

A G E N D A

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Chamber at City Hall, 401 S. Rogers on ***Tuesday, September 3, 2019 at 7:00 p.m.***

Council Members: David Hill, Mayor
Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Councilmember
Kevin Strength, Councilmember
Melissa Olson, Councilmember

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

5. ***Consent Agenda***

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

- a. Minutes of the City Council meeting of August 19, 2019
- b. Minutes of the City Council briefing of August 19, 2019
- c. Minutes of the City Council Special meeting of August 21, 2019
- d. Trunk-N-Treat in the Park to be held at Lee Penn Park on October 31, 2019
- e. Antique Alley on the Square to be held September 21, 2019

6. ***Introduce*** Honorary Councilmember
7. ***Second Public Hearing*** on the proposed Tax Rate for fiscal year 2019-2020
8. ***Public Hearing*** on the City of Waxahachie Budget for fiscal year 2019-2020
9. ***Continue Public Hearing*** on a request by Mark Thedford, Akamai Designs, for a Zoning Change from a Single-Family Residential-1 zoning district to Single-Family Residential-2, located at 106 Santa Fe Trail (Property ID 221873) - Owner: AKAMAI DESIGNS INC (ZC-19-0089)
10. ***Consider*** proposed Ordinance approving ZC-19-0089

11. **Consider** request by Mark Thedford, Akamai Designs, for a Preliminary Plat of Fountain Court Addition for 5 lots, being a 1.74 acre addition in the JB & Adams Survey, Abstract 5 (Property ID 221873) – Owner: AKAMAI DESIGNS INC (PP-19-0090)
12. **Public Hearing** on a request by Kevin Cribley, Cribley Enterprises, Inc., for a Specific Use Permit (SUP) for Outside Storage use within a Commercial and Light Industrial-1 zoning district, located at 100 W Sterrett (Property ID 273754) – Owner: M AND M INVESTMENTS (SU-19-0098)
13. **Consider** proposed Ordinance approving SU-19-0098
14. **Public Hearing** on a request by John Ed Justice, BKG Legacy Ranch 1, LLC, for a Replat of Lot 3, Block B, Legacy Ranch, Phase One, to create Lots 3R-A and 3R-B, Block B, Legacy Ranch, Phase One, 1.382 acres (Property ID 267513) – Owner: BKG LEGACY RANCH 1 LLC (RP-19-0100)
15. **Consider** approval of RP-19-0100
16. **Public Hearing** on a request by James McDill, Davis & McDill, for a Replat of Lots 1 and 2, Chapman Place Business Addition, and 1.3974 acres out of the WM Baskins Survey, Abstract 148, to create Lot 1-R, Block A, Chapman Place Business Addition, 2.152 acres (Property ID 247595, 247596, 180847) – Owner: STEVEN F & RICHARD A CHAPMAN (RP-19-0101)
17. **Consider** approval of RP-19-0101
18. **Consider** request by Matthew Martinez, JPH Land Surveying, for a Preliminary Plat of Chapman Acres Subdivision for 1 lot being 0.973 acres situated in William Baskins Survey, Abstract 148 (Property ID 180816 and 180826) Owner: VAQUERO KIRKSEY STREET PARTNERS LP (PP-19-0103)
19. **Public Hearing** on a request by Kayla Sterling, SunRun, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-2 zoning district, located at 90 Lilly Lane (Property ID 222788) – Owner: ROBERT J BOUDREAU (SU-19-0095)
20. **Consider** proposed Ordinance approving SU-19-0095
21. **Public Hearing** on a request by Stephen Masker, Sunpro Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 112 Barger Drive (Property ID 172017) – Owner: JUSTIN T WITT (SU-19-0096)
22. **Consider** proposed Ordinance approving SU-19-0096
23. **Public Hearing** on a request by Sean Neal, TGS Architects, for a Specific Use Permit (SUP) for Drive Through Establishment use within a General Retail zoning district, located at 1905 N Highway 77 (Property ID 262426) – Owner: COMMUNITY NATIONAL BANK & TRUST OF TEXAS (SU-19-0097)
24. **Consider** proposed Ordinance approving SU-19-0097

