

# **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 ***Tuesday, July 5, 2022 at 7:00 p.m.***

Council Members Present: David Hill, Mayor, Council Member Place 1  
Chris Wright, Mayor Pro Tem, Council Member Place 3  
Billie Wallace, Council Member Place 4  
Travis Smith, Council Member Place 5  
Patrick Souter, Council Member Place 2

1. Call to Order
2. Invocation
3. Pledge of Allegiance and Texas Pledge of Allegiance
4. ***Public Comments:*** Persons may address the City Council on any issues. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code. ***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 June 20, 2022
  - b. Minutes of the City Council briefing of June 20, 2022
  - c. Minutes of the City Council special meeting of June 28, 2022
  - d. Minutes of the City Council work session of June 30, 2022
  - e. Event application for Diving Deeper VBS Day Camp to be held July 27, 2022
  - f. Event application for Lippert 5k to be held on August 20, 2022
  - g. Interlocal Agreement with Frisco ISD
  - h. City Council Appointments to Boards and Commissions
6. ***Present*** Proclamation proclaiming July 2022 as Parks and Recreation Month
  7. ***Continue Public Hearing*** on a request by Chris Reeves, Quickway Signs, for a Specific Use Permit (SUP) for an Electronic Message Sign use within a Planned Development – Commercial (PD-C) zoning district located at 2374 W US Hwy 287 BYP (Property ID 219310) - Owner: COWBOY BAPTIST CHURCH OF MIDLOTHIAN (ZDC-45-2022)
  8. ***Consider*** proposed Ordinance approving ZDC-45-2022

9. **Continue Public Hearing** on a request by Chad Adams, Oak Hull Investments, for a Replat of Lots 8, 9, & 10, Block 11, University Annex Addition, to create Lots 8A-10B, Block 11, University Annex Addition, 6 Residential Lots, being 1.129 acres, located at 107 Olive St and 510 Cynisca St., (Property ID 176473 & 176474) – Owner: STONEDALE DEVELOPMENT LLC (SUB-28-2022)
10. **Consider** approval of SUB-28-2022
11. **Public Hearing** on a request by Brad Yates, Loren Gray Investments LLC, for a Replat of Lots 18 and 19, Block 180, of the Oak Lawn Addition, to create Lot 18R, Block 180, of the Oak Lawn Addition, 1 Residential Lot, being 0.1036 acres, located at 319 Henry Street, (Property ID 175110) – Owner: LOREN GRAY INVESTMENTS LLC (SUB-60-2022)
12. **Consider** approval of SUB-60-2022
13. **Public Hearing** on a request by Dustin Phillipp, J. Volk Consulting, Inc. for a Plat of The Place at North Grove, lots 10, 11, 12X Block 1, being 10.67 acres, located at northwest corner of North Grove Boulevard and Washington Avenue, situated in the John B. and Ann Adams Survey, Abstract No. 5, Robert Russell Survey, Abstract No. 911, and Henry Sange Survey, Abstract No. 1009, an addition to the City of Waxahachie (Property ID 283993) – Owner: North Grove 12.5 LLC Series 1 (SUB-15-2022)
14. **Consider** approval of SUB-15-2022
15. **Public Hearing** on a request by Tom Wright, Heart-In-Hand, for a Zoning Change from a Central Area (CA) zoning district to a Planned Development – Central Area (PD-CA) zoning district, located at 212 S Rogers Street, (Property ID 170517) - Owner: Waxahachie 100F Lodge (ZDC-54-2022)
16. **Consider** proposed Ordinance approving ZDC-54-2022
17. **Consider** approving an agreement to contribute right-of-way funds (fixed price) for FM 664 ROW acquisition between the City of Waxahachie and Texas Department of Transportation (TxDOT) and approve associated supplemental appropriation in the amount of \$136,206.74
18. **Consider** a supplemental appropriation in the amount of \$27,000 for a visual building envelope assessment
19. **Public Hearing** and **consider** proposed Resolution adopting procedures to name public facilities
20. Comments by Mayor, City Council, City Attorney and City Manager
21. 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

City Council  
June 20, 2022

(5a)

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, June 20, 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  
Travis Smith, Council Member Place 5  
Chris Wright, Council Member Place 3

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. Invocation**

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

Pastor Richard Cody, Ellis Baptist Association, gave the invocation. Mayor Pro Tem Billie Wallace 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 June 6, 2022
- b. Minutes of the City Council briefing of June 6, 2022
- c. Event application for Fundraiser to be held July 23, 2022

**Action:**

*Council Member Chris Wright moved to approve items a. through c. on the Consent Agenda. Mayor Pro Tem Billie Wallace seconded, All Ayes.*

**6. Present Proclamation proclaiming June 2022 as World Elder Abuse Awareness Month**

Mayor Barnes presented a Proclamation proclaiming June 2022 as World Elder Abuse Awareness Month.

- 7. **Continue Public Hearing on a request by Chris Reeves, Quickway Signs, for a Specific Use Permit (SUP) for an Electronic Message Sign use within a Planned Development – Commercial (PD-C) zoning district located at 2374 W US Hwy 287 BYP (Property ID 219310) - Owner: COWBOY BAPTIST CHURCH OF MIDLOTHIAN (ZDC-45-2022)**

Mayor Barnes opened the Public Hearing and announced the applicant requested to continue the Public Hearing to the July 5, 2022 City Council meeting.

- 8. **Consider proposed Ordinance approving ZDC-45-2022**

**Action:**

*Mayor Pro Tem Billie Wallace moved to continue the Public Hearing on a request by Chris Reeves, Quickway Signs, for a Specific Use Permit (SUP) for an Electronic Message Sign use within a Planned Development – Commercial (PD-C) zoning district located at 2374 W US Hwy 287 BYP (Property ID 219310) - Owner: COWBOY BAPTIST CHURCH OF MIDLOTHIAN (ZDC-45-2022) to the July 5, 2022 City Council meeting. Council Member Chris Wright seconded, All Ayes.*

- 9. **Public Hearing on a request by Nic Paul, for a Specific Use Permit (SUP) for an Accessory Structure +700sf. use within a Planned Development – 23 – Single Family – 1 (PD-23-SF-1) zoning district located at 3359 Howard Rd (Property ID 242726) - Owner: DAN & LORI WALSER (ZDC-56-2022)**

Jennifer Pruitt, Senior Director of Planning, presented the case noting the applicant is requesting to construct a 1,500 sq. ft. accessory structure to the rear of a single-family residential lot located at 3359 Howard Road. She noted 11 notices were mailed and staff received three letters of support and two letters of opposition. Staff recommended approval per the following staff comments:

- 1. The accessory structure shall not be used as a dwelling.
- 2. The accessory structure shall not be used for commercial purposes.
- 3. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
- 4. The concrete shall be extended from the driveway to the accessory structure.
- 5. The applicant shall obtain a permit from the City of Waxahachie Building Department prior to construction of the accessory structure.

Mayor Barnes opened the Public Hearing.

There being no others to speak for or against ZDC-56-2022, Mayor Barnes closed the Public Hearing.

- 10. **Consider proposed Ordinance approving ZDC-56-2022**

**ORDINANCE NO. 3326**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE EQUAL TO OR GREATER THAN 700 SQUARE FEET USE**

**WITHIN A PLANNED DEVELOPMENT-23-SINGLE FAMILY-1 (PD-23-SF-1) ZONING DISTRICT, LOCATED 3359 HOWARD ROAD, BEING PROPERTY ID 242726, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 5, IN THE WAXAHACHIE LAKE ESTATES #1 SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve Ordinance No. 3329. Council Member Travis Smith seconded, All Ayes.*

**11. Consider approving Lions Park Master Plan**

Brad Barnes, Assistant Director of Parks and Recreation, requested approval to adopt the Lions Park Master Plan. He explained the master plan steering committee worked diligently with consultant La Terra Studio, to develop a formal document to provide guidelines for the further development of Lions Park. The Park Board unanimously recommended approval of the plan at their May 12, 2022 meeting. Mr. Barnes explained staff is only requesting approval of the Lions Park Master Plan and not approval of any funding at this time.

Michael Black, La Terra Studio, provided an overview noting the plan includes the following: a 475-space parking lot, a lighted flex field, sport courts (tennis, pickleball, basketball), splash pad, playground, picnic pavilions, food truck plaza, improvements to the existing softball/baseball fields, walking trail, and a fitness court.

**Action:**

*Council Member Travis Smith moved to approve the Lions Park Master Plan as presented. Mayor Pro Tem Billie Wallace seconded, All Ayes.*

**12. Consider proposed Resolution accepting SWAT Enhancement Grant**

Thomas Griffith, Emergency Management Coordinator, requested approval of the proposed Resolution accepting the terms of the SWAT Night Vision Enhancement, Homeland Security Grant Program.

**RESOLUTION NO. 1327**

**A RESOLUTION OF THE CITY OF WAXAHACHIE ACCEPTING THE TERMS OF THE SWAT NIGHT VISION ENHANCEMENT, HOMELAND SECURITY GRANT PROGRAM.**

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve Resolution No. 1327. Council Member Travis Smith seconded, All Ayes.*

**13. Consider contract award for Supervisory Control and Data Acquisition (SCADA) services for Sipes Instrumentation and Electric Services**

Brandon Lacy, Assistant Director of Utilities, requested approval to award a service contract to Sipes Instrumentation and Electric Services associated with instrumentation repair, parts, and software support services for the City's SCADA System in the amount of \$213,055. He explained the funds have already been appropriated in the budget and the contract is for a three-year period, with two (2) one-year renewal options at the City's sole discretion.

**Action:**

*Mayor Pro Tem Billie Wallace moved to approve a contract award to Sipes Instrumentation and Electric Service in the amount of \$215,055. Council Member Chris Wright seconded, All Ayes.*

**14. Convene into Executive Session for consultation with attorney as permitted by Texas Government Code, Section 551.071 and for deliberation regarding real property as permitted under Section 551.072 of the Texas Government Code**

Mayor Barnes announced at 7:20 p.m. the City Council would convene into Executive Session for consultation with attorney as permitted by Texas Government Code, Section 551.071 and for deliberation regarding real property as permitted under Section 551.072 of the Texas Government Code.

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

The meeting reconvened at 8:56 p.m.

**Action:**

*Council Member Chris Wright made a motion to approve the Agreement with Loren Gray Investments, LLC outlining the transfer of ownership, development and operation of the properties at 105, 107, 109 and 111 South College Street; providing incentives per the agreement; and authorizing the City Manager to amend and execute all documents necessary pending final approval of the City Attorney. Council Member Travis Smith seconded, All Ayes.*

**16. Consider conveyance of property by donation deed to Hope Clinic**

**Action:**

*Mayor Pro Tem Billie Wallace moved to authorize the conveyance of approximately 7.568 acres of land located at the intersection of Farley Street and Coleman Street described as Lot 3, Block A, City of Waxahachie Public Safety Campus to the Ellis County Coalition for Health Options, Inc. DBA Hope Clinic and authorize the City Manager to execute all documents necessary to facilitate the transfer of property. Council Member Travis Smith seconded, All Ayes.*

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

Council Member David Hill thanked the Waxahachie Fire Department for their quick response to a personal incident at his home.

City Manager Michael Scott announced the City Council will have a special meeting on Tuesday, June 28<sup>th</sup> at noon to canvass the votes from the June 18<sup>th</sup> runoff election. He also reminded City Council of the budget work session to be held Thursday, June 30<sup>th</sup> at the Waxahachie Civic Center.

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Shon Brooks, Executive Director of Development Services, announced the Comprehensive Plan Advisory Committee will meet on Tuesday, June 21, 2022 at 6:30 p.m.

**18. Adjourn**

There being no further business, the meeting adjourned at 9:00 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary

City Council  
June 20, 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, June 20, 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  
Chris Wright, Council Member Place 3

Council Member Absent: 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.

Shon Brooks, Executive Director of Development Services, introduced and welcomed Building and Community Services Director Anthony Warren.

**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, approving event application for a fundraiser at Railyard Park to be held July 23, 2022.
- Item 6, Proclamation presented to Waldo Decur for World Elder Abuse Awareness Month.

Jennifer Pruitt, Senior Director of Planning, reviewed the following cases:

- ZDC-45-2022, the applicant requested to continue the Public Hearing to the July 5, 2022 City Council meeting.
- ZDC-56-2022, the applicant is requesting to construct a 1,500 sq. ft. accessory structure to the rear of a single-family residential lot located at 3359 Howard Road. She noted 11 notices were mailed and staff received 3 letters of support and 2 letters of opposition. Staff recommends approval per staff comments.

Brad Barnes, Assistant Director of Parks and Recreation, reviewed Item 11 requesting approval of the Lions Park Master Plan. Mr. Scott explained the future expansion of the Wastewater Treatment Plant was considered during the preparation of the plan.

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June 20, 2022  
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Mayor Pro Tem Billie Wallace expressed her opposition for spending money on improvements that will only be available for a limited number of years due to the future expansion of the treatment plant.

Mr. Barnes explained staff is only seeking approval of the Lions Park Master Plan and funding will be requested when directed by City Council.

Thomas Griffith, Emergency Management Director, reviewed Item 12 requesting approval of the proposed Resolution accepting the terms of the SWAT Night Vision Enhancement, Homeland Security Grant Program.

Brandon Lacy, Assistant Director of Utilities, reviewed Item 13 requesting approval to award a service contract to Sipes Instrumentation and Electric Services associated with instrumentation repair, parts, and software support services for the City's SCADA System in the amount of \$213,055. He explained the funds have already been appropriated in the budget and the contract is for a three-year period, with two (2) one-year renewal options at the City's sole discretion.

### **3. Adjourn**

There being no further business, the meeting adjourned at 6:47 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary

A special 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 Tuesday, June 28, 2022 at 12:00 p.m.

**Council Members Present:** David Hill, Mayor, Council Member Place 1  
Chris Wright, Mayor Pro Tem, Council Member Place 3  
Billie Wallace, Council Member Place 4  
Travis Smith, Council Member Place 5  
Patrick Souter, Council Member Place 2

**Others Present:** Michael Scott, City Manager  
Albert Lawrence, Deputy City Manager  
Amber Villarreal, City Secretary

**1. Call to Order**

Mayor Doug Barnes called the meeting to order.

**2. Invocation**

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

Pastor Bruce Zimmerman, Waxahachie Bible Church, gave the invocation. City Manager Michael Scott led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Public Comments**

Alan Fox, 327 University, Waxahachie, Texas, thanked outgoing Mayor Doug Barnes for his service to the City and its citizens.

**5. Canvass and accept votes of City Council Runoff Election held on June 18, 2022**

Mayor Doug Barnes canvassed the election returns of the City Council Runoff Election held on Saturday, June 18, 2022 as follows:

Place 2	Doug Barnes	432
Place 2	Patrick Souter	461
Total Votes Cast:		893

**Action:**

*Mayor Pro Tem Billie Wallace moved to accept the election returns of the City Council Runoff Election held on Saturday, June 18, 2022 as stated. Council Member Travis Smith seconded, All Ayes.*

Mr. Doug Barnes congratulated Patrick Souter on his victory and wished him well. Mr. Barnes extended thanks to fellow council members, City staff, and the citizens for allowing him the privilege to serve Waxahachie.

**6. Administer Oath of Office to Council Member Place 2**

City Secretary Amber Villarreal administered the Oath of Office to Patrick Souter, Council Member Place 2.

**7. Organization of City Council**

**Action:**

*Council Member Patrick Souter moved David Hill be nominated and appointed as Mayor of the City of Waxahachie. Council Member Chris Wright seconded, the vote was as follows: Ayes: David Hill, Travis Smith, Chris Wright, and Patrick Souter. Noes: Billie Wallace.*

***The motion carried.***

**Action:**

*Council Member Patrick Souter moved Chris Wright be nominated and appointed as Mayor Pro Tem of the City of Waxahachie. Mayor David Hill seconded, the vote was as follows: Ayes: David Hill, Chris Wright, and Patrick Souter. Noes: Billie Wallace and Travis Smith.*

***The motion carried.***

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

City Secretary Amber Villarreal welcomed new Council Members Chris Wright and Patrick Souter and thanked outgoing Council Members Doug Barnes and Melissa Olson for their service.

