have to be screened and not visible from the road. In addition, a more limited array of commercial uses would be permitted. Hotels, motels, and car dealerships would be permitted, for example, but manufactured home sales and self-storage buildings would not. The idea is for these areas to show a positive image of Waxahachie and make visitors want to travel into the main part of the City.

Thoroughfare Plan: The subject property is accessible via Black Champ Road. Additionally, Right-of-Way (ROW) Dedication will be provided on the Northwestern corner of the property in alignment with the City of Waxahachie Thoroughfare Plan. The City of Waxahachie Thoroughfare Plan shows a 120' ROW crossing through this portion of the property.

(9)

*Site Image:*



**STAFF ANALYSIS**

**Purpose of Request:**

The applicant is requesting a zoning change from Future Development (FD) to Planned Development-Single Family-1 (PD-SF-1) to allow for a single family residential development.

**Proposed Use:**

The proposed development is intended to be a low density residential subdivision that blends with the existing residential development along Black Champ Road. To this end, the minimum proposed lot sizes will be comparable to nearby development and larger than typical base SF1 lots. Due to the proposed large lot sizes and relatively low lot count, the applicant has opted not to propose varied architectural style requirements for the development. Instead, the applicant is proposing Traditional style homes or market driven styles.

The development is proposed to have varying minimum lot sizes; determined by the availability of City sewer services and capacity. If City sewer lines are extended to the subject property and are available at the time of development, the applicant is proposing a minimum lot size of 0.5 acres. If City sewer lines are not available to the subject property at the time of development, the applicant is proposing a minimum lot size of 1.0 acre.

City sewer services are not currently extended to, or available for, the subject property. Water services for this property will be provided by Sardis-Lone Elm WSC. The proposed planned development would limit the minimum lot size for the subdivision to 21,780 square feet (0.5 acres), if sewer services are extended to the property. This is a larger minimum lot size than base SF-1 standards; which would allow for minimum lot sizes of 16,000 square feet if straight SF-1 zoning was present on the property.

Proposed Conceptual Layout:

The applicant has provided a conceptual site plan indicating the expected layout of the development if the subject property is developed with a minimum lot size of one acre. Two access points are proposed for the development off of Black Champ Road. The northernmost access point is proposed to be approximately a 70' ROW with a 27' road; while the southernmost access point is currently a 100' ROW with a proposed 27' road.

This conceptual site plan also has a provision for a Right-of-Way (ROW) dedication on the Northwest corner of the subject property, in conformance with the City of Waxahachie Thoroughfare Plan. Additionally, one stub road is proposed to provide future access to the adjacent property to the west. These are two aspects of the site layout that staff recommends the applicant provide with any future Detailed Site Plan submittal.

Depending on the minimum lot size at the time of development, the layout of the proposed development may change. Due to this, staff recommends the applicant return with a Detailed Site Plan to be reviewed and approved administratively by the Planning Department. This will ensure the ultimate layout of the development still includes the two key components indicated above.

Half Acre Minimum Lot Size:

If the development proceeds with a minimum lot size of half an acre, the expected total number of lots is eighty-six (86). The proposed minimum lot width, depth, setback, and lot coverage requirements for these lots all match SF-1 standards. Table 2 can be referenced below for further detail.

**Table 2: Single Family Comparison Chart (1/2 acre minimum lot size)**

The following table identifies the development standard requirements in the base zoning district in comparison to the proposed development standards for this PD.

Standard	City of Waxahachie (Existing SF1 Standards)	Proposed Development Standards (Applicant Request)	Meets or exceeds SF1 Standards
Min. Lot Area	16,000 sq. ft.	21,780 sq. ft. (1/2 acre)	Yes
Min. Lot Width	90 ft.	90 ft.	Yes
Min. Lot Depth	140 ft.	140 ft.	Yes
Min. Front Setback	40 ft.	40 ft.	Yes
Min. Interior Setback	15 ft.; 20 ft. (ROW)	15 ft.; 20 ft. (ROW & corner lots)	Yes
Min. Rear Setback	25 ft.	25 ft.	Yes
Min. Dwelling Size	2,200 sq. ft.	2,200 sq. ft.	Yes
Max. Lot Coverage	50%	50%	Yes
Parking	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure	Yes

One Acre Minimum Lot Size:

If the development proceeds with a minimum lot size of 1 acre, the expected total number of lots is forty-nine (49). The overall density of the proposed development with 1 acre minimum lot sizes is estimated at 0.76 units per acre. The proposed minimum lot width, depth, setback, and lot coverage requirements for these lots all match SF-1 standards. Table 3 can be referenced below for further detail.

**Table 3: Single Family Comparison Chart (1.0 acre minimum lot size)**

The following table identifies the development standard requirements in the base zoning district in comparison to the proposed development standards for this PD.

Standard	City of Waxahachie (Existing SF1 Standards)	Proposed Development Standards (Applicant Request)	Meets or exceeds SF1 Standards
Min. Lot Area	16,000 sq. ft.	43,560 sq. ft. (1.0 acre)	Yes
Min. Lot Width	90 ft.	90 ft.	Yes
Min. Lot Depth	140 ft.	140 ft.	Yes
Min. Front Setback	40 ft.	40 ft.	Yes
Min. Interior Setback	15 ft.; 20 ft. (ROW)	15 ft.; 20 ft. (ROW & corner lots)	Yes
Min. Rear Setback	25 ft.	25 ft.	Yes
Min. Dwelling Size	2,200 sq. ft.	2,200 sq. ft.	Yes
Max. Lot Coverage	50%	50%	Yes
Parking	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure	Yes

Screening:

Screening for the proposed development will be required to adhere to Section 5.03 (e) of the Waxahachie Zoning Ordinance and Section 5.7 of the Waxahachie Subdivision Ordinance. Detail regarding screening measures will need to be indicated on the required future Detailed Site Plan submittal.

Elevations & Architectural Style:

The applicant is proposing to construct homes with a Traditional Architectural Style. The minimum masonry requirement for each home is proposed to be 75%.

Variances:

No variances are currently requested with this Planned Development (PD) Proposal. All standards not explicitly defined in this PD will default back to base SF-1 standards.

**PUBLIC NOTIFICATIONS (PON'S)**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 29 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 ten (10) letters of opposition for the proposed development. Note: Five (5) of the opposition letters have been sent in by two (2) property owners.

**STAFF CONCERNS**

- 1. Staff suggests that the applicant return with a Detailed Site Plan for administrative review and approval by the Planning Department, prior to development of the subject property. Due to the potential for alternative minimum lot sizes, staff believes there is a need to review the proposed layout of the subdivision once the applicant determines if sewer services will be extended to the property or not.

**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 will be required for the development.
  - 2. Prior to platting, a Detailed Site Plan shall be required to be administratively reviewed and approved by the Planning Department. The Detailed Site Plan Shall include a Landscape Plan.