25. **Public Hearing** on a request by Alec Broadus, Broadus Services LLC, for a Specific Use Permit (SUP) for Communications Antennas and Support Structures/Towers use within an Office zoning district, located at 106 Chambers Circle (Property ID 174573) – Owner: DAWSON J & SHIRLEY STAFFORD REVOCABLE TRUST (SU-19-0099)
26. **Consider** proposed Ordinance approving SU-19-0099
27. **Consider** proposed Ordinance approving Rate Review Mechanism Tariff for Atmos Energy
28. **Consider** proposed Resolution designating an official newspaper for the City of Waxahachie
29. **Consider** award of a professional services contract with Kimley-Horn for engineering design services associated with an 18” water transmission line
30. **Consider** award of a bid to J & K Excavation for asphalt overlay associated with Broadhead Road
31. Comments by Mayor, City Council, City Attorney and City Manager
32. Adjourn

The City Council reserves the right to go into Executive Session on any posted item.

This meeting location is wheelchair-accessible. Parking for mobility impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4005 or (TDD) 1-800-RELAY TX

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers on Monday, August 19, 2019 at 7:00 p.m.

Council Members Present: David Hill, Mayor
Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Councilmember
Kevin Strength, Councilmember
Melissa Olson, Councilmember

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

1. Call to Order

Mayor David Hill called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Councilmember Kevin Strength gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Consent Agenda

- a. Minutes of the City Council meeting of August 5, 2019
- b. Minutes of the City Council briefing of August 5, 2019
- c. Set City Council meeting of September 3, 2019
- d. Hispanic Heritage Kickoff Festival to be held September 14, 2019
- e. 5th Annual IOOF Lodge #80 Oddfest to be held October 5, 2019

Action:

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

5. Introduce Honorary Councilmember

Mayor Hill announced the Honorary Councilmember was unable to attend.

6. Consider request by William Jilbert for a Preliminary Plat of Breezy Meadows for 2 lots, being 10.011 acres situated in the E. Balch Survey, Abstract 89 (Property ID 201198) in the Extra Territorial Jurisdiction – Owner: WILLIAM R & VIRGINIA L JILBERT (PP-19-0092)

Planning Director Shon Brooks reported the applicant is taking one lot and dividing it into two lots. He stated the applicant has provided a letter from Rockett SUD that adequate service could

(5A)

be provided to the property noting adequate fire flow is also available. Mr. Brooks recommended approval.

Action:

Councilmember Kevin Strength moved to approve a request by William Jilbert for a Preliminary Plat of Breezy Meadows for 2 lots, being 10.011 acres situated in the E. Balch Survey, Abstract 89 (Property ID 201198) in the Extra Territorial Jurisdiction – Owner: WILLIAM R & VIRGINIA L JILBERT (PP-19-0092). Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

7. **Consider request by William Jilbert for a Final Plat of Breezy Meadows for 2 lots, being 10.011 acres situated in the E. Balch Survey, Abstract 89 (Property ID 201198) in the Extra Territorial Jurisdiction – Owner: WILLIAM R & VIRGINIA L JILBERT (FP-19-0093)**

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve a request by William Jilbert for a Final Plat of Breezy Meadows for 2 lots, being 10.011 acres situated in the E. Balch Survey, Abstract 89 (Property ID 201198) in the Extra Territorial Jurisdiction – Owner: WILLIAM R & VIRGINIA L JILBERT (FP-19-0093). Councilmember Kevin Strength seconded, All Ayes.

8. **Public Hearing on a request by Chris Cooper, Sunpro Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family-3 zoning district, located at 636 Oliver Lane (Property ID 230582) – Owner: JAIME MUNOZ (SU-19-0086)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the applicant meets the requirements of the Zoning Ordinance and recommended approval.