Mayor David Hill thanked Doug Barnes and Melissa Olson for their service and welcomed new Council Members. Mayor Hill also thanked his wife Mickie for her support.

Council Member Patrick Souter thanked Doug Barnes and Melissa Olson for their service, the citizens of Waxahachie for their support to his campaign, and City staff. Council Member Souter also thanked his wife Lori for her support during the election and noted he is ready to work for the citizens.

City Manager Michael Scott congratulated Council Member Souter on his election victory and noted he is looking forward to working with the new Council Members. Mr. Scott thanked Doug Barnes for his service as the previous Economic Development Director and for his continued service through City Council.

Mayor Pro Tem Chris Wright thanked Melissa Olson for her assistance during his transition to City Council and thanked Doug Barnes for his friendship and service to the City. Mayor Pro Tem Wright thanked his wife Amy for allowing him to serve on City Council. He encouraged more citizen participation in Keep Waxahachie Beautiful cleanups. Mr. Wright acknowledged HEB as a great partner in the community by offering to build a new elementary school in Uvalde.

(5c)

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Deputy City Manager Albert Lawrence echoed Mr. Scott's comments and noted staff is available to assist new Council Members. He thanked Doug Barnes for his support of the organization and wished him well in his retirement.

Council Member Billie Wallace thanked Melissa Olson for her service on City Council noting she was always prepared. Council Member Wallace also thanked Doug Barnes for his servants' heart, experience and compassion. She noted she is looking forward to working hard to serving the citizens and thanked them for the opportunity to serve.

**9. Adjourn**

There being no further business, the meeting adjourned at 12:26 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary

City Council  
June 30, 2022

A Work Session of the Mayor and City Council of the City of Waxahachie, Texas was held at the Waxahachie Civic Center, 2000 Civic Center Lane, on Thursday, June 30, 2022 at 8:30 a.m.

Council Members Present: David Hill, Mayor, Council Member Place 1  
Chris Wright, Mayor Pro Tem, Council Member Place 3  
Billie Wallace, Council Member Place 4  
Travis Smith, Council Member Place 5  
Patrick Souter, Council Member Place 2

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  
Amber Villarreal, City Secretary

**1. Call to Order**

Mayor David Hill called the meeting to order.

**2. Discussion of City of Waxahachie Fiscal Year 2022-2023 Budget**

City Manager Michael Scott reviewed the goal for the Work Session is to review the Capital Projects, department requests, and receive direction from City Council on how to proceed with the budget.

Finance Director Chad Tustison reviewed the preliminary general fund numbers noting the certified tax roll and sales tax numbers are still pending. He explained the total working rate is calculated at 0.655 cents, which is made up of general fund (maintenance and operations), debt service, and the library. He noted Waxahachie currently has the lowest tax rate in relation to our comparable cities; however, FY 23 tax rate proposals for other cities are not yet available. In regards to sales tax, FY 23 is projected at 4.5% over FY 22 estimate. The following items were reviewed:

- Base Budget Development: Personnel, Planned Line Items, and Base Adjustments
- Inflation and budget impact
- FY 2023 working budget
- Preliminary net taxable values
- Tax rate (General Fund Maintenance and Operations, Debt Service, and Library)
- Sales tax and other revenue
- General Fund Requests: Replacement, Capital, and Operating
- Water Budget: Additional Debt Service, Budget Requests, and Proposed Budget
- Wastewater Budget: Additional Debt Service, Budget Requests, and Proposed Budget
- WCDC Fund Budget
- Hotel Tax Fund
- Sokoll Fund
- Cemetery Fund

- Capital Improvement Plan (CIP) and Debt Service
  - 5-year Capital Improvement Plan
  - General Fund-Plan for 2023 (& 2022 Issuance)
  - Water Fund- Plan for 2023 (& 2022 Issuance)
  - Wastewater Fund- Plan for 2023 (& 2022 Issuance)
  - I&S Funded Projects and General Debt Service Funded Projects
- Bond Projects & Debt Capacity
- Financial Best Practices and Policies

Council Member Billie Wallace requested staff begin evaluating certification pay for employees immediately noting the topic has been discussed for several years without progress. Mr. Scott explained the Compensation Study will be comprehensive and include salary, certification pay, and benefits.

Council Members discussed staff informally gathering certification pay information from comparable cities.

Council Members discussed the effects of reducing the tax rate. Council Member Chris Wright explained the average property owner would save approximately \$30/per year if the tax rate is reduced by a half cent, costing the City approximately \$500,000 annually the first year and compounding each year after. City Council expressed support for offering some type of relief to citizens without negatively impacting the budget or reducing the services offered to citizens.

Mr. Tustison presented the budget timeline: Public Hearing on Budget and Tax Rate (August 30<sup>th</sup>) and Budget and Tax Rate Adoption (September 6<sup>th</sup>).

### **3. Comments by Mayor, City Council, City Attorney and City Manager**

Mr. Scott thanked City Council and staff for their attendance. Mr. Scott confirmed the consensus of City Council to include the following items in the proposed budget:

- Gross pay in employee's Christmas bonus
- 4% Cost of Living Increase and up to a 2% merit increase at 6 months
- Increase Women's Building stipend to \$2,400
- Compensation Plan Study with Certification Pay Plan
- Cemetery security cameras and connectivity (\$50,000)
- Council will review alternative relief options after final appraisal values are received after July 25<sup>th</sup>

Mayor Hill expressed thanks and noted his appreciation for everyone's hard work and attendance.

### **4. Adjourn**

There being no further business, the meeting adjourned at 12:37 p.m.

Respectfully submitted,  
Amber Villarreal, City Secretary

(5c)



Application for a Festival or Event Permit

Event Name and Description: Diving Deese day camp  
VBS style event.

Applicant Information

Name: Natalie Huffman  
Address: 1107 Lone Elm RD  
City, State, Zip: Waxahachie TX 75167 Phone: (209) 416-2888  
E-mail Address: nhuffman@trinitychurch.org

Organization Information

Organization Name: Trinity Church Waxahachie  
Address: 515 E. Marvin Ave Waxahachie TX 75165  
Authorized Head of Organization: Lennon Noland  
Phone: \_\_\_\_\_ E-mail Address: Lnoland@trinitychurch.org

Event Chairperson/Contact

Name: Natalie Huffman  
Address: 1107 Lone Elm Rd  
City, State, Zip: Waxahachie TX 75167 Phone: (209) 416-2888  
E-mail Address: nhuffman@trinitychurch.org

Event Information

Event Location/Address: Trinity Church Waxahachie  
Purpose: Day camp for kids - VBS  
Event Start Date and Time: July 27 12pm  
Event End Date and Time: July 27 5pm

(5c)

Approximate Number of Persons Attending Event Per Day: 80

Site Preparation and Set-Up Date and Time: July 27<sup>th</sup> 12pm

Clean-Up Completion Date and Time: July 27 5:15pm

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.

Rousseau Street Closed

Requested City Services: Street closure

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

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

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

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

Will dumpsters be needed? no

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

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

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

Natalie Huffer  
Signature of Applicant

June 21, 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).



(9c)

**Bonner, Jami**

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**From:** Gaertner, James  
**Sent:** Wednesday, June 22, 2022 2:48 PM  
**To:** Bonner, Jami; Wade Goolsbey; Ricky Boyd; Massey, Matt  
**Cc:** Scott, Michael; Lawrence, Albert; Crocker, Clarice; Villarreal, Amber  
**Subject:** RE: Event Application - Diving Deep Day Camp 7/27/22

I don't have any comments. Please have them coordinate with Matt for the street closure if this gets approved.



**James Gaertner, PE, CFM**  
**Director of Public Works & Engineering**  
401 S. Rogers St.  
Waxahachie, TX 75165  
Office: 469-309-4301  
[jgaertner@waxahachie.com](mailto:jgaertner@waxahachie.com)

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**From:** Bonner, Jami <jami.bonner@waxahachie.com>  
**Sent:** Wednesday, June 22, 2022 2:26 PM  
**To:** Wade Goolsbey <wgoolsby@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>; Gaertner, James <jgaertner@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>  
**Cc:** Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>  
**Subject:** Event Application - Diving Deep Day Camp 7/27/22

For your review / comments. Thank you.

The applicant is requesting to close Rousseau St. between their two parking lots.

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)

(50)

**Bonner, Jami**

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**From:** Boyd, Ricky <RBoyd@waxahachiefire.org>  
**Sent:** Wednesday, June 22, 2022 2:58 PM  
**To:** Bonner, Jami  
**Subject:** RE: Event Application - Diving Deep Day Camp 7/27/22

No concerns

*Ricky Boyd, Fire Chief*

Waxahachie Fire-Rescue

214-463-9335

---

**From:** Bonner, Jami <jami.bonner@waxahachie.com>  
**Sent:** Wednesday, June 22, 2022 2:26 PM  
**To:** Wade Goolsby <wgoolsby@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Gaertner, James <jgaertner@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>  
**Cc:** Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>  
**Subject:** Event Application - Diving Deep Day Camp 7/27/22

For your review / comments. Thank you.

The applicant is requesting to close Rousseau St. between their two parking lots.

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)

(9c)

**Bonner, Jami**

---

**From:** Wade Goolsby <wgoalsby@waxahachiepd.org>  
**Sent:** Wednesday, June 22, 2022 4:53 PM  
**To:** Bonner, Jami  
**Subject:** RE: Event Application - Diving Deep Day Camp 7/27/22

I don't have any issues.

**Wade G. Goolsby**  
Chief of Police  
Waxahachie Police Department  
469-309-4411

**H.E.A.R.T**

*Honor Ethics Accountability Respect Transparency*

---

**From:** Bonner, Jami <jami.bonner@waxahachie.com>  
**Sent:** Wednesday, June 22, 2022 2:26 PM  
**To:** Wade Goolsby <wgoalsby@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Gaertner, James <jgaertner@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>  
**Cc:** Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>  
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[www.waxahachie.com](http://www.waxahachie.com)



**Application for a Festival or Event Permit**

Event Name and Description: Lippert 5K

**Applicant Information**

Name: Virginia Hernandez  
Address: 101 Mushroom Rd  
City, State, Zip: Waxahachie TX Phone: 972 232 3114  
E-mail Address: vhernandez@kiniro.com

**Organization Information**

Organization Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Authorized Head of Organization: \_\_\_\_\_  
Phone: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

**Event Chairperson/Contact**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_ Phone: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

**Event Information**

Event Location/Address: Waxahachie Park Trail  
Purpose: Employee health/wellness 5K  
Event Start Date and Time: 8/19/20 7:30 AM Saturday  
Event End Date and Time: 8/19/20 10:30 AM Saturday

Approximate Number of Persons Attending Event Per Day: 50  
 Site Preparation and Set-Up Date and Time: 8/20 8:19 6:30 am Saturday  
 Clean-Up Completion Date and Time: 8/20 8:19 11:00 am Saturday

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.

Waxahachie Park trail

Requested City Services: none

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

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

Will dumpsters be needed? No

Will an Unmanned Aircraft Systems Unit (drone) be used? YES/NO  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.

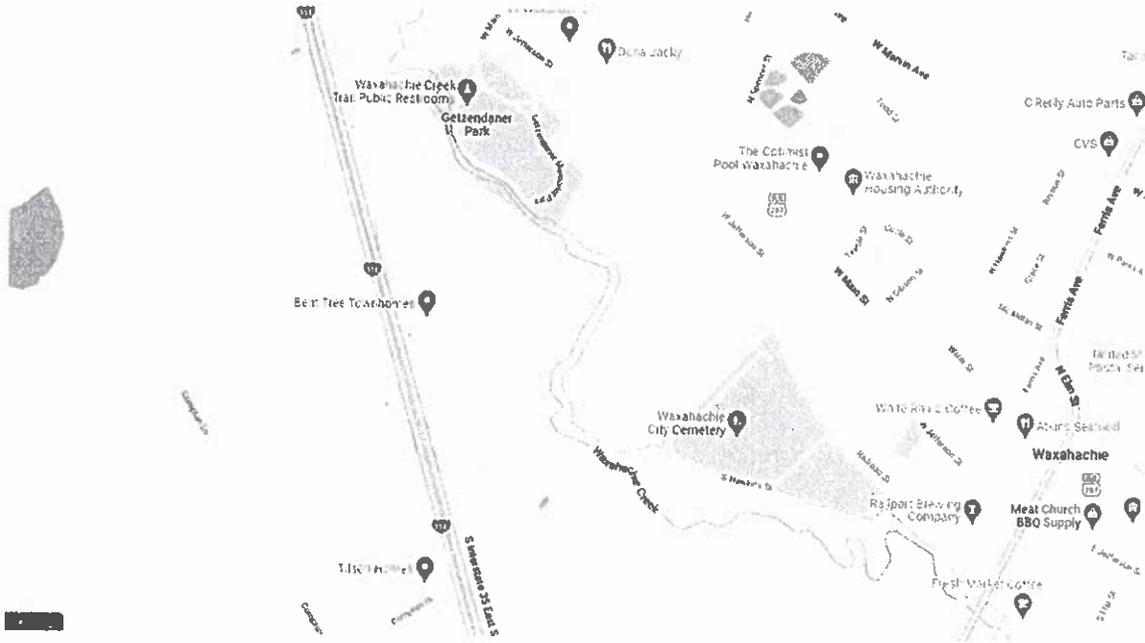
I, THE UNDERSIGNED APPLICANT, AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY OF WAXAHACHIE, ITS OFFICERS, EMPLOYEES, AGENTS, AND REPRESENTATIVES AGAINST ALL CLAIMS OF LIABILITY AND CAUSES OF ACTION RESULTING FROM INJURY OR DAMAGE TO PERSONS OR PROPERTY ARISING OUT OF THE SPECIAL EVENT. DUE TO COVID-19, 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]  
 Signature of Applicant

4/13/22  
 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).

Saturday 8/20



### Utilizing park trail

5k

Start at start/finish line  
 run trail out to mile marker  
 1.5 and back to start/finish

1 mile  
Fun Run

Start at Start/Finish  
 run to .50 marker  
 and back to start/finish

(5f)

**Bonner, Jami**

---

**From:** Wade Goolsby <[wgoalsby@waxahachiepd.org](mailto:wgoalsby@waxahachiepd.org)>  
**Sent:** Tuesday, June 14, 2022 10:56 AM  
**To:** Bonner, Jami  
**Subject:** RE: Event Application - Lippert 5k

I don't have any issues with it.

**Wade G. Goolsby**  
Chief of Police  
Waxahachie Police Department  
469-309-4411

**H.E.A.R.T**

*Honor Ethics Accountability Respect Transparency*

---

**From:** Bonner, Jami <[jami.bonner@waxahachie.com](mailto:jami.bonner@waxahachie.com)>  
**Sent:** Tuesday, June 14, 2022 7:49 AM  
**To:** Wade Goolsby <[wgoalsby@waxahachiepd.org](mailto:wgoalsby@waxahachiepd.org)>; Boyd, Ricky <[RBoyd@waxahachiefire.org](mailto:RBoyd@waxahachiefire.org)>; 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)>  
**Cc:** Lawrence, Albert <[alawrence@waxahachie.com](mailto:alawrence@waxahachie.com)>; Scott, Michael <[msscott@waxahachie.com](mailto:msscott@waxahachie.com)>; Crocker, Clarice <[ccrocker@waxahachie.com](mailto:ccrocker@waxahachie.com)>; Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>  
**Subject:** RE: Event Application - Lippert 5k

Good morning,

I apologize for sending the wrong document yesterday. Please find the event application for Lippert's 5k event attached. Thank you.