**ATTACHED EXHIBITS**

- 1. PON Responses
- 2. Development Agreement/Ordinance
- 3. Location Map
- 4. Conceptual Site Plan (1.0 acre minimum lot size)
- 5. Conceptual Site Plan (0.5 acre minimum lot size)
- 6. Conceptual Landscape Plan (1.0 acre minimum lot size)
- 7. Elevations
- 8. Development Standards

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*  
 Zack King  
 Planner  
[zking@waxahachie.com](mailto:zking@waxahachie.com)

*Reviewed by:*  
 Jennifer Pruitt, AICP, LEED-AP, CNU-A  
 Senior Director of Planning  
[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)



(9)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-217-2021



SCHIEMANN STEVEN A & JANET C  
3821 BLACK CHAMP RD  
MIDLOTHIAN, TX 76065

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, January 25, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, February 7, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by George Salvador, Waxahachie One Development, for a Zoning Change from a Future Development (FD) zoning district to a Single Family-1 (SF-1) zoning district, located at 3811 Black Champ Road (Property ID 225711) - Owner: CHRIS & HEATHER NOWELS (ZDC-217-2021)

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

Case Number: ZDC-217-2021

City Reference: 241485

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Tuesday, January 18, 2022* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165,

SUPPORT

OPPOSE

Comments:

*There are 3 main reasons we oppose this request : #1: the power grid can't handle the houses already established as we saw last February; #2: access points are limited and I don't want a street between my house and my neighbor's; #3: we moved here for the clean agricultural space. Thank you.*

Signature  
*Janet C. Schiemann*

Date  
*1/12/2022*

Printed Name and Title  
**JANET C. SCHIEMANN**

Address  
*3821 Black Champ Rd.  
Midlothian, TX 76065*

*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.*



(9)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-217-2021

**SCHIEMANN STEVEN A & JANET C**  
**3821 BLACK CHAMP RD**  
**MIDLOTHIAN, TX 76065**

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City Reference: 241485

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SUPPORT

OPPOSE

Comments:

A development at the stated location has no direct access to Hwy 287 without using Black Champ Rd. which is already insufficient to handle the present resident traffic.

Janet C. Schiemann  
Signature

2/7/2022  
Date

JANET C. SCHIEMANN  
Printed Name and Title

3821 Black Champ Rd. Midlothian TX  
Address 76065

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(9)

**Massey, Morgan**

---

**Subject:** FW: tonight's P&Z meeting

**From:** Janet Schiemann <[jschiem@hotmail.com](mailto:jschiem@hotmail.com)>  
**Sent:** Tuesday, January 25, 2022 11:31 AM  
**To:** Pruitt, Jennifer <[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)>  
**Subject:** tonight's P&Z meeting

Good morning, Jennifer,

I plan to be at tonight's meeting regarding case number ZDC-217-2021.

The issues I would like to bring to the attention of the committee are:

- The problems an access point proposed on the north property line of 3821 Black Champ (which is my property) would bring.
  - My driveway will be confused for the access point.
  - Either my neighbor or I will lose property in order to make the access point wide enough.
- The problems a new SF neighborhood would bring to existing homeowners regarding internet access and cell phone reception.
  - Cell phone towers are oversubscribed as it is; cell phone reception is currently poor no matter what carrier you have.
  - Internet is a key issue with more people working from home. Towers and satellites aren't reliable. Fiber optics might be nice but aren't offered here.
- The problems of adding more houses to an electric grid that can't handle the existing number of houses.
  - Last February we were experiencing rolling blackouts due to the weather. Adding more houses to the grid will not improve matters.

I'm hopeful these issues will be addressed as the process plays out.

Thank you for your time and consideration.

Janet Schiemann  
3821 Black Champ Rd.  
Midlothian TX 76065  
940-453-1856  
[jschiem@hotmail.com](mailto:jschiem@hotmail.com)

(9)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-217-2021



**TWIN CEDARS TRUST HOOD JAMES ORLAN JR & SHEILA LAUREEN HOOD CO TRUSTEES**  
**3841 BLACKCHAMP RD**  
**MIDLOTHIAN, TX 76065**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, January 25, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, February 7, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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Case Number: ZDC-217-2021

City Reference: 241486

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SUPPORT

OPPOSE

Comments:

- POWER GRID WILL NOT SUPPORT ADDITIONAL HOMES
- ADDITIONAL 96 CARS DUMPING ONTO BLACKCHAMP WILL CREATE ADVERSE TRAFFIC + SAFETY ISSUES.

Sheila Hood  
Signature

1/12/2022  
Date

SHEILA HOOD, TRUSTEE  
Printed Name and Title

3841 BLACKCHAMP RD  
MIDLOTHIAN 76065  
Address

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(9)

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SUPPORT

OPPOSE

Comments:

Flooding / Natural Water Shed  
was to have 1st choice to buy property behind 4291 Bl. Champ

Thomas D. Condron  
Signature

1-12-22  
Date

Tom Condron  
Printed Name and Title

4291 Black Champ Rd.  
Address  
Midlothian, TX 76065

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(9)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-217-2021



TRULL WILLIAM L JR & SHIRLEY A  
4261 BLACK CHAMP RD  
MIDLOTHIAN, TX 76065

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, January 25, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, February 7, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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Case Number: ZDC-217-2021

City Reference: 241497

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SUPPORT

OPPOSE

Comments: See attachment:

*Shirley Trull*  
*William L. Trull*

Signature

Shirley Trull - owner  
William L. Trull - owner

Printed Name and Title

1-14-2022

Date

4261 BLACKCHAMP RD  
Address MIDLOTHIAN, TX  
76065

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(9)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **ZDC-217-2021**

2nd  
Submission  
from  
Property  
owner

TRULL WILLIAM L JR & SHIRLEY A  
4261 BLACK CHAMP RD  
MIDLOTHIAN, TX 76065

RECEIVED Feb 07 2022

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, February 15, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, February 21, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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Case Number: **ZDC-217-2021**

City Reference: 241497

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SUPPORT

OPPOSE

Comments: See attachment:

Shirley Trull  
William L. Trull Jr  
Signature

2-7-2022  
Date

Shirley Trull - OWNER  
William L. Trull - OWNER  
Printed Name and Title

4261 BLACKCHAMP RD  
Address  
MIDLOTHIAN, TX  
76065

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(9)

These are our concerns as retired homeowners :

1. We have built a berm on owner's property(with their permission) to prevent flooding in the spring, concerned that we can't repair it in the future.
2. What are the dimensions of the buffer
3. Concerned the trees will be removed behind our property and we will lose shade and sound barrier from Hwy 287 traffic
4. Would have liked the option to purchase land behind our back fence as once discussed with owner Heather

(9)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **ZDC-217-2021**

**TWIN CEDARS TRUST HOOD JAMES ORLAN JR & SHEILA LAUREEN HOOD CO TRUSTEES**  
**3841 BLACKCHAMP RD**  
**MIDLOTHIAN, TX 76065**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, February 15, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, February 21, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. Request by George Salvador, Waxahachie One Development, for a Zoning Change from a Future Development (FD) zoning district to a Planned Development Single Family-1 (PD-SF-1) zoning district, located at 3811 Black Champ Road (Property ID 225711) - Owner: CHRIS & HEATHER NOWELS (ZDC-217-2021)

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

Case Number: **ZDC-217-2021**

City Reference: 241486

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, February 8, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

*Very concerned about power grid  
Most importantly the high traffic increase  
with a road entering Blackchamps @ the dangerous  
curve -*

Signature

*Also concerned about water control. Water  
will run down into my property and*

Printed Name and Title

*into my house*

Address

*Sheila Wood 3841 Blackchamps Rd*

*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.*

(9)

**From:** Ellen Saltzman <ellenksaltzman@gmail.com>  
**Sent:** Thursday, February 3, 2022 2:11 PM  
**To:** Massey, Morgan  
**Subject:** ZDC-217-2021 241495

Hi Morgan,

This information is being sent to you per Jennifer's response to me on 1/28/2022. I have been delayed in sending this so if it doesn't make it into the packet for Monday's meeting, please let me know so I can be prepared to speak instead. Thank you!