There being no others to speak for or against SU-19-0086, Mayor Hill closed the Public Hearing.

9. **Consider proposed Ordinance approving SU-19-0086**

ORDINANCE NO. 3127

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A SINGLE FAMILY-3 (SF-3) ZONING DISTRICT, LOCATED AT 636 OLIVER LANE, BEING PROPERTY ID 230582, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 18, BLOCK D IN CLIFT ESTATES PHASE II, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3127 as presented. Councilmember Kevin Strength seconded, All Ayes.

(50)

10. **Public Hearing on a request by Jerimiah Read, Kosmos Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-2 zoning district, located at 210 Goodnight Lane (Property ID 232289) – Owner: GERALD CORNWELL (SU-19-0094)**

Mayor Hill opened the Public Hearing.

City Attorney Robert Brown stated Councilmember Melissa Olson has completed a Substantial Interest Affidavit and will excuse herself from the case.

{Councilmember Melissa Olson left the meeting}

Mr. Brooks reported the applicant meets the requirements of the Zoning Ordinance and recommended approval.

There being no others to speak for or against SU-19-0094, Mayor Hill closed the Public Hearing.

11. **Consider proposed Ordinance approving SU-19-0094**

ORDINANCE NO. 3128

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF-2) ZONING DISTRICT, LOCATED AT 210 GOODNIGHT LANE, BEING PROPERTY ID 232289, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1, BLOCK 3 IN THE GARDEN VALLEY RANCH PHASE I SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve Ordinance No. 3128 as presented. Councilmember Chuck Beatty seconded. The vote was as follows:

*Ayes: David Hill
 Mary Lou Shipley
 Chuck Beatty
 Kevin Strength*

Noes: None

Abstained: Melissa Olson

The motion carried.

{Councilmember Melissa Olson returned to the meeting}

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- 12. Public Hearing on a request by Tracy Leonard, Razor Signs, for a Specific Use Permit (SUP) for Electronic Message Center use within a General Retail zoning district, located at 2471 Brown Street (Property ID 230757) – Owner: COLLEGE STREET CHURCH OF CHRIST (SU-19-0087)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the applicant is requesting to construct a new electronic message ground monument sign to replace the existing ground monument sign. He stated the request meets the requirements of the Zoning Ordinance and recommended approval.

There being no others to speak for or against SU-19-0087, Mayor Hill closed the Public Hearing.

- 13. Consider proposed Ordinance approving SU-19-0087**

ORDINANCE NO. 3129

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ELECTRONIC MESSAGE SIGN USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT 2471 BROWN STREET, BEING PROPERTY ID 230757, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1, IN THE CHURCH OF CHRIST SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3129 as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

- 14. Public Hearing on a request by Megan Silva, PE, Wantman Group, Inc., for a Specific Use Permit (SUP) for Outdoor Storage use within a Light Industrial-1 zoning district, located at 103 E. Sterrett (Property ID 209624) – Owner: MAGNABLEND INC. (SU-19-0091)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the applicant proposes to store shingles to the exterior of an existing building. The applicant is proposing a water tower on the west side of the existing building and planting Arizona Cypress trees around the water tower that will be planted at 12 feet in height. Live Oak and Crepe Myrtle trees will be planted along IH35 frontage road, in addition to a six foot tall ornamental iron fence. Additionally, the applicant is proposing a six foot masonry wall directly adjacent to the materials stored. Staff recommended to deny based on the use.

Mr. Grayson Hughs, Wantman Group, Inc., 8144 Walnut Hill Lane, Dallas, representing the applicant, stated the water tank will be covered and not open air.

There being no others to speak for or against SU-19-0091, Mayor Hill closed the Public Hearing.

(50)

15. Consider proposed Ordinance approving SU-19-0091

ORDINANCE NO. 3130

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN OUTDOOR STORAGE USE WITHIN A LIGHT INDUSTRIAL-1 (LI-1) ZONING DISTRICT, LOCATED AT 103 E. STERRETT ROAD, BEING PROPERTY ID 209624, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1, STERRETT INDUSTRIAL COMPLEX, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Kevin Strength moved to approve Ordinance No. 3130 as presented. Councilmember Melissa Olson seconded, All Ayes.