---

**From:** Bonner, Jami  
**Sent:** Monday, June 13, 2022 4:36 PM  
**To:** 'Wade Goolsby' <[wgoalsby@waxahachiepd.org](mailto:wgoalsby@waxahachiepd.org)>; Ricky Boyd <[rboyd@waxahachiefire.org](mailto:rboyd@waxahachiefire.org)>; 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)>  
**Cc:** Lawrence, Albert <[alawrence@waxahachie.com](mailto:alawrence@waxahachie.com)>; Scott, Michael <[msscott@waxahachie.com](mailto:msscott@waxahachie.com)>; Crocker, Clarice <[ccrocker@waxahachie.com](mailto:ccrocker@waxahachie.com)>; Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>  
**Subject:** Event Application - Lippert 5k

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

(5f)

**Bonner, Jami**

---

**From:** Martinez, Gumaro  
**Sent:** Tuesday, June 14, 2022 4:15 PM  
**To:** Bonner, Jami; Wade Goolsbey; Ricky Boyd; Barnes, Bradley; Campos, Yadira  
**Cc:** Lawrence, Albert; Scott, Michael; Crocker, Clarice; Villarreal, Amber  
**Subject:** RE: Event Application - Lippert 5k

There is a car show planned for Getzendaner Park, 8:00am – 3:00pm for Saturday 8/20. However, I spoke with the organizer and they are open to it as long as the interior of the park is reserved for the car show, including the large pavilion.

**Gumaro Martinez**  
**City of Waxahachie**  
**Executive Director of Parks & Leisure Services**  
401 S. Elm  
Waxahachie, TX 75165  
469.309.4271 direct  
214.903.3676 cell  
[gmartinez@waxahachie.com](mailto:gmartinez@waxahachie.com)

**From:** Bonner, Jami  
**Sent:** Tuesday, June 14, 2022 7:49 AM  
**To:** Wade Goolsbey <[wgoalsby@waxahachiepd.org](mailto:wgoalsby@waxahachiepd.org)>; Ricky Boyd <[rboyd@waxahachiefire.org](mailto:rboyd@waxahachiefire.org)>; 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)>  
**Cc:** Lawrence, Albert <[alawrence@waxahachie.com](mailto:alawrence@waxahachie.com)>; Scott, Michael <[msscott@waxahachie.com](mailto:msscott@waxahachie.com)>; Crocker, Clarice <[ccrocker@waxahachie.com](mailto:ccrocker@waxahachie.com)>; Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>  
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**To:** 'Wade Goolsbey' <[wgoalsby@waxahachiepd.org](mailto:wgoalsby@waxahachiepd.org)>; Ricky Boyd <[rboyd@waxahachiefire.org](mailto:rboyd@waxahachiefire.org)>; 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)>  
**Cc:** Lawrence, Albert <[alawrence@waxahachie.com](mailto:alawrence@waxahachie.com)>; Scott, Michael <[msscott@waxahachie.com](mailto:msscott@waxahachie.com)>; Crocker, Clarice <[ccrocker@waxahachie.com](mailto:ccrocker@waxahachie.com)>; Villarreal, Amber <[avillarreal@waxahachie.com](mailto:avillarreal@waxahachie.com)>  
**Subject:** Event Application - Lippert 5k

For your review / comments. Thank you.

Jami Bonner  
Assistant City Secretary  
City of Waxahachie

(5f)

**Bonner, Jami**

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**From:** Boyd, Ricky <RBoyd@waxahachiefire.org>  
**Sent:** Tuesday, June 14, 2022 6:10 PM  
**To:** Martinez, Gumaro  
**Cc:** Bonner, Jami; Wade Goolsbey; Barnes, Bradley; Campos, Yadira; Lawrence, Albert; Scott, Michael; Crocker, Clarice; Villarreal, Amber  
**Subject:** Re: Event Application - Lippert 5k

I have no concerns with this request.

Sent from my iPhone

On Jun 14, 2022, at 16:15, Martinez, Gumaro <gmartinez@waxahachie.com> wrote:

There is a car show planned for Getzendaner Park, 8:00am – 3:00pm for Saturday 8/20. However, I spoke with the organizer and they are open to it as long as the interior of the park is reserved for the car show, including the large pavilion.

**Gumaro Martinez**  
**City of Waxahachie**  
**Executive Director of Parks & Leisure Services**  
401 S. Elm  
Waxahachie, TX 75165  
469.309.4271 direct  
214.903.3676 cell  
[gmartinez@waxahachie.com](mailto:gmartinez@waxahachie.com)

---

**From:** Bonner, Jami  
**Sent:** Tuesday, June 14, 2022 7:49 AM  
**To:** Wade Goolsbey <wgoolsby@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>  
**Cc:** Lawrence, Albert <alawrence@waxahachie.com>; Scott, Michael <mscott@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>  
**Subject:** RE: Event Application - Lippert 5k

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**Sent:** Monday, June 13, 2022 4:36 PM  
**To:** 'Wade Goolsbey' <wgoolsby@waxahachiepd.org>; Ricky Boyd <rboyd@waxahachiefire.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>

(5a)



## Memorandum

To: Honorable Mayor and City Council  
From: Chad Tustison, Finance Director  
Thru: Michael Scott, City Manager  
Date: July 5, 2022  
Re: Frisco ISD Interlocal Agreement

---

**Item Description:** On Tuesday, July 5, 2022 an interlocal agreement between Frisco Independent School District and the City of Waxahachie will be presented to Council for consideration. The agreement was signed by the Board President of Frisco Independent School District on June 13, 2022.

**Item Summary:** Staff is requesting the City Council's approval to enter into an interlocal agreement with Frisco Independent School District in reference to Chapter 791 of the Texas Government Code (hereinafter "Interlocal Cooperation Act") to set forth the terms and conditions upon which Frisco Independent School District and the City of Waxahachie may purchase various goods and services on contract that are commonly utilized by each party. Frisco Independent School District and the City of Waxahachie shall each be individually responsible for payments directly to the vendor and for the vendor's compliance with all conditions of delivery and quality of purchased items under such contracts.

Approving this interlocal agreement will allow for potential cost savings and more efficient procurement practices.

## INTERLOCAL AGREEMENT

This Interlocal Agreement ("Agreement") is made and entered into this 13<sup>th</sup> day of June, 2022, by and between the FRISCO INDEPENDENT SCHOOL DISTRICT, Texas (hereinafter called "FRISCO INDEPENDENT SCHOOL DISTRICT"), and the CITY OF WAXAHACHIE, Texas (hereinafter called "WAXAHACHIE"), each acting by and through its duly authorized officials:

WHEREAS, FRISCO INDEPENDENT SCHOOL DISTRICT and WAXAHACHIE are both governmental entities engaged in the purchase of goods and services, which is a recognized governmental function;

WHEREAS, FRISCO INDEPENDENT SCHOOL DISTRICT and WAXAHACHIE wish to enter into this Agreement pursuant to Chapter 791 of the Texas Government Code (hereinafter "Interlocal Cooperation Act") to set forth the terms and conditions upon which FRISCO INDEPENDENT SCHOOL DISTRICT and WAXAHACHIE may purchase various goods and services commonly utilized by each party;

WHEREAS, participation in an interlocal agreement will be highly beneficial to the taxpayers of FRISCO INDEPENDENT SCHOOL DISTRICT and WAXAHACHIE through the anticipated savings to be realized and is of mutual concern to the contracting parties;

WHEREAS, FRISCO INDEPENDENT SCHOOL DISTRICT and WAXAHACHIE have current funds available to satisfy any fees owed pursuant to this Agreement.

NOW, THEREFORE, in consideration of the foregoing and the mutual promises, covenants and obligations as set forth herein; FRISCO INDEPENDENT SCHOOL DISTRICT and WAXAHACHIE agree as follows:

1. FRISCO INDEPENDENT SCHOOL DISTRICT and WAXAHACHIE may cooperate in the purchase of various goods and services commonly utilized by the participants, where available and applicable, and may purchase goods and services from vendors under present and future contracts.
2. FRISCO INDEPENDENT SCHOOL DISTRICT and WAXAHACHIE shall each be individually responsible for payments directly to the vendor and for the vendor's compliance with all conditions of delivery and quality of purchased items under such contracts. FRISCO INDEPENDENT SCHOOL DISTRICT and WAXAHACHIE shall each make their respective payments from current revenues available to the paying party.
3. Notwithstanding anything herein to the contrary, participation in this Agreement may be terminated by any party upon thirty (30) days written notice to the other participating party(ies).

4. The undersigned officer and/or agents of the party(ies) hereto are duly authorized officials and possess the requisite authority to execute this Agreement on behalf of the parties hereto.

5. This Agreement may be executed separately by the participating entities, each of which shall be deemed an original and all of which together shall constitute one and the same instrument.

6. This Agreement shall become effective on the day and year first written above (the "Effective Date"). The primary term of this Agreement shall be for one (1) year, commencing on the Effective Date and terminating on June 13, 2023, and shall thereafter automatically renew for successive one-year terms, unless terminated according to the terms set forth in Paragraph 3.

7. To the extent allowed by law, each party agrees to release, defend, indemnify, and hold harmless the other (and its officers, agents, and employees) from and against all claims or causes of action for injuries (including death), property damages (including loss of use), and any other losses, demands, suits, judgments and costs, including reasonable attorneys' fees and expenses, in any way arising out of, related to, or resulting from its performance under this agreement, or caused by its negligent acts or omissions (or those of its respective officers, agents, employees, or any other third parties for whom it is legally responsible) in connection with performing this agreement.

8. The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this Agreement.

9. The provisions of this Agreement are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Agreement is for any reason held by a court of competent jurisdiction to be contrary to law or contrary to any rule or regulation having the force and effect of the law, the remaining portions of the Agreement shall be enforced as if the invalid provision had never been included.

10. This Agreement embodies the entire agreement between the parties and may only be modified in writing executed by both parties.

11. This Agreement shall be binding upon the parties hereto, their successors, heirs, personal representatives and assigns. Neither party will assign or transfer an interest in this Agreement without the written consent of the other party.

12. It is expressly understood and agreed that, in the execution of this Agreement, neither party waives, nor shall be deemed hereby to have waived any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. By entering into this Agreement, the parties do not create any obligations, express or implied other than those set forth herein, and this Agreement shall not create any rights in parties not signatories hereto.

13. The declarations, determinations and findings declared, made and found in the preamble to this Agreement are hereby adopted, restated and made part of the operative provisions hereof.

EXECUTED hereto on the day and year the agreement is approved and signed by the last party.

FRISCO INDEPENDENT SCHOOL DISTRICT

CITY OF WAXAHACHIE

Roni Ancharbawt

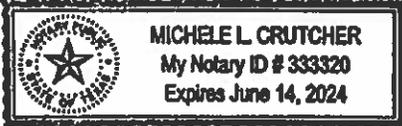
By: Michael Scott,  
City Manager

By:  
Board President

STATE OF TEXAS §

COUNTY OF COLLIN §

This instrument was acknowledged before me on the 20<sup>th</sup> day of JUNE, 2022, by Board of Trustees of the **FRISCO INDEPENDENT SCHOOL DISTRICT, TEXAS**, a public school district, on behalf of such corporation.



Michele L. Crutcher  
Notary Public in and for the  
State of Texas

STATE OF TEXAS §

COUNTY OF ELLIS §

This instrument was acknowledged before me on the \_\_\_ day of \_\_\_\_\_, 2022, by Michael Scott, City Manager of the **CITY OF WAXAHACHIE, TEXAS**, a home-rule municipal corporation, on behalf of such corporation.

Notary Public in and for the  
State of Texas



# Memorandum

To: City Council

From: Mayor David Hill

Thru: Michael Scott, City Manager

A handwritten signature in blue ink, appearing to be "David Hill", is written over the "Thru" line.

Date: July 5, 2022

Re: City Council Liaison Appointments to Boards and Commissions

Waxahachie Community Development Corp.	David Hill
Economic Development Commission	David Hill
Keep Waxahachie Beautiful Committee	David Hill
TIRZ	David Hill
Planning & Zoning Commission	Chris Wright
Firemen's Relief & Retirement Fund	Chris Wright
Library Board	Chris Wright
COG Representative	Chris Wright
Senior Center Committee	Billie Wallace
North Central Texas Housing Finance Corp.	Billie Wallace
Zoning Board of Adjustments	Billie Wallace
Mid-Way Airport Board	Billie Wallace
Park Board	Travis Smith
Economic Development Commission	Travis Smith
Impact Fee Advisory Committee	Travis Smith
Cemetery Board	Patrick Souter
Heritage Preservation Commission	Patrick Souter
Waxahachie Partnership, Inc.	Patrick Souter
Waxahachie Housing Authority	Patrick Souter
Boards and Commissions Review Committee	All Councilmembers

# ***PROCLAMATION***

**WHEREAS**, parks and recreation programs are an integral part of communities throughout this country, including the City of Waxahachie; and

**WHEREAS**, our parks and recreation are vitally important to establishing and maintaining the quality of life in our community, ensuring the health of our citizens, and contributing to the economic and environmental well-being of Waxahachie; and

**WHEREAS**, parks and recreation encourage physical activity by providing space for popular sports, hiking trails, swimming pools and many other activities designed to promote active lifestyles, ensure the ecological beauty of our community, and provide a place for children and adults to connect with nature and recreate outdoors; and

**WHEREAS**, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who have mental or physical disabilities, improve the mental and emotional health of our citizens by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimer's; and

**WHEREAS**, parks and recreation programs increase our Waxahachie's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

**WHEREAS** parks and greenspace are essential and adaptable infrastructure that makes our communities resilient in the face of natural disasters, improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

**WHEREAS**, the City of Waxahachie recognizes the benefits derived from parks and recreation resources; and

**WHEREAS**, investments in parks and recreation are an efficient and effective allocation of public resources with bountiful returns; and

**WHEREAS**, the U.S. House of Representatives has designated July as Parks and Recreation Month.

**NOW THEREFORE**, be it resolved that I, David Hill, Mayor of Waxahachie, along with the entire City Council do hereby proclaim the month of July as

## ***“PARKS AND RECREATION MONTH”***

in the City of Waxahachie.

Proclaimed this 5<sup>th</sup> day of July 2022.

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MAYOR

ATTEST:

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CITY SECRETARY

# Planning & Zoning Department

## Zoning Staff Report

Case: ZDC-45-2022



**MEETING DATE(S)**

*Planning & Zoning Commission:* June 14, 2022

*City Council:* July 5, 2022 *Continued from June 20, 2022*

**CAPTION**

**Public Hearing** on a request by Chris Reeves, Quickway Signs, for a **Specific Use Permit (SUP)** for an **Electronic Message Sign** use within a Planned Development – Commercial (PD-C) zoning district located at 2374 W US Hwy 287 BYP (Property ID 219310) - Owner: COWBOY BAPTIST CHURCH OF MIDLOTHIAN (ZDC-45-2022)

**ACTION SINCE INITIAL STAFF REPORT**

On May 24, 2022, at the request of the applicant, the Planning & Zoning Commission voted 5-0 to continue case no. ZDC-45-2022, from the May 24, 2022 Planning & Zoning Commission meeting agenda and the June 6, 2022 City Council meeting agenda to the June 14, 2022 Planning & Zoning Commission meeting agenda and the June 20, 2022 City Council meeting agenda.

At the Planning & Zoning Commission meeting, held June 14, 2022, the Commission voted 5-0 to recommend approval of ZDC-45-2022, per the following comments:

1. The Electronic Message Board shall not exceed 15 feet in height.
2. The base of the existing sign shall be converted to be consistent with the requirements of monument signs in the City of Waxahachie Zoning Ordinance.
3. The sign shall not be illuminated between the hours of 10pm – 6am.
4. The electronic message sign shall only provide information regarding the church and church events.
5. The electronic message sign shall not exceed a brightness level of 0.3 foot candles above ambient light. The sign shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light.
6. The sign shall not have flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts.
7. If the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
8. City Council shall have the right to review the Specific Use Permit at any point, if needed.

On June 15, 2022 the applicant requested to continue the case from the June 20, City Council meeting agenda to the July 5, 2022, City Council meeting agenda. The applicant requested this continuance in order to have time to confirm the exact location of the sign in relation to existing easements and utility lines.