I am the owner of 4231 Black Champ, the residence adjacent to the proposed south entrance to the development.

- Given that Black Champ Road is already a precarious situation for cars passing one another while driving opposite directions, I am concerned that Black Champ Road is not equipped to handle the traffic that would be associated with it becoming the main thoroughfare to 50 new homes. Adding 100+ cars to that traffic adds to the precarity.
- An entrance along the 287 service road seems like a much more efficient plan. I understand that the available property may not include the frontage property to the service road, but it seems worth investigating the additional purchase for the sake of a more feasible traffic flow.
- If the easement adjacent to my home does become a road, what will the width of the road be? Will it be concrete with curbs, chip seal, or something else? How near will it be to my property line?
- I understand there may be a proposal for a wall along my property line if the entrance road is constructed adjacent to my property. I am not necessarily in favor of that.
- What directive or mandate can be given regarding the preservation of trees on the land being developed? I am specifically requesting that the trees directly across the property line at the rear of my lot not be cut down.

Ellen Saltzman

Case Number: ZDC-217-2021

City Reference: 241498

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Tuesday, February 8, 2022* 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:

*experienced flooding in my yard originating from described development area directly behind my property,*

*Thomas Condron, Jr.*  
Signature

*2-6-22*  
Date

*Thomas Condron, Jr.*  
Printed Name and Title

*4291 BlackChamp Rd.*  
Address  
*Mitchellian, TX 76065*

*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.*

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, February 8, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

*Christi Davidson*

Signature

Christi Davidson

Printed Name and Title

1/31/22

Date

3851 Blackchamp Rd.

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.*

(9)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-217-2021

**GOODENOUGH DONALD & SANDRA**  
3840 BLACK CHAMP RD  
MIDLOTHIAN, TX 76065

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, January 25, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, February 7, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by George Salvador, Waxahachie One Development, for a Zoning Change from a Future Development (FD) zoning district to a Single Family-1 (SF-1) zoning district, located at 3811 Black Champ Road (Property ID 225711) - Owner: CHRIS & HEATHER NOWELS (ZDC-217-2021)

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

Case Number: ZDC-217-2021

City Reference: 201109

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, January 18, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

*concerned about school capacity, power grid, where is traffic plans, need more grocery stores water supply, infrastructure*

*Don Goodenough*  
Signature

*2-3-2020*  
Date

Printed Name and Title

Address

*PS AS you know another HOUSING DEV. in MIDLOTHIAN on 287 near what a burger is going in. plus 2820 Waxahachie next to downtown*

*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.*

(9)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-217-2021



**GOODENOUGH DONALD & SANDRA**  
**3840 BLACK CHAMP RD**  
**MIDLOTHIAN, TX 76065**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, February 15, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, February 21, 2022 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by George Salvador, Waxahachie One Development, for a Zoning Change from a Future Development (FD) zoning district to a Planned Development Single Family-1 (PD-SF-1) zoning district, located at 3811 Black Champ Road (Property ID 225711) - Owner: CHRIS & HEATHER NOWELS (ZDC-217-2021)

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

Case Number: ZDC-217-2021

City Reference: 201109

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, February 8, 2022** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

CONCERNED ABOUT SCHOOL CAPACITY, POWER GRID, GROCERY STORES, TRAFFIC PLANS, WATER SUPPLY, INFRASTRUCTURE

Don Goodenough  
Signature

2-3-2021  
Date

Printed Name and Title

Address

PS what about the 300+ homes on midlothian on 282 close to what a Burger and Waxahachie next to the Boy church

*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.*

(10)

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM FUTURE DEVELOPMENT (FD) TO PLANNED DEVELOPMENT-SINGLE FAMILY-1 (PD-SF-1) WITH CONCEPT PLAN, LOCATED WEST OF 3811 BLACK CHAMP ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 65.00 ACRES KNOWN AS A PORTION OF PROPERTY ID 225711 OF THE D.S. GENTRY SURVEY, ABSTRACT 409, 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-217-2021. 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 FD to PD-SF-1, 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 FD to PD-SF-1, with Concept Plan, in order to facilitate development of the subject property in a manner that allows single family homes on the following property: a portion of Property ID 225711 of the D.S. Gentry Survey, Abstract 409, which is shown on Exhibit A, in accordance with the Conceptual Site Plan attached as Exhibit B, Conceptual Elevations attached as Exhibit C, Development Standards attached as Exhibit D and the Staff Report attached as Exhibit E.

### **PLANNED DEVELOPMENT**

#### **Purpose and Intent**

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

#### **Development Standards**

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

(10)

Development Regulations. The locations of buildings, driveways, parking areas, and fencing shall substantially conform to the locations shown on the approved Conceptual Site Plan shown as Exhibit B, Conceptual Elevations shown as Exhibit C, Development Standards shown as Exhibit D, and the Staff Report shown as Exhibit E.

Development Regulations

- (A) A mutually agreed upon Development Agreement will be required for the property.
- (B) The development shall conform as approved by the City Council under case number ZDC-217-2021.
- (C) All development within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
- (D) The property shall be platted prior to any construction development on the site.
- (E) 100% of the residential development shall consist of Traditional or market driven architectural styles.
- (F) Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, Development Agreement, Development Standards, or Staff Report shall conform to those requirements and/or standards prescribed in Exhibits B – Conceptual Site Plan, Exhibit C – Concept Elevations, Exhibit D – Development Standards, and Exhibit E – Staff Report. Where regulations are not specified in Exhibits B, C, D, E, in this ordinance, Planned Development Regulations, or Development Agreement, the regulations of Single Family-1 (residential) zoning and General Retail (retail/office) of the City of Waxahachie Zoning Ordinance shall apply to this development.
- (G) A detailed Site Plan packet, including a Landscape Plan, shall be administratively reviewed and approved in accordance with the Planned Development.
- (H) 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.