16. Continue Public Hearing on a request by Scott Johnson, Palladium USA International, Inc., for a Zoning Change from a Light Industrial-1 and Commercial zoning district to Planned Development-Multiple-Family Residential-2, with Concept Plan, located on the West side of N Highway 77, just North of the Life School (Property ID 193933) – Owner: FUSCOM PROPERTY COMPANY NO. 1 LLC (PD-19-0022)

Mayor Hill continued the Public Hearing and announced the applicant requested to continue PD-19-0022 to the City Council meeting of September 16, 2019.

17. Consider proposed Ordinance approving PD-19-0022

Action:

Councilmember Chuck Beatty moved to continue a request by Scott Johnson, Palladium USA International, Inc., for a Zoning Change from a Light Industrial-1 and Commercial zoning district to Planned Development-Multiple-Family Residential-2, with Concept Plan, located on the West side of N Highway 77, just North of the Life School (Property ID 193933) – Owner: FUSCOM PROPERTY COMPANY NO. 1 LLC (PD-19-0022) to the City Council meeting of September 16, 2019. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

18. Public Hearing on a request by Mark Thedford, Akamai Designs, for a Zoning Change from a Single-Family Residential-1 zoning district to Single-Family Residential-2, located at 106 Santa Fe Trail (Property ID 221873) - Owner: AKAMAI DESIGNS INC (ZC-19-0089)

Mayor Hill opened the Public Hearing and announced the applicant requested to continue ZC-19-0089 to the City Council meeting of September 3, 2019.

19. Consider proposed Ordinance approving ZC-19-0089

(15a)

Action:

Mayor Pro Tem Mary Lou Shipley moved to continue a request by Mark Thedford, Akamai Designs, for a Zoning Change from a Single-Family Residential-1 zoning district to Single-Family Residential-2, located at 106 Santa Fe Trail (Property ID 221873) - Owner: AKAMAI DESIGNS INC (ZC-19-0089) to the City Council meeting of September 3, 2019. Councilmember Chuck Beatty seconded, All Ayes.

- 20. Consider request by Mark Thedford, Akamai Designs, for a Preliminary Plat of Fountain Court Addition for 5 lots, being a 1.74 acre addition in the JB & A Adams Survey, Abstract 5 (Property ID 221873) – Owner: AKAMAI DESIGNS INC (PP-19-0090)**

Mayor Hill announced the applicant requested to continue PP-19-0090 to the City Council meeting of September 3, 2019.

Action:

Councilmember Kevin Strength moved to continue a request by Mark Thedford, Akamai Designs, for a Preliminary Plat of Fountain Court Addition for 5 lots, being a 1.74 acre addition in the JB & A Adams Survey, Abstract 5 (Property ID 221873) – Owner: AKAMAI DESIGNS INC (PP-19-0090) to the City Council meeting of September 3, 2019. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

- 21. Consider proposed Resolution designating The Waxahachie Sun as the official newspaper for the City of Waxahachie**

City Manager Michael Scott reported The Waxahachie Sun has been in business for a year and stated they meet the Texas Government Code criteria for becoming a published newspaper for the City. He stated The Waxahachie Sun is more focused on Waxahachie noting they attend the City Council meetings and report on city business. Discussion was held and Mr. Colten Crist, Waxahachie Daily Light and Mr. Scott Brooks, Waxahachie Sun spoke on behalf of their businesses. After further discussion, it was determined to consider the proposed Resolution at the City Council meeting of September 3, 2019.

Action:

Councilmember Chuck Beatty moved to continue consideration of proposed Resolution on designating The Waxahachie Sun as the official newspaper for the City of Waxahachie to the City Council meeting of September 3, 2019. Councilmember Kevin Strength seconded, All Ayes.