**APPLICANT REQUEST**

The applicant is requesting to add a 72 square foot (6 ft. x 12 ft.) electronic message sign to an existing pole sign for the Cowboy Baptist Church located at 2374 W US Highway 287 Bypass.

**CASE INFORMATION**

*Applicant:* Chris Reeves, Quickway Signs

*Property Owner(s):* Cowboy Baptist Church of Midlothian

*Site Acreage:* 17.64 acres

*Current Zoning:* Planned Development-Commercial (PD-C)

*Requested Zoning:* Planned Development-Commercial (PD-C) with a Specific Use Permit (SUP) for an Electronic Message Sign

**SUBJECT PROPERTY**

*General Location:* 2374 W US Highway 287 Bypass

*Parcel ID Number(s):* 219310

*Existing Use:* The Cowboy Church of Ellis County

*Development History:* The subject property is currently platted as part of Lot 2R of the Ellis County Youth Expo Subdivision. The subject property was rezoned with Ord. 2985 in 2017 from C to PD-C to allow for the continued use of the Ellis County Youth Expo and Cowboy Church of Ellis County.

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	SF-1	Undeveloped
East	PD-C	Ellis County Youth Expo
South	N/A	Hwy 287 Bypass
West	PD-MUR	Undeveloped (Montclair Heights)

*Future Land Use Plan:* Highway Commercial

*Comprehensive Plan:* 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 from the US Highway 287 Bypass access road.

**Site Image:**



**PLANNING ANALYSIS**

The applicant is proposing to install a 72 square foot (6 ft. x 12 ft.) electronic message sign to an existing pole sign for the Cowboy Baptist Church located at 2374 W US Highway 287 Bypass. Since the May 24<sup>th</sup> Planning & Zoning Commission, the applicant has provided a revised proposal that incorporates a 4' by 2.5' austin stone pole cover around the existing pole.

The purpose of the LED Message board is to advertise for the Cowboy Church of Ellis County. The applicant has stated that the proposed sign would contain a combination of static and moving images and text. The applicant has also stated that the sign will be used to convey information about upcoming events at the church and church Arena. Examples of the items to be advertised with the sign include Youth Rodeo Group Events (Buck out Thursdays), Funerals, Dinners, Weddings, Holiday Events, etc.

Following the June 14<sup>th</sup> Planning & Zoning Commission meeting, the applicant provided additional documentation on the exact location of the existing pole sign in relation to existing utility easements and utility infrastructure on the site. The applicant confirmed that the existing sign is currently situated approximately 22' from the property line and inside a 30' utility easement. An existing wastewater line is located approximately 3' to the south of the sign and an existing Sardis-Lone Elm water line is located approximately 4' north of the sign.

The applicant has acknowledged P&Z's recommendation to convert the base of the existing pole sign to a monument base. However, the applicant is proposing to only provide a 4' by 2.5' austin stone pole cover around the existing pole, as per the Sign Rendering. Due to the signs proximity to existing utility lines in the area, staff is supportive of this request.

\*Note: Converting the existing sign to a monument would cause the base of the sign to extend on top of existing utility lines. Placing any sort of structure directly on top of existing utility lines is not permitted by our Utilities Department; so this option would not be supported by staff.

**Table 2: Electronic Message Sign Regulation Chart**

*\*Items highlighted in bold are not consistent with the City of Waxahachie Zoning Ordinance*

<b>Electronic Messaging Sign (City of Waxahachie)</b>	<b>Cowboy Church of Ellis County</b>
Signage shall not be located within the public right-of-way.	The sign is not located in the public ROW
Electronic Message Signs shall be restricted to the form of monument signs. Per Section 5.08 of the Waxahachie Zoning Ordinance, Monuments signs shall have a low profile and must be made of stone, concrete, brick or other similar materials. A monument sign shall be solid from the ground up and all pole(s) or supports shall be concealed.	<b>The proposed electronic message sign will be part of an existing pole sign.</b>
Changeable message copy signs may not be used to display commercial messages relating to products or services that are not offered on the premises.	The electronic messaging sign will only provide information regarding the church and church events.
Such signs shall not exceed a brightness level of 0.3 foot candles above ambient light. In all zoning districts such signs shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light.	The applicant has stated that the sign will be programmed to use an automatic sensor that reduces the brightness of the sign at night.
Signs shall have no flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts	The proposed sign will have moving text; but will not have flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts.
Any electronic message signs that are illuminated by artificial light or projects an electronic message through a changeable copy sign that is within 400 feet of a residence, park, playground, or scenic area as designated by a governmental agency having such authority shall not be lighted between the hours of 10:00 p.m. and 6:00 a.m.	The sign shall not be illuminated between the hours of 10pm – 6am.
A maximum of seventy (70) percent of the sign face may be devoted to changeable sign copy.	Approximately 45% of the sign face will be used as a changeable sign copy (electronic message board).

**Table 3: Pole Sign Regulation Chart**

*\*Items highlighted in bold are not consistent with the City of Waxahachie Zoning Ordinance*

<b>Pole Signs (City of Waxahachie)</b>	<b>Cowboy Church of Ellis County</b>
Max. Size= 200 sq. ft.	Proposed Size = approximately 158 SF (72.00 SF LED Message Board; 86 SF existing sign)
Max. Height= 75 ft.	Approximate Existing Height= 27 ft. tall
All signs greater than twenty-five (25) feet in height shall be set back a minimum distance of twenty-five (25) feet, plus one (1) foot for each foot the sign exceeds twenty-five (25) feet, from all property lines. Minimum Setback = 36 feet.	<b>The existing sign is setback approximately 22 ft. from public ROW.</b>

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 6 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.

**STAFF CONCERNS****Proximity to Residential Uses**

Staff previously held concerns regarding the proximity of the proposed sign to future residential uses. However, the applicant has reduced the proposed height of the electronic message board component of the sign from 18.5' to 15' in order to address staff concerns. Due to the reduced height of the proposed sign, staff no longer has significant concern about the proximity of the proposed sign to future residences.

During the May 24, 2022 Planning & Zoning Commission meeting, the applicant referred to previously approved electronic message signs for Ellis County Family Dentistry at 110 Park Place Boulevard (Ord. 2915) and the RVG Plaza Arredondo sign at 1332 US Hwy 287 Bypass (Ord. 2745). These signs are located in excess of 700 feet from the nearest single family residence. The maximum height of the electronic message board component for each of these signs is approximately 15 feet; which is consistent with the maximum height of the proposed sign.

**APPLICANT RESPONSE TO CONCERNS****Pole Sign**

The applicant has stated their desire to place the proposed electronic message board on the existing pole sign in order for the sign to be visible from Highway 287.

**Proximity to Residential Uses**

The applicant has noted that the sign will be equipped with an automatic sensor that reduces the brightness of the sign at night.

**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:

- ☒ **Approval, per the following conditions:**
  1. The sign shall not be illuminated between the hours of 10pm – 6am.
  2. The sign shall be updated to include a 4' x 2.5' austin stone pole sleeve extending to the base of the electronic message board, as shown on the attached sign rendering.
  3. The electronic message sign shall only provide information regarding the church and church events.
  4. The electronic message sign shall not exceed a brightness level of 0.3 foot candles above ambient light. The sign shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light.
  5. The sign shall not have flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts.
  6. If the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
  7. City Council shall have the right to review the Specific Use Permit at any point, if needed.

**ATTACHED EXHIBITS**

1. SUP Ordinance
2. Exhibit A – Location Map
3. Exhibit B - Site Layout Plan
4. Exhibit C - Sign Rendering
5. Exhibit D - Staff Report

**APPLICANT REQUIREMENTS**

1. If approved by City Council, applicant can apply for a sign permit from the Building and Community Services Department.

**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)

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

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ELECTRONIC MESSAGE SIGN USE WITHIN A PLANNED DEVELOPMENT-COMMERCIAL (PD-C) ZONING DISTRICT, LOCATED 2374 W US HIGHWAY 287 BYPASS, BEING PROPERTY ID 219310, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 2R, OF THE ELLIS COUNTY YOUTH EXPO SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, the described property is classified in said ordinance and any amendments thereto as PD-C; and

**WHEREAS**, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-45-2022. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

**NOW, THEREFORE**, this property is rezoned from PD-C to PD-C, with an SUP in order to permit an Electronic Message Sign use on the following property: Lot 2R, of the Ellis County Youth Expo subdivision, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B, Sign Rendering attached as Exhibit C, and Staff Report attached as Exhibit D.

**SPECIFIC USE PERMIT**

**Purpose and Intent**

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

Specific Use Permit

FOR OPERATION OF A **SPECIFIC USE PERMIT FOR AN ELECTRONIC MESSAGE SIGN USE IN THE PLANNED DEVELOPMENT-COMMERCIAL (PD-C) DISTRICT**; the following standards and conditions are hereby established as part of this ordinance:

1. The Site Layout Plan shall conform as approved by the City Council under case number ZDC-45-2022.
2. The sign shall conform to the Sign Rendering as approved by the City Council under case number ZDC-45-2022.
3. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
4. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit, Exhibit B – Site Layout Plan, and Exhibit C – Sign Rendering.
5. The sign shall be updated to include a 4' x 2.5' austin stone pole sleeve extending to the base of the electronic message board, as shown on the attached sign rendering.
6. The maximum height for the electronic message board shall not exceed 15 feet.
7. The maximum square footage for the electronic message board shall not exceed 72 square feet.
8. The sign shall not be illuminated between the hours of 10pm – 6am.
9. The electronic message sign shall only provide information regarding the church and church events.
10. The electronic message sign shall not exceed a brightness level of 0.3 foot candles above ambient light. The sign shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light.
11. The sign shall not have flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts.
12. If the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
13. City Council shall have the right to review the Specific Use Permit at any point, if needed.

Compliance

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

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

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

**PASSED, APPROVED AND ADOPTED** on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
MAYOR

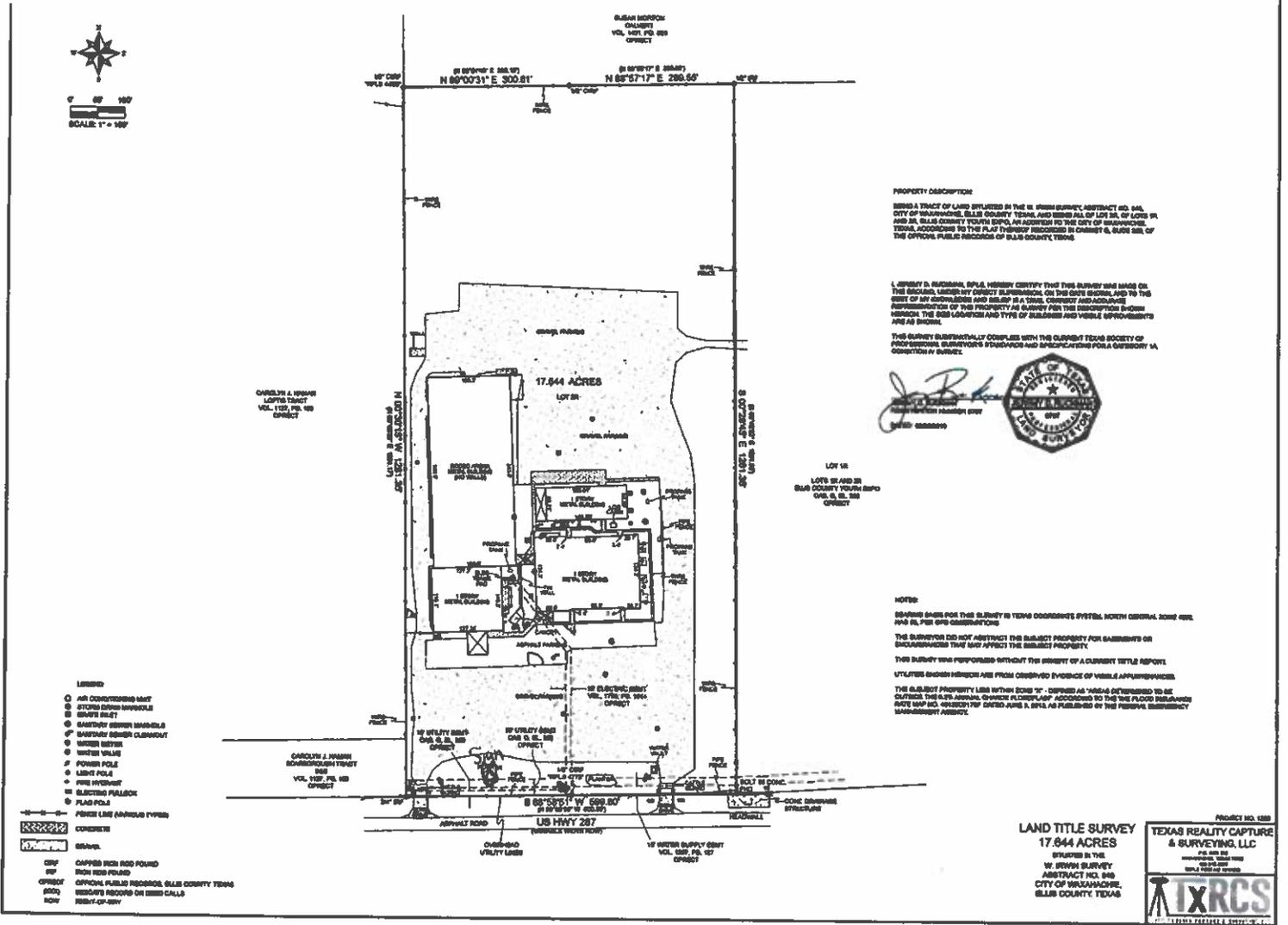
ATTEST:

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

### Exhibit A - Location Map



# Exhibit B - Site Layout Plan



**CUSTOMER INFO**

Contact: Cris Maddox  
Company: Cowboy Church  
Phone #: 214-455-5023  
Email: MaddoxHorses@Gmail.com

**Date: June 29th, 2022**



**JOB DESCRIPTION**

Existing Sign,  
Adding LED  
Message Board  
12ft x 6ft

Due Date : N/A

**PRICE**

.



**Front / Rear**

**Front / Rear**

**PLEASE PROOF READ CAREFULLY.**

AFTER APPROVAL, QUICKWAY SIGNS WILL NOT BE FINANCIALLY RESPONSIBLE FOR ERRORS ON PROOF.

# Exhibit D - Staff Report

## Planning & Zoning Department Zoning Staff Report

Case: ZDC-45-2022



**MEETING DATE(S)**

*Planning & Zoning Commission:* June 14, 2022

*City Council:* July 5, 2022 Continued from June 20, 2022

**CAPTION**

**Public Hearing** on a request by Chris Reeves, Quickway Signs, for a **Specific Use Permit (SUP)** for an **Electronic Message Sign** use within a Planned Development – Commercial (PD-C) zoning district located at 2374 W US Hwy 287 BYP (Property ID 219310) - Owner: COWBOY BAPTIST CHURCH OF MIDLOTHIAN (ZDC-45-2022)

**ACTION SINCE INITIAL STAFF REPORT**

On May 24, 2022, at the request of the applicant, the Planning & Zoning Commission voted 5-0 to continue case no. ZDC-45-2022, from the May 24, 2022 Planning & Zoning Commission meeting agenda and the June 6, 2022 City Council meeting agenda to the June 14, 2022 Planning & Zoning Commission meeting agenda and the June 20, 2022 City Council meeting agenda.

At the Planning & Zoning Commission meeting, held June 14, 2022, the Commission voted 5-0 to recommend approval of ZDC-45-2022, per the following comments:

1. The Electronic Message Board shall not exceed 15 feet in height.
2. The base of the existing sign shall be converted to be consistent with the requirements of monument signs in the City of Waxahachie Zoning Ordinance.
3. The sign shall not be illuminated between the hours of 10pm – 6am.
4. The electronic message sign shall only provide information regarding the church and church events.
5. The electronic message sign shall not exceed a brightness level of 0.3 foot candles above ambient light. The sign shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light.
6. The sign shall not have flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts.
7. If the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
8. City Council shall have the right to review the Specific Use Permit at any point, if needed.