(10)

**PASSED, APPROVED, AND ADOPTED** on this 21st day of February, 2022.

---

MAYOR

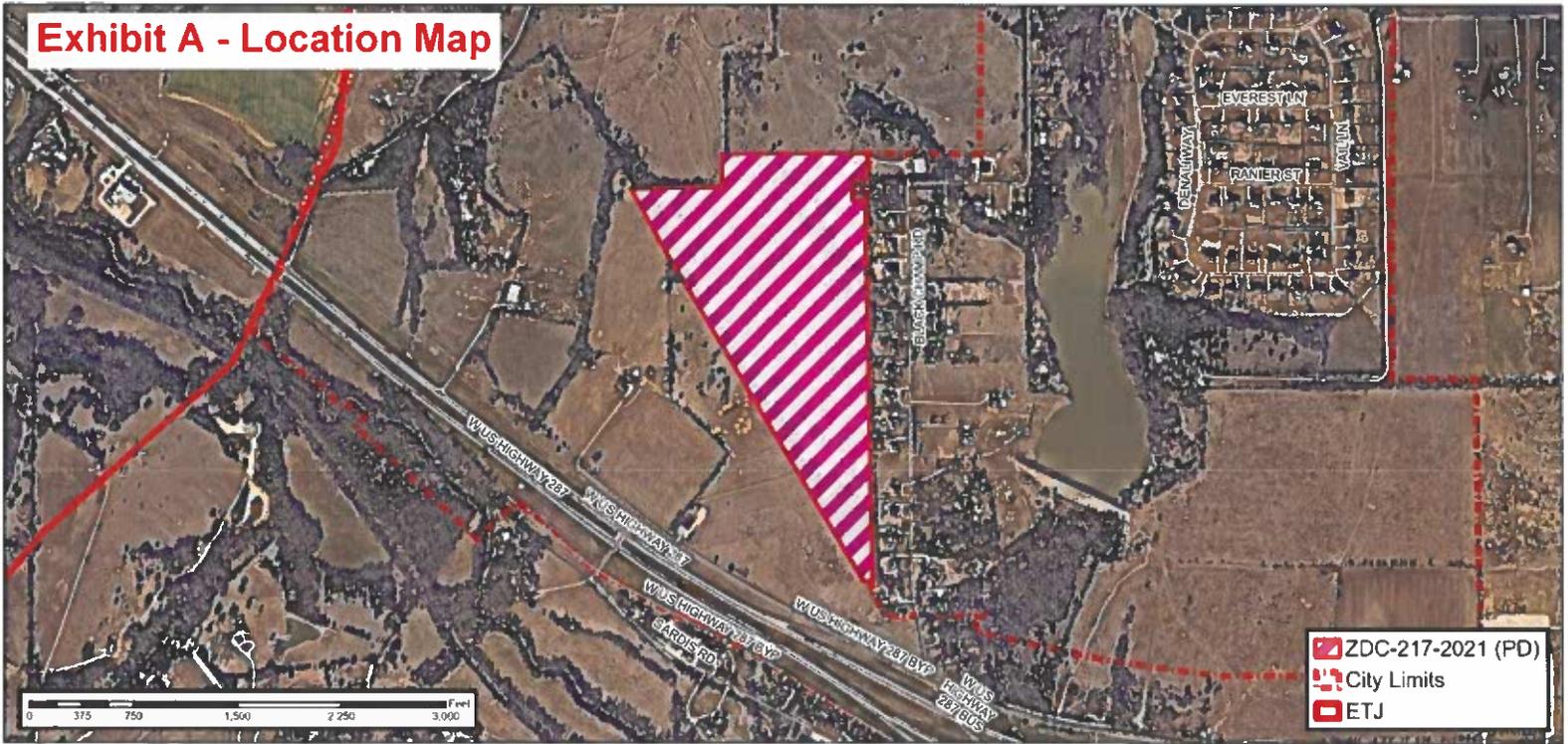
ATTEST:

---

City Secretary

(10)

### Exhibit A - Location Map





(10)

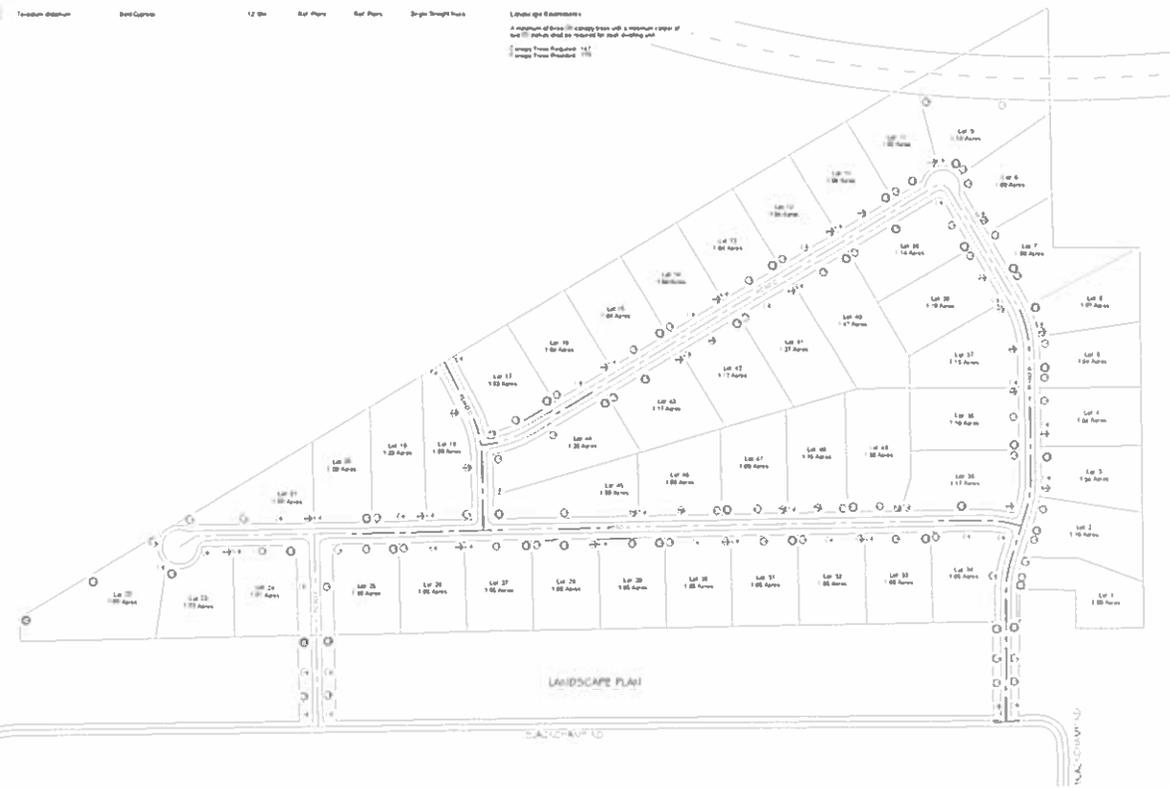
# Exhibit B - Conceptual Site Plan (0.5 Acre)



(10)