- 22. Consider proposed Ordinance ordering a special election on a proposed Home-Rule Charter Amendment; providing for the appointment of election officers; providing for the designation of the places and manner of holding said election; and providing for a contract for election services with Ellis County Elections Administration**

Mr. Scott reported the proposed Charter amendment will provide designation of places on the ballot. City Attorney Robert Brown presented a second amendment pertaining to majority votes versus a plurality system. He explained a majority voting system to win (i.e., more than 50%) versus a plurality system (where the top vote getter wins). He stated the second version would

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require a runoff if no one candidate gets a majority of the votes cast. The tie-breaker language is standard.

ORDINANCE NO. 3131

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON TUESDAY NOVEMBER 5, 2019, FOR THE PURPOSE OF VOTING "YES" OR "NO" ON A PROPOSED HOME-RULE CHARTER AMENDMENT; PROVIDING FOR A CONTRACT FOR ELECTION SERVICES WITH ELLIS COUNTY ELECTIONS ADMINISTRATION; PROVIDING A SEVERABILITY AND CONFLICTS CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

Action:

Councilmember Kevin Strength moved to approve Ordinance No. 3131 with changes reflecting the Majority version. Councilmember Chuck Beatty seconded. The vote was as follow:

*Ayes: David Hill
Mary Lou Shipley
Chuck Beatty
Kevin Strength*

Noes: Melissa Olson

The motion carried.

23. Public Comments

Mr. Alan Fox, 327 University, Waxahachie, referenced the proposed Resolution designating The Waxahachie Sun as the official newspaper and disagreed with The Waxahachie Sun reaching more people in Waxahachie than the Daily Light. He stated his wife works for the Daily Light for approximately 20 years and is now in charge of circulation and keeping the books. Mr. Fox stated his wife is a big part of Waxahachie.

Ms. Melinda Miller, 160 Old Bridge Road, Waxahachie, referenced case ZC-19-0089 noting Mr. Thedford, the applicant, has cut the berm and pulled up culverts and asked if he has the right to change the in-ground water controls. She stated at the Planning and Zoning Commission meeting it was understood Mr. Thedford was to have an engineering study. Ms. Miller stated Mr. Thedford is changing the environment and expressed concern where rain water runoff will go. She stated as part of Indian Hills, Mr. McDill designed a flood retention pond.

Ms. Amy Hedtke, 106 Vanderbilt, Waxahachie, stated she is a big supporter of change and noted the biggest issue with The Waxahachie Sun is the 3rd party silent partner. Ms. Hedtke stated if the city is going to be involved with someone you need to know who you are dealing with. She suggested the city stay with the Daily Light.

(5a)

24. Convene into Executive Session for deliberation regarding real property as permitted under Section 551.072 of the Texas Government Code

Mayor Hill announced at 7:53 p.m. the City Council would convene into Executive Session for deliberation regarding real property as permitted under Section 551.072 of the Texas Government Code.

25. Reconvene and take any necessary action

The meeting reconvened at 8:22 p.m.

Action:

None

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

City Manager Michael Scott provided City Council with the revised fiscal year 2019 year-end estimates and fiscal year 2020 budget and asked Council to contact him if they have any questions. He announced the first public hearing on the tax rate will be held on August 21st at noon.

27. Adjourn

There being no further business, the meeting adjourned at 8:23 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary

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, August 19, 2019 at 6:45 p.m.

Council Members Present: David Hill, Mayor
Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Councilmember
Kevin Strength, Councilmember
Melissa Olson, Councilmember

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

1. Call to Order

Mayor David Hill called the meeting to order.

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

City Manager Michael Scott reviewed the Consent Agenda items and recommended approval.