On June 15, 2022 the applicant requested to continue the case from the June 20, City Council meeting agenda to the July 5, 2022, City Council meeting agenda. The applicant requested this continuance in order to have time to confirm the exact location of the sign in relation to existing easements and utility lines.

**APPLICANT REQUEST**

The applicant is requesting to add a 72 square foot (6 ft. x 12 ft.) electronic message sign to an existing pole sign for the Cowboy Baptist Church located at 2374 W US Highway 287 Bypass.

# Exhibit D - Staff Report

## CASE INFORMATION

*Applicant:* Chris Reeves, Quickway Signs

*Property Owner(s):* Cowboy Baptist Church of Midlothian

*Site Acreage:* 17.64 acres

*Current Zoning:* Planned Development-Commercial (PD-C)

*Requested Zoning:* Planned Development-Commercial (PD-C) with a Specific Use Permit (SUP) for an Electronic Message Sign

## SUBJECT PROPERTY

*General Location:* 2374 W US Highway 287 Bypass

*Parcel ID Number(s):* 219310

*Existing Use:* The Cowboy Church of Ellis County

*Development History:* The subject property is currently platted as part of Lot 2R of the Ellis County Youth Expo Subdivision. The subject property was rezoned with Ord. 2985 in 2017 from C to PD-C to allow for the continued use of the Ellis County Youth Expo and Cowboy Church of Ellis County.

### *Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	SF-1	Undeveloped
East	PD-C	Ellis County Youth Expo
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West	PD-MUR	Undeveloped (Montclair Heights)

*Future Land Use Plan:* Highway Commercial

*Comprehensive Plan:* 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.

# Exhibit D - Staff Report

*Thoroughfare Plan:*

The subject property is accessible from the US Highway 287 Bypass access road.

*Site Image:*



### **PLANNING ANALYSIS**

The applicant is proposing to install a 72 square foot (6 ft. x 12 ft.) electronic message sign to an existing pole sign for the Cowboy Baptist Church located at 2374 W US Highway 287 Bypass. Since the May 24<sup>th</sup> Planning & Zoning Commission, the applicant has provided a revised proposal that incorporates a 4' by 2.5' austin stone pole cover around the existing pole.

The purpose of the LED Message board is to advertise for the Cowboy Church of Ellis County. The applicant has stated that the proposed sign would contain a combination of static and moving images and text. The applicant has also stated that the sign will be used to convey information about upcoming events at the church and church Arena. Examples of the items to be advertised with the sign include Youth Rodeo Group Events (Buck out Thursdays), Funerals, Dinners, Weddings, Holiday Events, etc.

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The applicant has acknowledged P&Z's recommendation to convert the base of the existing pole sign to a monument base. However, the applicant is proposing to only provide a 4' by 2.5' austin stone pole cover around the existing pole, as per the Sign Rendering. Due to the signs proximity to existing utility lines in the area, staff is supportive of this request.

**\*Note:** Converting the existing sign to a monument would cause the base of the sign to extend on top of existing utility lines. Placing any sort of structure directly on top of existing utility lines is not permitted by our Utilities Department; so this option would not be supported by staff.

# Exhibit D - Staff Report

**Table 2: Electronic Message Sign Regulation Chart**

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Changeable message copy signs may not be used to display commercial messages relating to products or services that are not offered on the premises.	The electronic messaging sign will only provide information regarding the church and church events.
Such signs shall not exceed a brightness level of 0.3 foot candles above ambient light. In all zoning districts such signs shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light.	The applicant has stated that the sign will be programmed to use an automatic sensor that reduces the brightness of the sign at night.
Signs shall have no flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts	The proposed sign will have moving text; but will not have flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts.
Any electronic message signs that are illuminated by artificial light or projects an electronic message through a changeable copy sign that is within 400 feet of a residence, park, playground, or scenic area as designated by a governmental agency having such authority shall not be lighted between the hours of 10:00 p.m. and 6:00 a.m.	The sign shall not be illuminated between the hours of 10pm – 6am.
A maximum of seventy (70) percent of the sign face may be devoted to changeable sign copy.	Approximately 45% of the sign face will be used as a changeable sign copy (electronic message board).

**Table 3: Pole Sign Regulation Chart**

*\*Items highlighted in bold are not consistent with the City of Waxahachie Zoning Ordinance*

Pole Signs (City of Waxahachie)	Cowboy Church of Ellis County
Max. Size= 200 sq. ft.	Proposed Size = approximately 158 SF (72.00 SF LED Message Board; 86 SF existing sign)
Max. Height= 75 ft.	Approximate Existing Height= 27 ft. tall
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# Exhibit D - Staff Report

## PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 6 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.

## STAFF CONCERNS

### Proximity to Residential Uses

Staff previously held concerns regarding the proximity of the proposed sign to future residential uses. However, the applicant has reduced the proposed height of the electronic message board component of the sign from 18.5' to 15' in order to address staff concerns. Due to the reduced height of the proposed sign, staff no longer has significant concern about the proximity of the proposed sign to future residences.

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## APPLICANT RESPONSE TO CONCERNS

### Pole Sign

The applicant has stated their desire to place the proposed electronic message board on the existing pole sign in order for the sign to be visible from Highway 287.

### Proximity to Residential Uses

The applicant has noted that the sign will be equipped with an automatic sensor that reduces the brightness of the sign at night.

## 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:

- Approval**, per the following conditions:
  1. The sign shall not be illuminated between the hours of 10pm – 6am.
  2. The sign shall be updated to include a 4' x 2.5' austin stone pole sleeve extending to the base of the electronic message board, as shown on the attached sign rendering.
  3. The electronic message sign shall only provide information regarding the church and church events.
  4. The electronic message sign shall not exceed a brightness level of 0.3 foot candles above ambient light. The sign shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light.
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  6. If the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
  7. City Council shall have the right to review the Specific Use Permit at any point, if needed.

# Exhibit D - Staff Report

## ATTACHED EXHIBITS

1. SUP Ordinance
2. Exhibit A – Location Map
3. Exhibit B - Site Layout Plan
4. Exhibit C - Sign Rendering
5. Exhibit D - Staff Report

## APPLICANT REQUIREMENTS

1. If approved by City Council, applicant can apply for a sign permit from the Building and Community Services Department.

## 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)

# Planning & Zoning Department Plat Staff Report

**Case: SUB-28-2022**



**MEETING DATE(S)**

*Planning & Zoning Commission:* June 28, 2022 – Continued from May 24, 2022

*City Council:* July 5, 2022 - Continued from June 6, 2022

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held June 28, 2022, the Commission voted 5-0 to recommend approval of the case number SUB-28-2022, as recommended by Staff.

**CAPTION**

**Public Hearing** on a request by Chad Adams, Oak Hull Investments, for a **Replat** of Lots 8, 9, & 10, Block 11, University Annex Addition, to create Lots 8A-10B, Block 11, University Annex Addition, 6 Residential Lots, being 1.129 acres, located at 107 Olive St and 510 Cynisca St., (Property ID 176473, 176474, 176471, 17648 & 176385) – Owner: STONEDALE DEVELOPMENT LLC. (SUB-28-2022)

**APPLICANT REQUEST**

The purpose of this request is to revise property lines resulting in 6 Residential Lots.

**CASE INFORMATION**

<i>Applicant:</i>	Chad Adams
<i>Property Owner(s):</i>	Stonedale Development, LLC
<i>Site Acreage:</i>	1.129 acres
<i>Number of Lots:</i>	6 lots
<i>Number of Dwelling Units:</i>	6 units
<i>Park Land Dedication:</i>	N/A
<i>Adequate Public Facilities:</i>	Adequate public utilities are provided to the property.

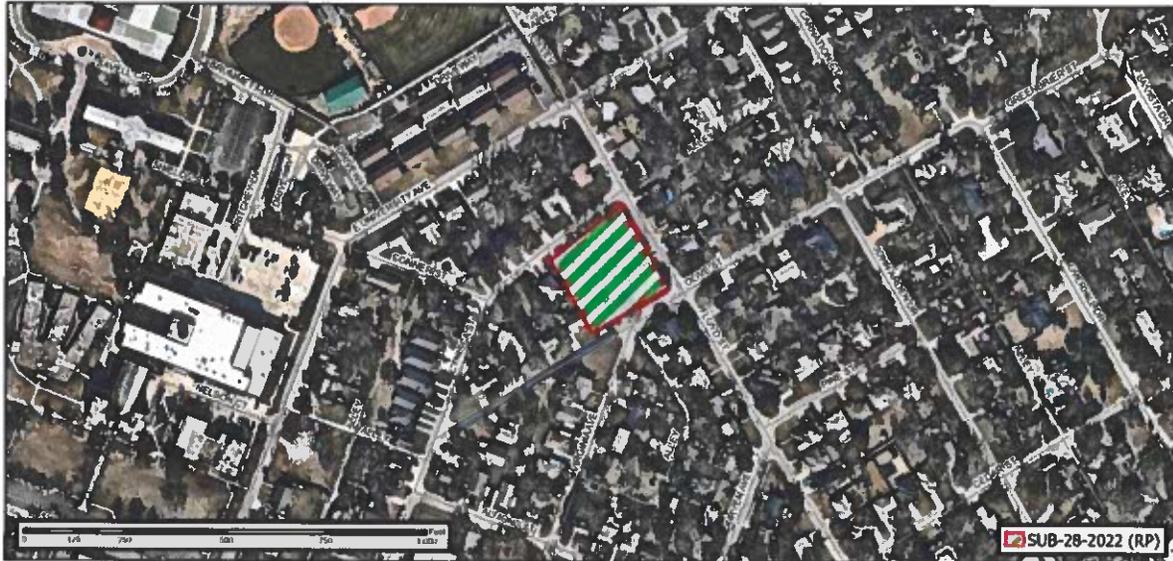
**SUBJECT PROPERTY**

<i>General Location:</i>	510 Cynisca St and 107 Olive St
<i>Parcel ID Number(s):</i>	176474 & 176473
<i>Current Zoning:</i>	2F – Two-Family Residential (Duplex)
<i>Existing Use:</i>	The existing use is residential

*Platting History:*

University Annex Addition – Lots 8, 9, & 10

*Site Aerial:*



#### **PLATTING ANALYSIS**

The applicant is proposing to replat the subject properties into six (6) lots for residential use. All City of Waxahachie lot size and dimension requirements have been met. The subject property is located within the Infill Overlay District and meets or exceeds all requirements of the Infill Ordinance.

#### **VARIANCE REQUEST – PETITION FOR RELIEF WAIVER**

##### **Request:**

As part of the platting process, the applicant is required to provide a 15' Utility, Water and Wastewater Easement along all right-of-way frontage. The applicant has made a Petition for Relief Waiver request for the 15' Utility, Water and Wastewater Easement. As part of the Petition for Relief Waiver, the applicant is seeking a variance to allow for a reduced utility easement of 8' along the Cynisca Street and Floyd Street frontage, with the standard 15' utility easement along Olive Street.

The applicant's is requesting this variance due to existing structures encroaching into the 15' Utility, Water and Wastewater Easement requirement.

##### **Staff's Response:**

Per section 3.1 of the Subdivision ordinance, the property owner shall provide a minimum 15' utility easement for gas, electric, and other utilities approved by the City. Existing structures on Cynisca and Floyd will encroach into the required easement. No City utilities are affected by the variance request, and the applicant has provided Utility Franchise letters in support of the request. Staff has no objections to the variance request.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 39 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.

As of the date of this staff report, staff has received 1 letter of support.

**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**

Identify the exhibits that will be included as agenda backup material.

1. Plat
2. PON Responses

**APPLICANT REQUIREMENTS**

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

**CITY REQUIREMENTS FOR PLAT RECORDING AND FILING**

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

1. All utilities, infrastructure, and other required improvements have been installed and a letter of acceptance associated with the utilities and infrastructure installation has been received from the Public Works Department;
2. A drainage study has been conducted and/or a traffic impact analysis has been conducted as required by the City's Subdivision ordinance.

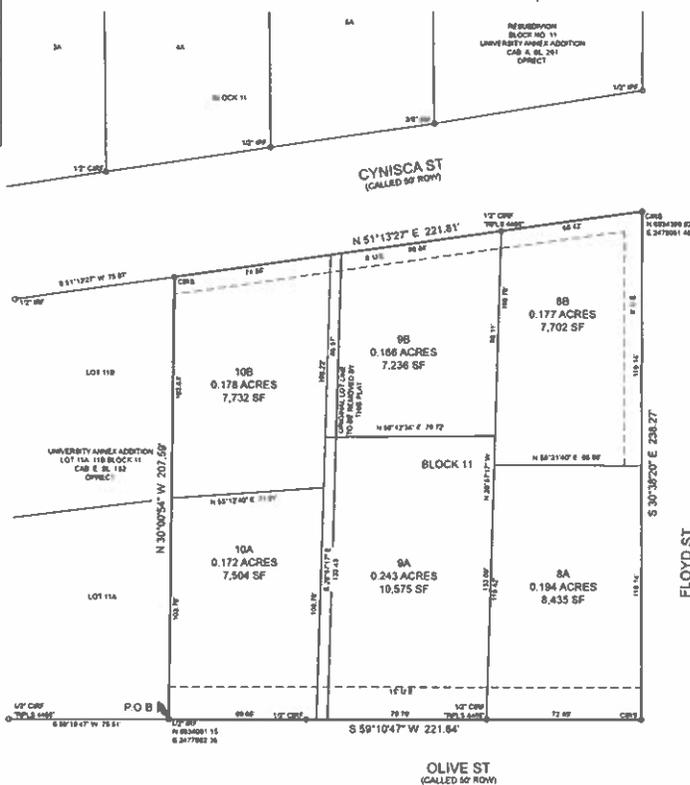
**STAFF CONTACT INFORMATION**

*Prepared by:*  
 Ashlie Jones  
 Senior Planner  
[ashlie.jones@waxahachie.com](mailto:ashlie.jones@waxahachie.com)

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



VICINITY MAP  
NOT TO SCALE



LEGEND

CBS - 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TICOR'S" SET  
PND - FOUND  
RF - IRON ROD FOUND  
CORRECT - OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS  
PRECT - PLAT RECORDS ELLIS COUNTY TEXAS

NOTES

BEARING BASE FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM NORTH CENTRAL ZONE 4392 HAD AS PER GPS OBSERVATIONS

ALL OF THE SUBJECT PROPERTY LIES WITHIN ZONE "C" - DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 45100C0199C DATED JUNE 1, 2015 AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY

OWNERS  
CHAD ADAMS  
180 TROPHY COURT WEST  
MCKOTHAU, TX 78066  
214 308 2099

OWNERS  
STONEDALE DEVELOPMENT LLC  
204 SICKON ROAD  
WAXAHACHE, TX 75165  
214 308 2088

SURVEYOR  
TEXAS REALTY CAPTURE &  
SURVEYING, LLC  
P.O. BOX 252  
WAXAHACHE, TEXAS 75166  
409 518 8266  
TBPLS FRM NO 10194350

REPLAT  
LOTS 8A-10B  
BLOCK 11  
UNIVERSITY ANNEX  
ADDITION  
BEING A REPLAT OF  
LOTS 8, 9 & 10  
UNIVERSITY ANNEX ADDITION  
VOLUME 404, PAGE 435,  
OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS  
CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS  
1.129 ACRES  
6 RESIDENTIAL LOTS  
LINED 3'  
CASE NO SUB 28-2022

(9+10)

STATE OF TEXAS  
COUNTY OF ELLIS

KNOW ALL MEN BY THESE PRESENTS

WHEREAS CHAD ADAMS AND STONEDALE DEVELOPMENT LLC ARE THE SOLE OWNERS OF A TRACT OF LAND SHOWN IN THE W.M. BARBER SURVEY ABSTRACT NO. 144 CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS AND BEING ALL OF LOTS 8, 9, 10, BLOCK 11, UNIVERSITY ANNEX ADDITION, RECORDED IN VOLUME 404, PAGE 435 OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (HEREIN "TRACT") AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO CHAD ADAMS, RECORDED IN INSTRUMENT NO. 214746 OBJECT AND BEING ALL THAT TRACT OF LAND DESCRIBED IN DEED TO STONEDALE DEVELOPMENT LLC, RECORDED IN INSTRUMENT NO. 214747 OBJECT AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING AND AT A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 10 AND THE SOUTHWEST CORNER OF LOT 11, BLOCK 11, UNIVERSITY ANNEX ADDITION, RECORDED IN INSTRUMENT NO. 214746 OBJECT AND IN THE NORTH RIGHT-OF-WAY ROW LINE OF CLIVE STREET AS CALLED BE BEING FROM WHICH A 1/2" IRON ROD WITH CAP STAMPED "9PLS 8466" FOUND BEING 9' 9" 1/2" IN A DISTANCE OF 75.81 FEET.