# Exhibit B - Conceptual Site Plan (Landscape Plan)

SYMBOL	BOTANICAL NAME	COMMON NAME	HEIGHT	SPACING	GLAZING	CONNECT	SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	GLAZING	CONNECT
	Quercus shumardii	Shumard Red Oak	12' Min.	Ref. Plans	Ref. Plans	Single Straight Trunk		Quercus shumardii	Shumard Red Oak	8' Dia.	14' 31"	30' O.C.	Ref. Plans
	Ulmus americana	Common Elm	12' Min.	Ref. Plans	Ref. Plans	Single Straight Trunk		Ulmus americana	Common Elm	8' Dia.	12' Min.	30' O.C.	Ref. Plans
	Quercus prinus	Shoals Live Oak	12' Min.	Ref. Plans	Ref. Plans	Single Straight Trunk		Quercus prinus	Shoals Live Oak	8' Dia.	12' Min.	40' O.C.	Ref. Plans
	Platanus occidentalis	Common Plane	12' Min.	Ref. Plans	Ref. Plans	Single Straight Trunk		Platanus occidentalis	Common Plane	8' Dia.	12' Min.	30' O.C.	Ref. Plans
	Albizia julibrissin	Silk Tree	12' Min.	Ref. Plans	Ref. Plans	Single Straight Trunk		Albizia julibrissin	Silk Tree	8' Dia.	12' Min.	30' O.C.	Ref. Plans
	Taxodium distichum	Bald Cypress	12' Min.	Ref. Plans	Ref. Plans	Single Straight Trunk		Taxodium distichum	Bald Cypress	8' Dia.	12' Min.	30' O.C.	Ref. Plans



**LANDSCAPE PLAN**

**91-26-2922**

**TURNKEY TRACT**  
1-22293

NOT FOR CONSTRUCTION

---

TURNKEY TRACT  
2720 MAIN ST #371 ERGSD, TX  
75033  
F-22293  
nlcvdesigners@gmail.com  
214-377-0388

---

BELMONT FARMS  
BLACKWATER RD.  
MIDLOTHIAN, TX 76065

91-26-2922	3
	8

(10)

# Exhibit C - Conceptual Elevations



ELEV. A, 3112

1 ACRE LOTS

TURNKEY FARM (1)  
0-22282

NOT FOR CONSTRUCTION

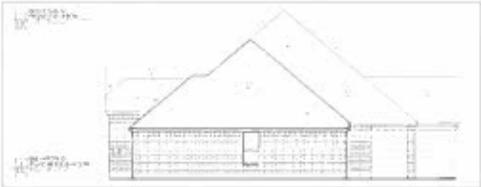
TURNKEY FARM  
2770 MAIN ST #413 - SPRING, TX  
75038  
F-22282  
AKovalevskaya@gmail.com  
254-377-0388

BEIMONT FARM  
BLACK HAMP RD.  
MADDOXHAM, TX 76065

02/16/2023

(10)

## Exhibit C - Conceptual Elevations



ELEV. 04\_2271

1 ACRE LOTS

TURNKEY TRACT  
4-70283

NOT FOR CONSTRUCTION

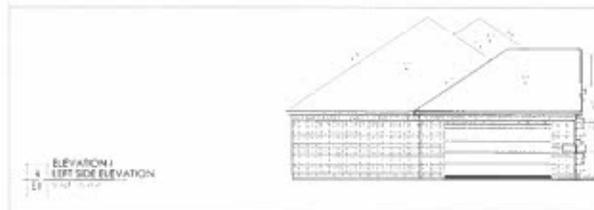
TURNKEY TRACT  
2770 MAIN ST #121, FRISCO, TX  
75033  
F-22283  
nlchlingmire@gmail.com  
214-377-0368

BELMONT FARMS  
BLACKHAWK RD.  
MCKLOTHAN, TX 76065

01/25/2022

(10)

## Exhibit C - Conceptual Elevations



ELEV. 1, 2, 3, 4

1 ACRE LOTS



TURNKEY REALTY



TURNKEY TRACT  
F-22763

*K. Turner*  
NOT FOR CONSTRUCTION

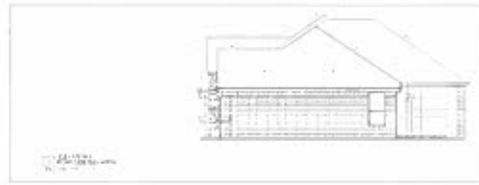
TURNKEY TRACT  
2770 MAIN ST #373 ERSCO, TX  
75033  
F-22763  
nk.challengere@gnat.com  
214-377-0388

BELMONT FARMS  
BLACKHAMP RD.  
MIDLOTHIAN, TX 76065

08/19/2022

(10)

## Exhibit C - Conceptual Elevations



ELEV-G-2002

1 ACRE LOTS

TURNKEY TRACT  
F-22283

*K. Klein*  
NOT FOR CONSTRUCTION

TURNKEY TRACT  
2770 MAIN ST #873 IRVING, TX  
75033  
F-22283  
nk@turnkeytract.com  
214-377-0388

BELMONT FARMS  
BLACKHAMP RD.  
MCKLOTHAN, TX 76065

© LUNY 2022



# Exhibit D - Development Standards <sup>(10)</sup>

Purpose and intent of this Planned Development (PD) known as Belmont Farms is to allow for the development of 49 single family detached homes as shown in the enclosed PD site plan. Any standards not written herein should default to the Base Zoning District (SF-1) as described in the City of Waxahachie's Code of Ordinances.

Compliance with City's Comprehensive Plan:

Single Family – 1 (SF-1) zoning district is the intended base zoning classification underlying this PD. The proposed PD zoning district is intended to be similar to the SF-1 with principal permitted uses include single family detached dwellings.

Description of the request:

- We intend to modify the existing Future Development (FD) requirements under a planned development which will allow for the development of 49 single family detached homes.

Proposed use of the property:

- Belmont Farms consists of one acre lots with houses that are a minimum 2200 SF in size. There will be a total of 49 residential lots proposed on this property.

General development requirements

- The development site plan is attached in Exhibit "C"
- Elevations are attached in Exhibit "C"
- Density of the proposed development is 0.76 units per acre (no floodplain in the property).
- Main access to Belmont Farms will be provided by connecting the proposed 2-entrances to the existing Black Champ Rd.
- Internal streets: proposed 60' right of way with 27' paved roadway.
- 100' right of way is proposed at one of the entrances.
- SF lot coverage @50% maximum.
- Proposed masonry percentage for SF residential lots @75%. All materials should be in accordance with the City of Waxahachie requirements.
- Accessory buildings for SF Residential lots limited to 1 per lot with
- Size of SF Residential lots
  - Minimum lot area – 43,560 Square Ft.
  - Minimum lot width – Ninety (90')
  - Minimum lot depth – 140'
- Sizes of SF Residential yards:
  - Minimum Front Yard – 40'
  - Minimum Side Yard – 15' Regualr. 20' on corner lots.
  - Minimum Rear Yard – 25'
- No variances requested from the base zoning of SF-1

# Exhibit E - Staff Report

(10)

## Planning & Zoning Department

### Zoning Staff Report

Case: ZDC-217-2021



#### MEETING DATE(S)

*Planning & Zoning Commission:* February 15, 2022

*City Council:* February 21, 2022

#### ACTION SINCE INTIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held February 15, 2022, the Commission voted 7-0 to recommend approval for case number ZDC-217-2021, subject to all staff comments.

Following the Planning & Zoning Commission meeting, held February 15, 2022, the applicant has taken steps to address citizen concerns regarding drainage, utility availability, and roadway safety. The applicant reached out to internet and electricity service providers to begin addressing any potential issues with the provision of these services. The applicant has also reached out to Ellis County to discuss adding a stop sign on Black Champ Road in order to alleviate traffic safety concerns for the development. Additionally, the applicant reached out to the current property owner to research any existing drainage mitigation that has been done on the subject property.