THENCE N 88°39'41" W ALONG THE WEST LINE OF SAID LOT 10 AND THE COMMON EAST LINE OF SAID LOT 11 AND THE COMMON EAST LINE OF LOT 12, BLOCK 11, UNIVERSITY ANNEX ADDITION A DISTANCE OF 301.88 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TORS 1" FOUND FOR THE NORTHWEST CORNER OF SAID LOT 10 AND THE COMMON NORTHEAST CORNER OF SAID LOT 11 AND IN THE SOUTH ROW LINE OF CYNBACA STREET AS CALLED BY FROM WHICH A 1/2" IRON ROD FOUND, BEARS S 51°12'27" W A DISTANCE OF 75.47 FEET.

THENCE N 51°12'27" E ALONG THE NORTH LINE OF SAID LOT 10 AND SAID LOT 8 PASSING AT A DISTANCE OF 188.39 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "TORS 2" FOUND FOR THE NORTHEAST CORNER OF SAID LOT 8 AND THE COMMON NORTHEAST CORNER OF SAID LOT 9 CONTINUING ALONG LOT 8 A TOTAL DISTANCE OF 221.61 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TORS 3" FOUND FOR THE NORTHEAST CORNER OF SAID LOT 9 AND THE INTERSECTION OF THE SOUTH ROW LINE OF SAID CYNBACA STREET AND THE WEST ROW LINE OF FLOYD STREET AS CALLED 50 ROW.

THENCE S 29°39'37" E ALONG THE EAST LINE OF SAID LOT 9 AND THE COMMON WEST ROW LINE OF SAID FLOYD STREET A DISTANCE OF 288.22 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TORS 4" FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 9. FOR THE INTERSECTION OF THE WEST ROW LINE OF SAID FLOYD STREET AND THE COMMON NORTH ROW LINE OF SAID CLIVE STREET.

THENCE S 8°19'47" W ALONG THE SOUTH LINE OF SAID LOT 8 PASSING AT A DISTANCE OF 73.45 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "9PLS 8467" FOUND FOR THE SOUTHWEST CORNER OF SAID LOT 8 AND THE COMMON SOUTHWEST CORNER OF SAID LOT 9 CONTINUING ALONG THE SOUTH LINES OF SAID LOT 8 AND SAID LOT 9 A TOTAL DISTANCE OF 221.84 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.129 ACRES OF LAND MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS

THAT CHAD ADAMS AND STONEDALE DEVELOPMENT LLC DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS LOTS 8A-10B, BLOCK 11, UNIVERSITY ANNEX ADDITION, AN ADDITION TO THE CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS, AND DOES HEREBY DESIGNATE, IN FEE SIMPLE, TO THE CITY OF WAXAHACHE, TEXAS FOR THE PUBLIC USE PURPOSES, THE STREETS AND ALLEYS SHOWN THEREON. THE STREETS AND ALLEYS ARE DESIGNATED FOR STREET PURPOSES. THE EASEMENTS AND PUBLIC USE AREAS AS SHOWN ARE DESIGNATED FOR THE PUBLIC USE PURPOSES. THE EASEMENTS OR RIGHTS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS IF APPROVED BY THE CITY OF WAXAHACHE. IN ADDITION UTILITY EASEMENTS MAY ALSO BE PLACED FOR THE PUBLIC USE AND ACCORDANCE WITH ALL PUBLIC UTILITIES IS TO BE OBSERVED OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE. TO PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC USE CITY OF WAXAHACHE USE. THROUGH THE CITY OF WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND REPAIR OR REMOVE 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 IN SAID EASEMENTS. THE CITY OF WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF POSSESSION AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTIONS, PATROLS, MAINTENANCE, READING METERS AND ADJUNCT TO OR REMOVAL ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY OF ANY FURTHER PERMISSION FROM ANYONE.

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

WITNESSE, MY HAND, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

CHAD ADAMS  
ASSIGNED AGENT

STONEDALE DEVELOPMENT LLC

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 CHAD ADAMS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE HAS 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

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 CHAD ADAMS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE HAS 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

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

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

THOMPY L. JACKSON  
REGISTRATION NUMBER 36442

APPROVED BY PLANNING AND ZONING COMMISSION CITY OF WAXAHACHE

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

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

APPROVED BY CITY COUNCIL, CITY OF WAXAHACHE

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

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

OWNERS  
CHAD ADAMS  
1300 THOMPSON COURT WEST  
MIDLAND, TX 79705  
214 308 2099

OWNERS  
STONEDALE DEVELOPMENT LLC  
204 SOLON ROAD  
WAXAHACHE, TX 75185  
214 308 2099

SURVEYOR  
TEXAS REALTY CAPTURE &  
SURVEYING, LLC  
P.O. BOX 232  
WAXAHACHE, TEXAS 75169  
468 518 0238  
TBPLS FORM NO 10194360

REPLAT  
LOTS 8A-10B  
BLOCK 11  
UNIVERSITY ANNEX  
ADDITION  
BEING A REPLAT OF  
LOTS 8, 9 & 10  
UNIVERSITY ANNEX ADDITION  
VOLUME 404, PAGE 435.  
OFFICIAL PUBLIC RECORDS, ELLIS COUNTY TEXAS  
OF CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS  
1.129 ACRES  
6 RESIDENTIAL LOTS  
ZONED ZF  
CASE NO. 018-28-2022

(9+10)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **SUB-28-2022**

**VIEN LADD**  
**1015 FERRIS AVE**  
**WAXAHACHIE, TX 75165**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 24, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 6, 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:

Request by Chad Adams, Oak Hull Investments, for a **Replat** of Lots 8, 9, & 10, Block 11, University Annex Addition, to create Lots 8A-10B, Block 11, University Annex Addition, 6 Residential Lots, being 1.129 acres, located at 107 Olive St and 510 Cynisca St., (Property ID 176473, 176474, 176471, 17648 & 176385) – Owner: STONEDALE DEVELOPMENT LLC (SUB-28-2022)

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

Case Number: **SUB-28-2022**

City Reference: 176467

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **May 17, 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:

*Vien Ladd*  
Signature

*5/10/2022*  
Date

*owner*  
Printed Name and Title

*Any one*  
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.*

**Planning & Zoning Department  
Plat Staff Report**

**Case: SUB-60-2022**



**MEETING DATE(S)**

*Planning & Zoning Commission:* June 28, 2022

*City Council:* July 5, 2022

**CAPTION**

**Public Hearing** on a request by Brad Yates, Loren Gray Investments LLC, for a **Replat** of Lots 18 and 19, Block 180, of the Oak Lawn Addition, to create Lot 18R, Block 180, of the Oak Lawn Addition, 1 Residential Lot, being 0.1036 acres, located at 319 Henry Street, (Property ID 175110) – Owner: LOREN GRAY INVESTMENTS LLC (SUB-60-2022)

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held June 28, 2022, the Commission vote 5-0 to recommend approval of SUB-60-2022, and its associated variance requests, per the conditions noted by staff.

**APPLICANT REQUEST**

The applicant is requesting to replat the subject property into one (1) lot for single family residential use. The applicant is also requesting a Petition of Relief Waiver for a right-of-way (ROW) and utility easement dedication along Henry Street.

**CASE INFORMATION**

<i>Applicant:</i>	Brad Yates, Loren Gray Investments LLC
<i>Property Owner(s):</i>	Brad Yates, Loren Gray Investments LLC
<i>Site Acreage:</i>	0.1036 acres
<i>Number of Lots:</i>	1 lot
<i>Number of Dwelling Units:</i>	1 unit
<i>Park Land Dedication:</i>	N/A
<i>Adequate Public Facilities:</i>	Adequate public facilities are available to the site.

**SUBJECT PROPERTY**

<i>General Location:</i>	319 Henry Street
<i>Parcel ID Number(s):</i>	175110
<i>Current Zoning:</i>	Single Family-3 (SF-3)
<i>Existing Use:</i>	The subject property is currently undeveloped.

**Platting History:**

The subject property was originally platted as Lot 18 & 19, Block 180 of the Oak Lawn Addition.

**Site Aerial:**



**PLATTING ANALYSIS**

The applicant is requesting to replat the subject property into one (1) lot for single family residential use. The property is located within the City's Infill Overlay District. The proposed lot is slightly larger; but consistent in size with the neighboring lots on Henry Street. The applicant is proposing a 10ft. Utility and Sidewalk Easement along Henry Street. No right-of-way (ROW) dedication is proposed with the replat.

**PETITION OF RELIEF WAIVERS**

Variance for Right-of-Way Dedication

The applicant has requested a Petition of Relief Waiver for the right-of-way (ROW) dedication requirement along Henry Street for this property. The required ROW dedication is an additional 15ft. of the applicant's property; which would result in a total of 27ft. of ROW from the centerline of Henry Street. A similar variance request for ROW dedication was approved in 2021 for case number SUB-109-2021 at 309 Henry Street. The applicants' Petition of Relief Waiver will allow the proposed property to develop in a manner consistent with the surrounding lots; none of which have dedicated additional ROW for Henry Street. Due to the lot remaining consistent with the surrounding properties and the provision of a sidewalk easement, staff is supportive of the variance request for ROW dedication.

Variance for Utility Easement Dedication

The applicant has requested a variance for the required 15ft. Utility Easement along Henry Street. The applicant is requesting to provide a 10ft. utility & sidewalk easement along Henry Street in order to preserve the development potential of the lot. It is important to note that the requirement to provide a 15ft. utility easement is a common requirement for all new plats and replats. Neighboring properties along Henry Street appear to be setback a minimum of 15 from the ROW. If the applicant provides letters from the existing franchise utilities on the property stating that a 10ft. easement is acceptable, staff will be supportive of a variance to reduce the required easement from 15ft. to 10ft.

**PROPERTY OWNER NOTIFICATION**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 33 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

**PROPERTY OWNER NOTIFICATION RESPONSES**

Staff received four (4) letters of support for the proposed replat.

- Note: The four (4) letters of support for the replat were submitted by the applicant.

**RECOMMENDATION**

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

- Denial
- Approval, per the following conditions:
  1. The applicant shall provide letters from the franchise utilities serving the subject property stating that a 10' easement is an acceptable alternative to the typical 15' utility easement.

**ATTACHED EXHIBITS**

1. Property Owner Notification Responses
2. 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 were 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)

(11+12)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: SUB-60-2022



LOREN GRAY INVESTMENTS LLC  
PO BOX 2868  
WAXAHACHIE, TX 75168

RECEIVED JUN 15 2022

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, June 28, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Tuesday, July 5, 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:

Request by Brad Yates, Loren Gray Investments LLC, for a **Replat** of Lots 18 and 19, Block 180, of the Oak Lawn Addition, to create Lot 18R, Block 180, of the Oak Lawn Addition, 1 Residential Lot, being 0.1036 acres, located at 319 Henry Street, (Property ID 175110) – Owner: LOREN GRAY INVESTMENTS LLC (SUB-60-2022)

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

Case Number: SUB-60-2022

City Reference: 175849

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **June 21, 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:

Signature

Brad Yates member  
Printed Name and Title

6/10/22  
Date

PO Box 2868  
Address

Waxahachie, TX 75168

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

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

(11+12)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: SUB-60-2022

RECEIVED JUN 15 2022

LOREN GRAY INVESTMENTS LLC  
PO BOX 2868  
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, June 28, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Tuesday, July 5, 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:

Request by Brad Yates, Loren Gray Investments LLC, for a **Replat** of Lots 18 and 19, Block 180, of the Oak Lawn Addition, to create Lot 18R, Block 180, of the Oak Lawn Addition, 1 Residential Lot, being 0.1036 acres, located at 319 Henry Street, (Property ID 175110) – Owner: LOREN GRAY INVESTMENTS LLC (SUB-60-2022)

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Case Number: SUB-60-2022

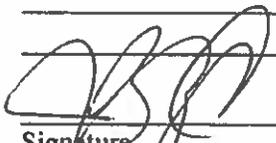
City Reference: 175110

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **June 21, 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:

  
\_\_\_\_\_  
Signature  
Brad Yates member  
\_\_\_\_\_  
Printed Name and Title

6/10/22  
\_\_\_\_\_  
Date  
PO Box 2868  
\_\_\_\_\_  
Address  
Waxahachie, Tx.  
75168

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

(11+12)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: SUB-60-2022

RECEIVED JUN 15 2022

LOREN GRAY INVESTMENTS LLC  
PO BOX 2868  
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, June 28, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Tuesday, July 5, 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: SUB-60-2022

City Reference: 175105

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **June 21, 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:

  
\_\_\_\_\_  
Signature

6/10/22  
\_\_\_\_\_  
Date

Brad Yates member  
\_\_\_\_\_  
Printed Name and Title

PO Box 2868  
\_\_\_\_\_  
Address  
Waxahachie, TX 75168

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

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

(11+12)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: SUB-60-2022



RECEIVED JUN 15 2022

LOREN GRAY INVESTMENTS LLC  
PO BOX 2868  
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, June 28, 2022 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Tuesday, July 5, 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:

Request by Brad Yates, Loren Gray Investments LLC, for a **Replat** of Lots 18 and 19, Block 180, of the Oak Lawn Addition, to create Lot 18R, Block 180, of the Oak Lawn Addition, 1 Residential Lot, being 0.1036 acres, located at 319 Henry Street, (Property ID 175110) – Owner: LOREN GRAY INVESTMENTS LLC (SUB-60-2022)

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

Case Number: SUB-60-2022

City Reference: 175116

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **June 21, 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:

\_\_\_\_\_  
\_\_\_\_\_  
Signature \_\_\_\_\_ Date 6/10/22

Brad Yates member  
Printed Name and Title \_\_\_\_\_ Address PO Box 2868  
Waxahachie, TX 75168

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

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



(11+12)

OWNER:  
Brad Yates  
Loran Gray Investments LLC  
972-938-3363

OWNERS CERTIFICATE

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:  
That, Loran Gray Investments LLC, acting herein by and through its duly authorized officers, does hereby adopt this plat designating the herein above described property as Oak Lawn Addition, Block 180, Lot 18R, an addition to the City of Waxahachie, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The Easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the Easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of 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 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 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, repairing, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity of any form procured permission from anyone.

NOTE:  
PROPERTY IS IN THE JURISDICTION OF THE CITY OF WAXAHACHIE, TEXAS AND IS SUBJECT TO THEIR PLATTING RULES AND REGULATIONS.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Waxahachie, Texas.  
WITNESS, my hand, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
Director of Loran Gray Investments LLC

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 Brad Yates, Director of Loran Gray Investments LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and 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 On \_\_\_\_\_

Surveyor's Certificate

NOW, ALL MEN BY THESE PRESENTS:  
That I, Stuart G. Hamilton, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Waxahachie.