#### CAPTION

**Public Hearing** on a request by George Salvador, Waxahachie One Development, for a **Zoning Change** from a Future Development (FD) zoning district to **Planned Development Single Family-1 (PD-SF-1)** zoning district, located at 3811 Black Champ Road (Property ID 225711) - Owner: CHRIS & HEATHER NOWELS (ZDC-217-2021)

#### APPLICANT REQUEST

The applicant is requesting a zoning change from Future Development to Planned Development-Single Family-1 (PD-SF-1).

#### CASE INFORMATION

*Applicant:* George Salvador, Waxahachie One Development

*Property Owner(s):* Chris Nowels & Heather Nowels

*Site Acreage:* 65.00 acres

*Current Zoning:* Future Development (FD)

*Requested Zoning:* Planned Development-Single Family-1 (PD-SF-1)

#### SUBJECT PROPERTY

*General Location:* 3811 Black Champ Road

# Exhibit E - Staff Report

(10)

**Parcel ID Number(s):** 225711

**Existing Use:** The portion of the property included in this zoning change request is currently undeveloped.

**Development History:** The subject property is a portion of the D.S. Gentry Survey, Abstract 409.

**Adjoining Zoning & Uses:**

**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	FD	Undeveloped land
East	N/A (ETJ)	Single Family Residential Homes (1+ acre lots)
South	FD & O	Undeveloped land and 2 small office buildings
West	FD	Undeveloped land

**Future Land Use Plan:** Airport Industrial & Highway Commercial

**Comprehensive Plan:** Airport Industrial: The Airport Industrial land use type is intended to provide areas for industrial uses that are related to the Midway Regional Airport, such as industrial uses that need the ability to transport goods by plane. Another example would be industries that manufacture airplane parts or components. This land use designation is also intended to help protect the future sustainability of the airport and its operations.

Highway Commercial: Highway Commercial areas are intended to allow for traditional commercial land uses, but such uses should be developed to a higher standard. For example, outside storage may be permitted, but would have to be screened and not visible from the road. In addition, a more limited array of commercial uses would be permitted. Hotels, motels, and car dealerships would be permitted, for example, but manufactured home sales and self-storage buildings would not. The idea is for these areas to show a positive image of Waxahachie and make visitors want to travel into the main part of the City.

**Thoroughfare Plan:** The subject property is accessible via Black Champ Road. Additionally, Right-of-Way (ROW) Dedication will be provided on the Northwestern corner of the property in alignment with the City of Waxahachie Thoroughfare Plan. The City of Waxahachie Thoroughfare Plan shows a 120' ROW crossing through this portion of the property.

Site Image:



## **STAFF ANALYSIS**

### **Purpose of Request:**

The applicant is requesting a zoning change from Future Development (FD) to Planned Development-Single Family-1 (PD-SF-1) to allow for a single family residential development.

### **Proposed Use:**

The proposed development is intended to be a low density residential subdivision that blends with the existing residential development along Black Champ Road. To this end, the minimum proposed lot sizes will be comparable to nearby development and larger than typical base SF1 lots. Due to the proposed large lot sizes and relatively low lot count, the applicant has opted not to propose varied architectural style requirements for the development. Instead, the applicant is proposing Traditional style homes or market driven styles.

The development is proposed to have varying minimum lot sizes; determined by the availability of City sewer services and capacity. If City sewer lines are extended to the subject property and are available at the time of development, the applicant is proposing a minimum lot size of 0.5 acres. If City sewer lines are not available to the subject property at the time of development, the applicant is proposing a minimum lot size of 1.0 acre.

City sewer services are not currently extended to, or available for, the subject property. Water services for this property will be provided by Sardis-Lone Elm WSC. The proposed planned development would limit the minimum lot size for the subdivision to 21,780 square feet (0.5 acres), if sewer services are extended to the property. This is a larger minimum lot size than base SF-1 standards; which would allow for minimum lot sizes of 16,000 square feet if straight SF-1 zoning was present on the property.

# Exhibit E - Staff Report

(10)

## Proposed Conceptual Layout:

The applicant has provided a conceptual site plan indicating the expected layout of the development if the subject property is developed with a minimum lot size of one acre. Two access points are proposed for the development off of Black Champ Road. The northernmost access point is proposed to be approximately a 70' ROW with a 27' road; while the southernmost access point is currently a 100' ROW with a proposed 27' road.

This conceptual site plan also has a provision for a Right-of-Way (ROW) dedication on the Northwest corner of the subject property, in conformance with the City of Waxahachie Thoroughfare Plan. Additionally, one stub road is proposed to provide future access to the adjacent property to the west. These are two aspects of the site layout that staff recommends the applicant provide with any future Detailed Site Plan submittal.

Depending on the minimum lot size at the time of development, the layout of the proposed development may change. Due to this, staff recommends the applicant return with a Detailed Site Plan to be reviewed and approved administratively by the Planning Department. This will ensure the ultimate layout of the development still includes the two key components indicated above.

## Half Acre Minimum Lot Size:

If the development proceeds with a minimum lot size of half an acre, the expected total number of lots is eighty-six (86). The proposed minimum lot width, depth, setback, and lot coverage requirements for these lots all match SF-1 standards. Table 2 can be referenced below for further detail.

**Table 2: Single Family Comparison Chart (1/2 acre minimum lot size)**

The following table identifies the development standard requirements in the base zoning district in comparison to the proposed development standards for this PD.

Standard	City of Waxahachie (Existing SF1 Standards)	Proposed Development Standards (Applicant Request)	Meets or exceeds SF1 Standards
Min. Lot Area	16,000 sq. ft.	21,780 sq. ft. (1/2 acre)	Yes
Min. Lot Width	90 ft.	90 ft.	Yes
Min. Lot Depth	140 ft.	140 ft.	Yes
Min. Front Setback	40 ft.	40 ft.	Yes
Min. Interior Setback	15 ft.; 20 ft. (ROW)	15 ft.; 20 ft. (ROW & corner lots)	Yes
Min. Rear Setback	25 ft.	25 ft.	Yes
Min. Dwelling Size	2,200 sq. ft.	2,200 sq. ft.	Yes
Max. Lot Coverage	50%	50%	Yes
Parking	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure	Yes

# Exhibit E - Staff Report

(10)

### One Acre Minimum Lot Size:

If the development proceeds with a minimum lot size of 1 acre, the expected total number of lots is forty-nine (49). The overall density of the proposed development with 1 acre minimum lot sizes is estimated at 0.76 units per acre. The proposed minimum lot width, depth, setback, and lot coverage requirements for these lots all match SF-1 standards. Table 3 can be referenced below for further detail.

**Table 3: Single Family Comparison Chart (1.0 acre minimum lot size)**

The following table identifies the development standard requirements in the base zoning district in comparison to the proposed development standards for this PD.

Standard	City of Waxahachie (Existing SF1 Standards)	Proposed Development Standards (Applicant Request)	Meets or exceeds SF1 Standards
Min. Lot Area	16,000 sq. ft.	43,560 sq. ft. (1.0 acre)	Yes
Min. Lot Width	90 ft.	90 ft.	Yes
Min. Lot Depth	140 ft.	140 ft.	Yes
Min. Front Setback	40 ft.	40 ft.	Yes
Min. Interior Setback	15 ft.; 20 ft. (ROW)	15 ft.; 20 ft. (ROW & corner lots)	Yes
Min. Rear Setback	25 ft.	25 ft.	Yes
Min. Dwelling Size	2,200 sq. ft.	2,200 sq. ft.	Yes
Max. Lot Coverage	50%	50%	Yes
Parking	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure	Yes

### Screening:

Screening for the proposed development will be required to adhere to Section 5.03 (e) of the Waxahachie Zoning Ordinance and Section 5.7 of the Waxahachie Subdivision Ordinance. Detail regarding screening measures will need to be indicated on the required future Detailed Site Plan submittal.

### Elevations & Architectural Style:

The applicant is proposing to construct homes with a Traditional Architectural Style. The minimum masonry requirement for each home is proposed to be 75%.

### Variances:

No variances are currently requested with this Planned Development (PD) Proposal. All standards not explicitly defined in this PD will default back to base SF-1 standards.

### **PUBLIC NOTIFICATIONS (PON'S)**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 29 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.

# Exhibit E - Staff Report

(10)

## PROPERTY OWNER NOTIFICATION RESPONSES

Staff has received ten (10) letters of opposition for the proposed development. Note: Five (5) of the opposition letters have been sent in by two (2) property owners.

## STAFF CONCERNS

1. Staff suggests that the applicant return with a Detailed Site Plan for administrative review and approval by the Planning Department, prior to development of the subject property. Due to the potential for alternative minimum lot sizes, staff believes there is a need to review the proposed layout of the subdivision once the applicant determines if sewer services will be extended to the property or not.

## 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 will be required for the development.
  2. Prior to platting, a Detailed Site Plan shall be required to be administratively reviewed and approved by the Planning Department. The Detailed Site Plan Shall include a Landscape Plan.

## ATTACHED EXHIBITS

1. PON Responses
2. Development Agreement/Ordinance
3. Location Map
4. Conceptual Site Plan (1.0 acre minimum lot size)
5. Conceptual Site Plan (0.5 acre minimum lot size)
6. Conceptual Landscape Plan (1.0 acre minimum lot size)
7. Elevations
8. Development Standards

## APPLICANT REQUIREMENTS

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

## STAFF CONTACT INFORMATION

*Prepared by:*  
Zack King  
Planner  
[zking@waxahachie.com](mailto:zking@waxahachie.com)

*Reviewed by:*  
Jennifer Pruitt, AICP, LEED-AP, CNU-A  
Senior Director of Planning  
[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

STATE OF TEXAS           §           DEVELOPMENT AGREEMENT  
   §           FOR BELMONT FARMS  
 COUNTY OF ELLIS         §

This Development Agreement for Belmont Farms (“**Agreement**”) is entered into between Waxahachie One Development (“**WOD**”) and the City of Waxahachie, Texas (“**City**”). OTC and the City are sometimes referred herein together as the “**Parties**” and individually as a “**Party**.”

**Recitals:**

1. WOD is the owner of approximately 65.00 acres of real property generally located West of Black Champ Rd. and North of US 287, Parcel Number 225711 in the City of Waxahachie, Texas (the “**Property**”), for which the applicant has requested a change in the Property’s Future Development zoning to a (“**PD**”) Single Family-1 zoning, revising specific development standards. The Property is currently zoned Future Development by the City, and is anticipated to have the PD reviewed on February 21, 2022.

2. The planned use of the Property is to create a Planned Development to allow for the use of a residential (single family 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 WOD 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 WOD 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 “**Belmont Farms**”), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for Belmont Farms.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the Belmont Farms PD Ordinance as contractually-binding obligations between the City of Waxahachie and WOD, and to recognize WOD’s reasonable investment-backed expectations in the Belmont Farms PD Ordinance and the planned development of Belmont Farms.

**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.

(11)

**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 Belmont Farms 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 development shall conform as approved by the City Council under case number ZDC-217-2021.
- (C) All development within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
- (D) The property shall be platted prior to any construction development on the site.
- (E) 100% of the residential development shall consist of Traditional or market driven architectural styles.
- (F) Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, Development Agreement, Development Standards, or Staff Report shall conform to those requirements and/or standards prescribed in Exhibits B – Conceptual Site Plan, Exhibit C – Concept Elevations, Exhibit D – Development Standards, and Exhibit E – Staff Report. Where regulations are not specified in Exhibits B, C, D, E, in this ordinance, Planned Development Regulations, or Development Agreement, the regulations of Single Family-1 (residential) zoning and General Retail (retail/office) of the City of Waxahachie Zoning Ordinance shall apply to this development.
- (G) A detailed Site Plan packet, including a Landscape Plan, shall be administratively reviewed and approved in accordance with the Planned Development.
- (H) 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.

(11)

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

(11)

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 WOD and all heirs, successors, and assigns and the future owners of the Property and any portion thereof; provided, however, this Agreement shall not constitute an obligation of or be deemed a restriction or encumbrance with respect to any platted residential lot upon which a completed structure has been constructed.

M. **Form 1295 Certificate.** The Developer agrees to comply with Texas Government Code, Section 2252.908 and in connection therewith, the Developer agrees to go online with the Texas Ethics Commission to complete a Form 1295 Certificate and further agrees to print the completed certificate and execute the completed certificate in such form as is required by Texas Government Code, Section 2252.908 and the rules of the Texas Ethics Commission and provide to the Town, at the time of delivery of an executed counterpart of this Agreement, a duly executed completed Form 1295 Certificate.

N. **Undocumented Workers Provision.** The Developer certifies that Developer does not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Government Code, as amended. If during the Term of this Agreement, Developer is convicted of a violation under 8 U.S.C. § 1324a(f), Developer shall repay the amount of any public subsidy provided under this Agreement to Developer plus six percent (6.0%), not later than the 120<sup>th</sup> day after the date the Town notifies Developer of the violation.

O. **Non-Boycott of Israel Provision.** In accordance with Chapter 2270 of the Texas Government Code, a Texas governmental entity may not enter into an agreement with a business entity for the provision of goods or services unless the agreement contains a written verification from the business entity that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the agreement. Chapter 2270 of the Texas Government Code does not apply to a (1) a company that is a sole proprietorship; (2) a company that has fewer than ten (10) full-time employees; or (3) the contract has a value of less than One Hundred Thousand Dollars (\$100,000.00). Unless Developer is not subject to Chapter 2270 of the Texas Government Code for the reasons stated herein, the signatory executing this Agreement on behalf of Developer verifies that Developer does not boycott Israel and will not boycott Israel during the Term of this Agreement.