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

Stuart G. Hamilton  
Registered Professional Land Surveyor  
Number 4482

THIS SURVEY IS  
VALID ONLY WITH  
ORIGINAL SIGNATURE  
IN RED INK

DRAINAGE NOTES:

- (1) BLOCKING THE FLOW OF WATER OR CONSTRUCTING IMPROVEMENTS IN THE DRAINAGE EASEMENTS, AND FILLING OR OBSTRUCTION OF THE FLOODWAY IS PROHIBITED.
- (2) THE EXISTING CREEKS OR DRAINAGE CHANNELS TRAVERSING ALONG OR ACROSS THE ADDITION WILL REMAIN AS OPEN CHANNELS AND WILL BE MAINTAINED BY THE INDIVIDUAL OWNERS OF THE LOT OR LOTS THAT ARE TRAVERSING BY OR ADJACENT TO THE DRAINAGE COURSES ALONG OR ACROSS SAID LOTS.
- (3) CITY OF WAXAHACHIE WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATIONS OF SAID DRAINAGEWAYS OR FOR THE CONTROL OF DRODGE.
- (4) CITY OF WAXAHACHIE WILL NOT BE RESPONSIBLE FOR ANY DAMAGE, PERSONAL INJURY OR LOSS OF LIFE OR PROPERTY OCCASIONED BY FLOODING OR FLOOD CONDITIONS.

STATE OF TEXAS  
COUNTY OF ELLIS:

APPROVED BY: Planning and Zoning Commission City of Waxahachie

By: \_\_\_\_\_ Date \_\_\_\_\_  
Chairperson

STATE OF TEXAS  
COUNTY OF ELLIS:

APPROVED BY: City Council City of Waxahachie

By: \_\_\_\_\_ Date \_\_\_\_\_  
Mayor

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

Revisions	By

**Davis & McDill LLC**  
SURVEYING - LAND PLANNING - FLOODPLAIN MANAGEMENT  
P.O. BOX 402, WAXAHACHIE, TEXAS 75165  
PHONE: 972-538-1185  
A Texas Licensed Surveying Firm # 10184851



Date: 06/22/2022  
Scale: N/A  
Drawn: SGH & DWH  
Job: 221-0117  
Sheet 2  
of 2 sheets.

**REPLAT**  
Of  
**Oak Lawn Addition**  
**Block 180, Lot 18R**  
**Zoned SF-3**  
Being a 0.1036 Acre Replat of Lots 18 and 19, Block 180,  
of the Oak Lawn Addition, an addition to the  
City of Waxahachie, Texas  
as recorded in Cabinet B, Slide 308,  
of the Plat Records of Ellis County, Texas.  
1 Residential Lot  
Planning and Zoning Case Number SUB-60-2022

(13+14)

# Planning & Zoning Department Plat Staff Report

Case: SUB-15-2022



**MEETING DATE(S)**

*Planning & Zoning Commission:* June 28, 2022

*City Council:* July 5, 2022

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held June 28, 2022, the Commission voted 5-0 to recommend approval of the case number SUB-15-2022, as recommended by Staff.

**CAPTION**

**Public Hearing** on a request by Dustin Phillipp, J. Volk Consulting, Inc. for a Plat of The Place at North Grove, lots 10, 11, 12X Block 1, being 10.67 acres, located at northwest corner of North Grove Boulevard and Washington Avenue, situated in the John B. and Ann Adams Survey, Abstract No. 5, Robert Russell Survey, Abstract No. 911, and Henry Sange Survey, Abstract No. 1009, an addition to the City of Waxahachie (Property ID 283993) – Owner: North Grove 12.5 LLC Series 1 (SUB-15-2022)

**APPLICANT REQUEST**

The Applicant is proposing to plat approximately 10.67 acres of land into three lots. Lot 10 is for mixed-use, Lot 11 is for retail and commercial uses, and Lot 12X is an open space common area. Additionally, the Applicant is requesting a variance to reduce the utility easement along North Grove Boulevard and Washington Avenue from 15 feet to 10 feet.

**CASE INFORMATION**

*Applicant:* Dustin Philipp, J. Volk Consulting, Inc.

*Property Owner(s):* North Grove 12.5 LLC Series 1

*Site Acreage:* 10.67 acres

*Number of Lots:* 3 lots

*Number of Dwelling Units:* Appx. 252 units in the mixed-use development

*Park Land Dedication:* Parkland dedication fees are waived per the North Grove PD (Ord. No. 2733)

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

**SUBJECT PROPERTY**

*General Location:* Northwest corner of North Grove Boulevard and Washington Avenue

*Parcel ID Number(s):* 283993

*Current Zoning:* Planned Development District (PD) Ord. No. 3261

Existing Use: Undeveloped

Platting History: The subject property is an unplatted tract of land.

Site Aerial:



**PLATTING ANALYSIS**

The Applicant is requesting a variance to reduce the utility easement width from 15 feet to 10 feet so that the proposed buildings in the mixed-use development are not within the utility easement. The buildings within the mixed-use building fronting North Grove Boulevard are 15 feet from the front property line. Staff recommends approving the variance request since the Applicant received approval from the franchise utility providers (AT&T, Oncor, and Atmos) to reduce the utility easement from 15 feet to 10 feet.

**RECOMMENDATION**

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

- Denial
- Approval, as presented.
- Approval, per the following comments:
  1. The Applicant receive approval of a variance to reduce the utility easement along North Grove Boulevard and Washington Avenue from 15 feet to 10 feet.
  2. All public improvements must be constructed, inspected, and accepted by the Public Works and Engineering Department before the plat is recorded with the County Clerk’s Office.
  3. The Applicant must sign and execute the associated development agreement for the subject property before recording the plat with the County Clerk’s Office.

**ATTACHED EXHIBITS**

1. Plat

**APPLICANT REQUIREMENTS**

1. If approved by City Council, within 30 days the Applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.

- a. If comments were not satisfied, then Applicant will be notified to make corrections.
- b. If all comments satisfied, Applicant shall provide 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 public improvements are constructed, inspected, and accepted by the Public Works and Engineering Department.
2. The Applicant signs and executes the associated development agreement for the subject property.

**STAFF CONTACT INFORMATION**

*Prepared by:*

Eleana Tuley, AICP

Senior Planner

[eleana.tuley@waxahachie.com](mailto:eleana.tuley@waxahachie.com)

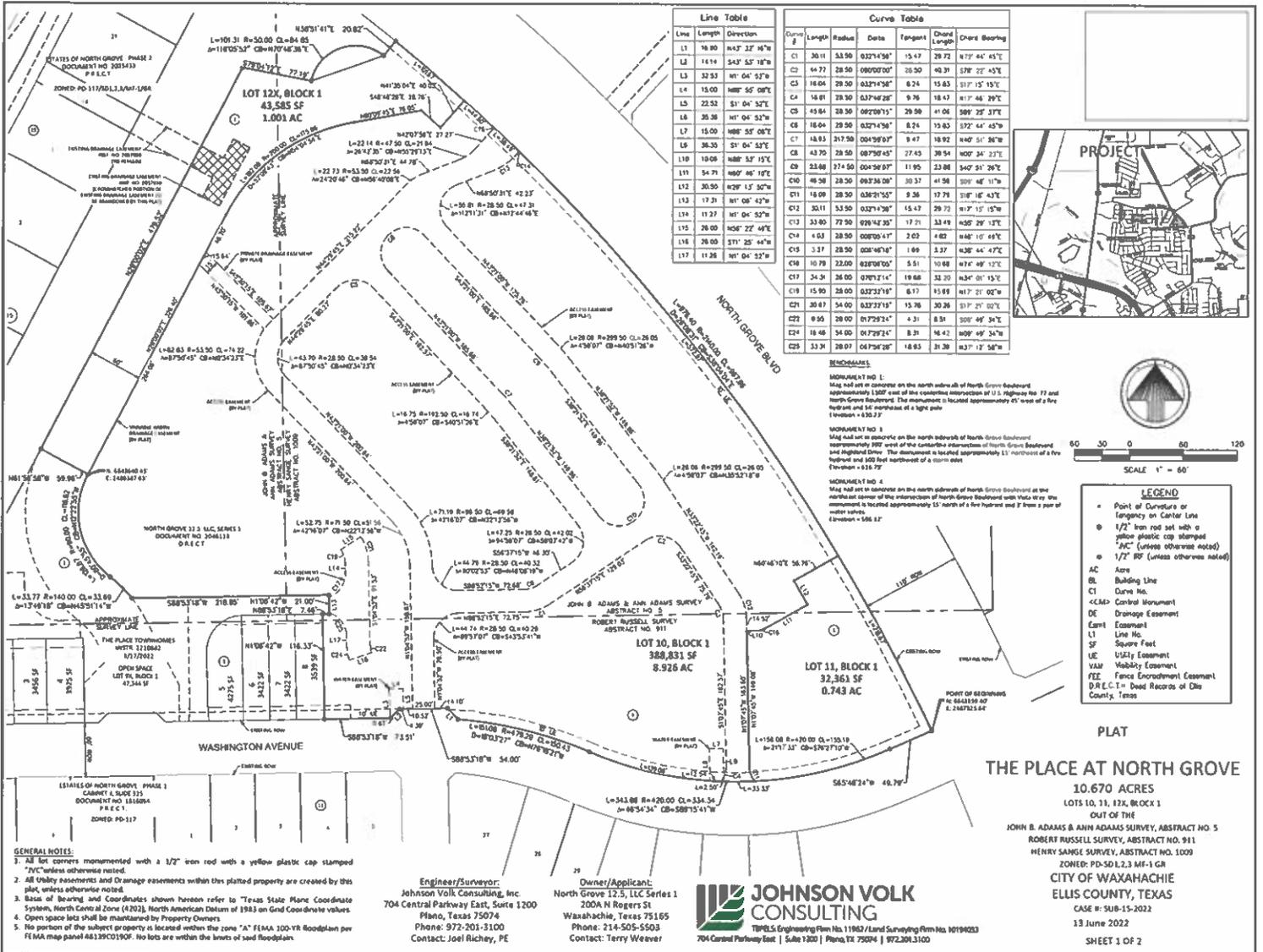
*Reviewed by:*

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

Senior Director of Planning

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

(13+14)



(13+14)

STATE OF TEXAS

COUNTY OF ELLIS

LEGAL DESCRIPTION

THE PLACE AT NORTH GROVE  
10.670 ACRES

WHEREAS, NORTH GROVE 12.5, LLC SERIES 1 is the Owner of land situated in the JOHN B. ADAMS & ANN ADAMS SURVEY, ABSTRACT NO. 911, the ROBERT RUSSELL SURVEY, ABSTRACT NO. 911, and the HENRY SANGE SURVEY, ABSTRACT NO. 1009, City of Waxahachie, Ellis County, Texas and being part of that tract of land described in Deed to NORTH GROVE 12.5, LLC SERIES 1, as recorded in Document No. 2048118, Deed Records, Ellis County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set at the intersection of the west line of North Grove Boulevard, a 110 foot right-of-way, with the north line of Washington Avenue, a 60 foot right-of-way, for the northeast corner of ESTATES OF NORTH GROVE-PHASE I; in Addition to the City of Waxahachie, Ellis County, Texas according to the Plat thereof recorded in Cabinet J, Slide 325, Plat Records, Ellis County, Texas.

THENCE South 65 degrees 48 minutes 24 seconds West, a distance of 49.79 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner at the beginning of a tangent curve to the right having a central angle of 48 degrees 54 minutes 34 seconds, a radius of 420.00 feet and a chord bearing and distance of South 89 degrees 15 minutes 41 seconds West, 334.34 feet;

THENCE Southwesterly, with said curve to the right, an arc distance of 343.06 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner at the beginning of a reverse curve to the left having a central angle of 18 degrees 00 minutes 27 seconds, a radius of 479.29 feet and a chord bearing and distance of North 76 degrees 18 minutes 21 seconds West, 150.43 feet;

THENCE Northwesterly, with said curve to the left, an arc distance of 151.06 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 43 degrees 32 minutes 16 seconds West, a distance of 16.90 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 54.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 43 degrees 53 minutes 18 seconds West, 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 88 degrees 53 minutes 18 seconds West, a distance of 73.51 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 116.33 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 7.46 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 21.00 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 311.85 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner at the beginning of a non-tangent curve to the left having a central angle of 13 degrees 19 minutes 18 seconds, a radius of 140.00 feet and a chord bearing and distance of North 45 degrees 51 minutes 14 seconds West, 333.63 feet;

THENCE Northwesterly, with said curve to the left, an arc distance of 33.77 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner at the beginning of a reverse curve to the right having a central angle of 80 degrees 45 minutes 55 seconds, a radius of 90.00 feet and a chord bearing and distance of North 12 degrees 22 minutes 55 seconds West, 116.82 feet;

THENCE Northwesterly, with said curve to the right, an arc distance of 128.87 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 61 degrees 59 minutes 58 seconds West, a distance of 59.96 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 28 degrees 00 minutes 02 seconds East, a distance of 478.52 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 78 degrees 04 minutes 12 seconds East, a distance of 77.19 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner at the beginning of a non-tangent curve to the right having a central angle of 116 degrees 05 minutes 52 seconds, a radius of 50.00 feet and a chord bearing and distance of North 70 degrees 48 minutes 36 seconds East, 84.88 feet;

THENCE Northwesterly, with said curve to the right, an arc distance of 101.51 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 38 degrees 51 minutes 41 seconds East, a distance of 38.82 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner at the beginning of a non-tangent curve to the right having a central angle of 26 degrees 08 minutes 31 seconds, a radius of 2140.00 feet and a chord bearing and distance of South 38 degrees 04 minutes 04 seconds East, 987.96 feet;

THENCE Southwesterly, with said curve to the right, an arc distance of 978.40 feet to the POINT OF BEGINNING and containing 10.670 acres of land, more or less.

**SURVEYORS CERTIFICATE:**  
KNOW ALL MEN BY THESE PRESENTS: That I, Ryan S. Reynolds, a Registered Professional Land Surveyor, licensed by the State of Texas, do hereby certify that I have prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon were found or placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Waxahachie.  
Engineer/Surveyor:  
Johnson Volk Consulting, Inc.  
704 Central Parkway East, Suite 1200  
Plano, Texas 75074  
Phone: 972-201-3100  
Contact: Joel Richey, PE  
Owner/Applicant:  
North Grove 12.5, LLC Series 1  
200A N Rogers St  
Waxahachie, Texas 75165  
Phone: 214-505-5503  
Contact: Terry Weaver

**OWNER'S DEDICATION:**

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT NORTH GROVE 12.5, LLC SERIES 1, acting by and through its duly authorized agent, does hereby adopt this plat, designating the herein described property as THE PLACE AT NORTH GROVE, 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, maintaining, repairing, 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 plotting ordinances, rules, regulations and resolutions of the City of Waxahachie, Texas.

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

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

NAME: MARK SHOLETON, MANAGER  
NORTH GROVE 12.5, LLC SERIES 1

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

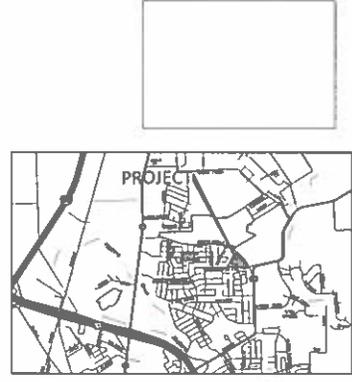
BEFORE ME, the undersigned authority, a Notary Public in and for said County and State on this date personally appeared \_\_\_\_\_, Owner's Agent, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations 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: \_\_\_\_\_

APPROVED BY: Planning and Zoning Commission City of Waxahachie  
By: \_\_\_\_\_ Date \_\_\_\_\_  
Chairperson \_\_\_\_\_ Date \_\_\_\_\_  
Attn: \_\_\_\_\_ Date \_\_\_\_\_  
IF APPLICABLE, APPROVED BY: City Council City of Waxahachie  
By: \_\_\_\_\_ Date \_\_\_\_\_  
Mayor \_\_\_\_\_ Date \_\_\_\_\_  
Attest: \_\_\_\_\_ Date \_\_\_\_\_



**BENCHMARKS:**

MONUMENT NO. 1:  
Mag nail set in concrete on the north sidewalk of North Grove Boulevard approximately 1100' east 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 = 630.23'

MONUMENT NO. 3:  
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 35' northeast of a fire hydrant and 100 feet northwest of a storm inlet.  
Elevation = 616.73'

MONUMENT NO. 4:  
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 3' from a pair of water valves.  
Elevation = 596.12'

**PLAT**

**THE PLACE AT NORTH GROVE**

10.670 ACRES  
LOT 18, 11, 12, BLOCK 1  
OUT OF THE

JOHN B. ADAMS & ANN ADAMS SURVEY, ABSTRACT NO. 911

ROBERT RUSSELL SURVEY, ABSTRACT NO. 911

HENRY SANGE SURVEY, ABSTRACT NO. 1009

ZONE: PD-SD1,3 MF-1 GR

CITY OF WAXAHACHIE

ELLIS COUNTY, TEXAS

CASE # 18-18-2022

13 June 2022

SHEET 2 OF 2



(15)

# Planning & Zoning Department

## Zoning Staff Report

Case: ZDC-54-2022



### MEETING DATE(S)

*Planning & Zoning Commission:* June 28, 2022

*City Council:* July 5, 2022

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held June 28, 2022, the Commission voted 5-0 to recommend approval of the case number SUB-54-2022, as recommended by Staff.

### CAPTION

**Public Hearing** on a request by Tom Wright, Heart-In-Hand, for a **Zoning Change** from a Central Area (CA) zoning district to a Planned Development – Central Area (PD-CA) zoning district, located at 212 S Rogers Street, (Property ID 170517) - Owner: Waxahachie 100F Lodge (ZDC-54-2022)

### APPLICANT REQUEST

The applicant is requesting approval of a Planned Development District (PD) with a base zoning of Central Area District (CA) to allow for a tattoo shop at 212 S. Rogers Street.

### CASE INFORMATION

*Applicant:* Tom Wright, Waxahachie 100F Lodge

*Property Owner(s):* Tom Wright

*Site Acreage:* .22 acres

*Current Zoning:* Central Area District (CA)

*Requested Zoning:* Planned Development – Central Area (PD-CA) zoning district

### SUBJECT PROPERTY

*General Location:* 212 S Rogers Street

*Parcel ID Number(s):* 170517

*Existing Use:* Heart-In-Hand (Antique Shop)

*Development History:* The subject property is a two-story multi-tenant building (Independent Order of Odd Fellows Building) built approximately in 1891. The building currently has two retail storefronts on the first floor and the Independent Order of Odd Fellows Lodge on the second floor. The zoning request will impact Heart-In-Hand, located on the first floor of the building.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	CA	Multi-tenant Building (Gypsy Parlour, Salon & Spa, Big Al's Restaurant)
East	CA	Southwest Data Solutions
South	CA	Downtown Surface Parking Lot
West	CA	Multi-tenant Building (Charo's Beauty Salon, Tacos Facios y Guisado, and Waxahachie Coins & Comics)

Future Land Use Plan:

Retail

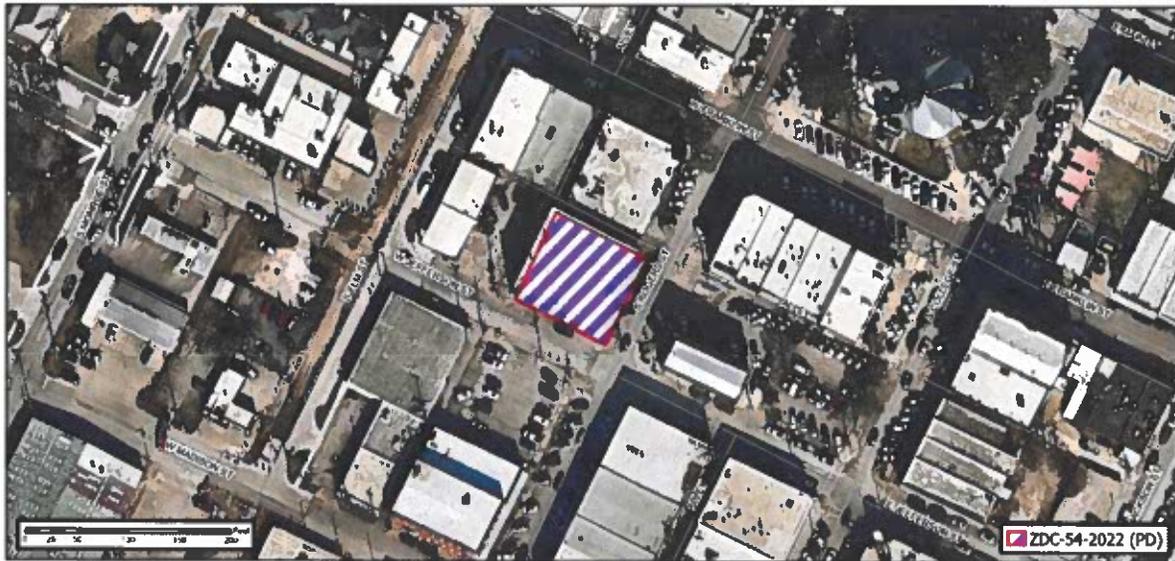
Comprehensive Plan:

The subject property is located within the Retail land use category in the Future Land Use Plan (FLUP). The retail land use category includes areas that have restaurants, shops, grocery stores, and personal service establishments. Retail businesses generally require greater visibility than do other types of nonresidential land use (e.g., office, commercial).

Thoroughfare Plan:

The subject property is adjacent to Jefferson Street and Rogers Street. Jefferson Street is a major thoroughfare on the City's Thoroughfare Plan with an ultimate right-of-way width of 110 feet. The zoning request is not proposing to alter or improve the adjoining streets.

Site Image:



**PLANNING ANALYSIS**

**Purpose of Request**

The Applicant is requesting a zoning change from Central Area District (CA) to a Planned Development District with a base zoning of Central Area (CA) District (PD-CA) to allow for a tattoo shop. The Applicant is not proposing to modify the district regulations but to simply allow a tattoo shop, which is not currently a permitted use within the existing zoning.

The Applicant is a trustee for the Independent Order of Odd Fellows (IOOF) building and is the store manager for Heart-In-Hand. The Applicant is proposing a tattoo shop in the back portion of Heart-In-Hand. The entrance to the tattoo shop would be along Jefferson Street and would consume approximately 800 square feet. The tattoo shop would be managed by Oliver Peck, who is a renowned tattoo artist himself and the owner of Heart-In-Hand.

The Applicant has provided a letter to provide more information on Mr. Peck’s professional experience, hours of operation, and operational plan. The shop will consist of two to four tattoo artists who would book their own appointments and generally work in the shop between 10 am to 10 pm Wednesday through Saturday. Mr. Peck has owned Heart-In-Hand since 2019 and has been a member of Odd Fellows lodge for twenty years.

**Proposed Development Standards**

If a tattoo shop is approved on the subject property. Staff has recommended the Applicant comply with the following provisions.

- A tattoo shop may occupy up to 800 square feet of the first floor building area within Heart-In-Hand. The general location of the tattoo shop shall be in the location shown in the image below. The property owner will need Planning and Zoning Commission and City Council approval to expand the floor area of the use.



- A tattoo shop may operate from 10 am to 10 pm Wednesday through Saturday. The property owner will need Planning and Zoning Commission and City Council approval to modify hours of operation.
- A tattoo shop shall require a license by the Texas Department of State Health Services (DSHS) at all times.
- All exterior signage shall require a sign permit from the Building Department.

Staff Recommendation

The proposed zoning request (PD-CA) will remain compatible and in harmony with the surrounding land uses, and such Staff recommends approval of the request.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 31 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.

**RECOMMENDATION**

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

- Denial
- Approval, as presented.
- Approval, per the following comments:
  1. The subject property comply with the development standards proposed with the zoning request.
  2. The Applicant receive approval of the necessary building permits necessary to establish and operate a tattoo shop.

**ATTACHED EXHIBITS**

1. Letter of Intent by Applicant
2. Ordinance
3. Location Map (Exhibit A)
4. Development Standards (Exhibit B)

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM CENTRAL AREA DISTRICT (CA) TO PLANNED DEVELOPMENT - CENTRAL AREA DISTRICT (PD-CA) LOCATED AT 212 S ROGERS STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING .22 ACRES KNOWN AS PROPERTY ID 170517, 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 Zoning Change has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-54-2022. 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 CA to PD-CA; 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 CA to PD-CA in order to facilitate development of the subject property in a manner that allows single family uses on the following property: Property ID 170517, which is shown on the location map (Exhibit A), development standards (Exhibit B), and staff report (Exhibit C).

**PLANNED DEVELOPMENT**

The subject property shall develop in accordance with the “PD-CA” Planned Development - Central Area District as follows:

1. The subject property shall develop in accordance with the attached Development Standards (Exhibit B)
2. 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. Where regulations are not specified in this ordinance, or the

development agreement, the development shall comply with the City of Waxahachie Municipal Code of Ordinances.

- 3. All development within the subject property will be subject to obtaining permits from the City in accordance with the City's applicable rules and regulations governing such permits.
- 4. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Code of Ordinances.

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

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

**PASSED, APPROVED AND ADOPTED** on this \_\_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
MAYOR

ATTEST:

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



## EXHIBIT B – DEVELOPMENT STANDARDS

### HEART-IN-HAND

#### **PURPOSE AND INTENT**

The purpose of this Planned Development District is to allow for a tattoo shop in the Central Area (CA) zoning district. The subject property will comply with the City of Waxahachie Code of Ordinances, except as provided herein.

#### **DEVELOPMENT STANDARDS**

A tattoo shop on the subject property will comply with the following provisions:

- A tattoo shop may occupy up to 800 square feet of the first floor building area within Heart-In-Hand. The general location of the tattoo shop shall be in the location shown in the image below. The property owner will need Planning and Zoning Commission and City Council approval to expand the floor area of the use.



- A tattoo shop may operate from 10 am to 10 pm Wednesday through Saturday. The property owner will need Planning and Zoning Commission and City Council approval to modify hours of operation.
- A tattoo shop shall require a license by the Texas Department of State Health Services (DSHS) at all times.
- All exterior signage shall require a sign permit from the Building Department.

(17)



## Memorandum

To: Honorable Mayor and City Council

From: James Gaertner, P.E., CFM, CPM Director of Public Works and Engineering

Thru: Michael Scott, City Manager

Date: July 5, 2022

Re: Consider the Approval of an Agreement to Contribute Right of Way Funds (Fixed Price) for FM 664 ROW acquisition between the City of Waxahachie and Texas Department of Transportation (TxDOT).

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**Item Description:** Consider approval of the TxDOT agreement for the city portion of the Right-of-Way acquisition associated with the FM 664 widening project.

**Item Summary:** The FM 664 project is a TxDOT project where they plan to acquire the Right-of-Way for the ultimate 6-lanes divided by a median. Per TxDOT staff, the project proposed to bid on 2025. The 2025 bid shall include 4-lanes divided by a median with space to expand 2 additional lanes within in the median. The Right-of-Way acquisition is planned to be completed by mid-2023. TxDOT has compensated the city for the Right-of-Way acquisition obtained through the plat process as part of this agreement.

**Fiscal Impact:** The total amount of the city participation for Right-of-Way acquisition is \$744,389.70. This is a fixed amount, no matter the final negotiations cost with the property owners.

The following is the City payment plan for the Right-of Way acquisition:

- Initial payment with execution of agreement shall be \$136,206.74
- \$152,045.74 on or before OCTOBER 1, 2023
- \$152,045.74 on or before OCTOBER 1, 2024
- \$152,045.74 on or before OCTOBER 1, 2025
- \$152,045.74 on or before OCTOBER 1, 2026

Funding for this project shall come from Fund Balance and we request city council to authorize a supplemental appropriation of \$136,206.74 for Fiscal Year 2021-2022. We also request the City Council to authorize the City Manager to sign the TxDOT agreement.



## Memorandum

To: Honorable Mayor and City Council

From: Richard B. Abernethy, Director of Administrative Services

Thru: Michael Scott, City Manager

Date: June 30, 2022

Re: Consider a Supplemental Appropriation in the Amount of \$27,000 for a Visual Building Envelope Assessment

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**Item Description:** Consider a supplemental appropriation in the amount of \$27,000 for a visual building envelope assessment.

**Item Summary:** On May 2, 2022, the City Council approved a supplemental appropriation and architectural services contract with Architexas for the initial phase planning for the renovation and remodel of City Hall. As part of the initial phase planning, staff proposes to procure a building envelope consultant to work in conjunction with Architexas to assess the building's water infiltration issues and provide a recommended solution.

Staff advertised a request for qualifications in late May and received a total of five proposals. After evaluating the proposals, staff selected Allana Buick & Bers, Inc. (ABB) to conduct the assessment at a proposed cost of \$27,000. ABB will perform an assessment of existing roof systems, windows, cladding and associated exterior elements to identify areas needing further repairs and mitigation.

**Fiscal Impact:** The construction component of the project is currently proposed to be funded in the FY 2022-23 operating budget. However, the proposed visual building envelope assessment will be conducted this fiscal year as part of the initial phase planning and require a supplemental appropriation of \$27,000 from the General Fund unrestrictive reserve balance.

(19)

**CITY OF WAXAHACHIE, TEXAS**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ADOPTING PROCEDURES TO NAME PUBLIC FACILITIES UPON REQUEST.**

**WHEREAS**, the City Council has determined the need to establish a process and adopt procedures regarding the naming of City-owned facilities.

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

**Section 1. Purpose.**

To establish the process and procedures for the naming of City-owned facilities.

**Section 2. Objective.**

To establish a systematic and consistent and public process for the naming of City-owned facilities.

**Section 3. Process.**

The City Council hereby adopts the following process to allow the City Council to consider the naming of a City-owned facility:

A. Only City-owned facilities currently under construction or constructed after the date of this resolution shall be eligible for consideration for this naming process. All City-owned facilities in existence as of the date of this resolution shall continue to bear the name given to those facilities by the City.

B. City-owned facilities eligible for naming consideration pursuant to this resolution shall not include City-owned streets or parks that have been previously named via plat or development plan.

C. Any member of the public or City Council member may submit, in writing, to the City Manager a request to name an eligible City-owned facility. The submission should include, at a minimum, the reasoning behind the naming request and should explain why the requestor believes that the name would be an appropriate name for the City-owned facility.

D. Upon receipt and review of the naming request submission, the City Manager shall make an initial determination as to whether the particular City-owned facility is a City-owned facility eligible for naming consideration. If the City Manager determines that the City-owned facility is not eligible for naming consideration, the City Manager shall promptly notify the

requestor of such determination. If the City Manager determines that the City-owned facility is eligible for naming consideration by request of members of the public, the City Manager shall forward the request to the City Council for consideration.

E. The City Council shall conduct a public hearing on all naming requests to solicit the feedback of the general public and engage in a dialogue of the merits of the request.

F. While the City Council may consider any criteria that it considers important in the naming decision, such criteria may include the following:

1. If the naming request is to honor a person or organization, whether such person or organization has made a significant historical contribution to the City and the communities to which the City serves.

2. "Significant historical contribution" shall include, but not be limited to, demonstrated excellence and service to the City over a number of years; sustained volunteer work in the City; achieving deeds and accomplishments that have brought great honor to the City; or public service to the City as an elected official or as an organization that has served the needs of the City and its residents.

3. No eligible City-owned facility shall be named after any person who is currently employed by the City or who is currently serving as an elected official of the City.

G. The City Council retains the absolute discretion to deny the naming request, or to name the eligible City-owned facility to a name of the City Council's choosing.

H. Nothing in this resolution shall prohibit the City from naming City-owned facilities which are not subject to this resolution through any other process that the City determines should be utilized.

**PASSED AND APPROVED** by the City Council of the City of Waxahachie, Texas this the \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
David Hill, Mayor

ATTEST:

\_\_\_\_\_  
Amber Villarreal, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert F. Brown, City Attorney