(11)

- P. **Prohibition on Contracts with Certain Companies Provision.** In accordance with Section 2252.152 of the Texas Government Code, the Parties covenant and agree that Developer is not on a list maintained by the State Comptroller's office prepared and maintained pursuant to Section 2252.153 of the Texas Government Code.
- Q. **Verification Against Discrimination of Firearm or Ammunition Industries.** Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 19, 87<sup>th</sup> Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the Town, the Developer represents that: (1) the Developer does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (2) the Developer will not discriminate during the Term of the Agreement against a firearm entity or firearm trade association.
- R. **Verification Against Discrimination Developer Does Not Boycott Energy Companies.** Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 13, 87<sup>th</sup> Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the Town, the Developer represents that: (1) the Developer does not boycott energy companies; and (2) the Developer will not boycott energy companies during the Term of this Agreement.

(11)

**{Signature Pages Follow}**

(11)

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

**CITY OF WAXAHACHIE, TEXAS**

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

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

ATTEST:

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

**STATE OF TEXAS       §**  
**§**  
**COUNTY OF ELLIS     §**

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

[Seal]

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

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

(11)

**: Waxahachie One Development (Developer)**

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

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

**: Chris Nowels (Owner)**

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

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

**: Heather Nowels (Owner)**

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

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

**STATE OF TEXAS** §

**COUNTY OF ELLIS** §

Before me, the undersigned authority, on this \_\_\_\_\_ day of \_\_\_\_\_, personally appeared \_\_\_\_\_, representative of Belmont Farms, 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: \_\_\_\_\_

(18)



# Memorandum

To: Honorable Mayor and City Council  
 From: Ricky Boyd, Fire Chief  
 Thru: Michael Scott, City Manager *[Signature]*  
 Date: February 17, 2022  
 Re: CMAR for Fire Station 4

Mayor and Council,

As you know, we are in the process of building Station 4. Earlier this month, we advertised an RFP for the Construction Manager at Risk (CMAR) to oversee the construction process. The deadline for applying was February 16, 2022. We received four (4) applications. The station committee, including the project architect, then met and went through an extensive process to rank the applicants. Here are the results:

Proposer	Proposal Grade	Pre-Construction Services Fee	Construction Phase Services Fee	Performance & Payment Bond	Insurance Premiums	Builders Risk Insurance	Other	Total Fees
Steele & Freeman	94.75	\$ 0	\$ 570,557	\$ 48,510	\$ 28,710	\$ 7,920	\$ 0	\$ 655,697
Speed Fab-Crete	93.15	\$ 4,000	\$ 474,600	\$ 51,500	\$ 25,200	\$ 9,200	\$ 0	\$ 564,500
Built Wright	65.98	\$ 0	\$ 552,456	\$ 40,095	\$ 34,402	\$ 3,564	\$ 0	\$ 630,517
Nay	-32.32	\$ 7,500	\$ 772,166	\$ 51,250	\$ 19,995	\$ 42,956	\$ 0	\$ 893,867

(12)

As a results of this process, I am requesting approval to give the City Manager the authority to enter into a contract with Steele & Freeman, Inc. of Ft. Worth, Texas to be the CMAR for the construction of Fire Station 4 for a total fee of \$655,697. Even though they were not the lowest bidder, we chose Steele & Freeman for numerous reasons including, but not limited to:

- They received the highest grade of all proposers and are therefore the highest qualified bidder.
- They have an excellent working relationship with the City of Waxahachie on the City Hall Annex project.
- They have an outstanding working relationship with RBDR (our architectural firm).
- They performed the CMAR duties for eight (8) fire station projects over the last five (5) years including the newest stations in Midlothian and Ennis.
- The Project Superintendent will be exclusively assigned to our project.
- They have excellent performance, financial and safety records.

We have checked all references and we, as well as the architect David Wright, believe that Steele & Freeman is highly qualified to perform the CMAR duties to ensure a successful completion of the project.

Respectfully submitted,

Ricky Boyd, Fire Chief



## Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Executive Director of Development Services

Thru: Michael Scott, City Manager

Date: February 21, 2022

Re: Consider the award of a Construction Services Contract with Calgon/Carbon for the Granular Activated Carbon Media Replacement Project.

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**Item Description:** Awarding of the services contract with Calgon/Carbon will allow for the installation of new Granular Activated Carbon (GAC) Media at the Robert W. Sokoll Water Treatment Plant.

**Item Summary:** One of the approved Utility Department's FY2021-2022 Capital Improvement Plan (CIP) projects is to replace aging media at the Robert W. Sokoll Water Treatment Plant in the five (5) GAC basins. The GAC media is used to aid in the removal of taste and odor compounds, organics, and disinfection byproducts during the water treatment process. The media being changed out is the original media from when the plant was first commissioned in year 2009. The traditional life expectancy of GAC media is approximately seven to ten years depending upon the amount of water treated and raw water quality.

**Fiscal Impact:** This project is part of the Utility Department's Five-Year CIP and has been funded through FY2021-FY2022 Operations and Maintenance Funds of the Robert Sokoll Water Treatment Plant at \$810,000. The cost of the installation project is \$579,200 with \$54,740 for engineering and a total cost of \$633,940. This cost will be split proportionally (Rockett 75%, Waxahachie 25%). This creates a savings of \$176,060. Once the existing media has been removed, there will need to be an inspection of the existing concrete coatings. If any failures are found, the funding for repairs will come from the anticipated savings. While Calgon/Carbon was not the lowest bidder of the project (Cabot - \$503,250), they were the only bidder that could meet the deadline specifications of the project (September 30, 2022). Staff recommends the approval of the services contract with Calgon/Carbon for the full amount.



# Memorandum

To: Honorable Mayor and City Council  
From: Gumaro Martinez, Executive Director of Parks & Leisure Services  
Thru: Michael Scott, City Manager *MS*  
Date: February 16, 2022  
Re: Consider Bid Award for Lee Penn Pool Parking Lot

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**Item Description:** Consider bid award to J&K Excavation, LLC for the Lee Penn Park Pool Parking Lot Project in the amount of \$500,357.08.

**Item Summary:** The project scope will include a 74-space parking lot with site lighting, a driveway and drop-off lane for the pool, perimeter fencing, and sidewalk connections to the existing walking trail. The parking lot will help serve the newly renovated pool and bathhouse, and also provide additional parking for the park and nearby Turner Elementary.

Bids were received and opened publicly on February 15<sup>th</sup>, 2022. The following base bids were received:

J&K Excavation, LLC	-	\$500,357.08
Tegrity Contractors	-	\$547,890.51
Obra Ramos Construction	-	\$659,968.00
HQS Construction, LLC	-	\$732,440.00
MSB Constructors	-	\$746,487.00

J&K Excavation, LLC appears to be the lowest responsive and responsible bidder with a base bid of \$500,357.08. Staff recommends awarding the bid to J&K Excavation, LLC for the Lee Penn Pool Parking Lot Project. Additionally, staff recommends a contingency of \$75,000 to be funded from the Park Dedication Fee Fund to cover any additional costs that may arise with the project.

**Fiscal Impact:** The project cost of \$500,357.08 will be funded from the available balances of Fund 426 - 2016 CO WCDC Park Bond and Fund 432 - 2019 CO Park Bond. The contingency of \$75,000 will be funded from Fund 227 - Park Dedication Fee Fund. The funding sources identified have sufficient fund balances to cover the requested amounts.