Planning Director Shon Brooks reviewed the following cases:

- PP-19-0092, applicant proposing Preliminary Plat to divide one lot into two lots. Staff recommended approval.
- FP-19-0092, Final Plat of PP-19-0092 and staff recommended approval.
- SU-19-0086, applicant proposes roof top solar panel system. Staff recommended approval.
- SU-19-0094, applicant proposes roof top solar panel system. Staff recommended approval.
- SU-19-0087, applicant proposes replacing ground monument sign with a ground electronic monument sign. Staff recommended approval.
- SU-19-0091, applicant proposes to store shingles to the exterior of an existing building. The applicant is proposing a water tower on the west side of the existing building and planting Arizona Cypress trees around the water tower that will be planted at 12 feet in height. Live Oak and Crepe Myrtle trees will be planted along IH35 frontage road, in addition to a six foot tall ornamental iron fence. Additionally, the applicant is proposing a six foot masonry wall directly adjacent to the materials stored. Staff recommended denial based on the use. The Planning and Zoning Commission approved per the above staff comments.
- PD-19-0022, applicant requested to continue to the City Council meeting of September 16, 2019.
- ZC-19-0089 and PP-19-0090, applicant requested to continue to the City Council meeting of September 3, 2019.

(5b)

Mr. Scott reviewed a proposed Resolution designating The Waxahachie Sun as the official publication of the city. He stated the Texas Government Code lays out the rules to qualify as a record newspaper.

Mr. Scott reviewed a proposed Ordinance ordering a special election to amend the Charter providing for the designation of the places on the ballot. Councilmember Kevin Strength recommended amending the Proposition to reflect a candidate receiving a majority of all votes for a City Council Place versus a candidate with the most votes. City Attorney Robert Brown explained a majority voting system to win (i.e., more than 50%) versus a plurality system (where the top vote getter wins). He stated the second version would require a runoff if no one candidate gets a majority of the votes cast. The tie-breaker language is standard.

3. Adjourn

There being no further business, the meeting adjourned at 6:59 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary

City Council
August 21, 2019

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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 on Wednesday, August 21, 2019 at 12:00 p.m.

Council Members Present: David Hill, Mayor
Mary Lou Shipley, Mayor Pro Tem
Chuck Beatty, Councilmember
Kevin Strength, Councilmember
Melissa Olson, Councilmember

Others Present: Michael Scott, City Manager
Albert Lawrence, Assistant City Manager
Tommy Ludwig, Assistant City Manager
Charles Harris, Director of Finance
Lori Cartwright, City Secretary

1. Call to Order

Mayor David Hill called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Councilmember Kevin Strength gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. First Public Hearing on the proposed Tax Rate for fiscal year 2019-2020

Mayor Hill opened the first Public Hearing on the proposed Tax Rate for fiscal year 2019-2020.

Director of Finance Charles Harris reviewed the proposed tax rate for fiscal year 2019-2020 noting the proposed tax rate is 0.680000. He stated it is the same tax rate as last fiscal year. Mr. Harris reported the proposed effective tax rate is 0.629553 and the rollback tax rate is 0.717493. He explained within the 0.680000 is the city's debt rate to pay for outstanding bonds, a rate of 0.02781 that funds Sims Library, and the remainder being approximately 0.48 cents funds the various operations of the city.

Those who spoke against the Tax Rate for fiscal year 2019-2020:

Mr. Jimmy Vaughn, 615 Dunn Street, Waxahachie
Mr. Paul Christensen, 110 Williams Street, Waxahachie
Ms. Sylvia Coulson, 1315 Dixie Lane, Waxahachie
Mr. Brad Burns, 3208 Howard Road, Waxahachie
Ms. Stacy Bailey, 105 Sunburst Drive, Waxahachie

Those who spoke for the Tax Rate for fiscal year 2019-2020:

Mr. John Hamilton, 910 W. Marvin Avenue, Waxahachie

(50)

There being no others to speak for or against the first Public Hearing on the proposed Tax Rate for fiscal year 2019-2020, Mayor Hill closed the Public Hearing.

5. Public Comments

None

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

Councilmember Melissa Olson stated last year she asked to reduce the tax rate by one cent and City Council opposed. She stated this year she would like to see the tax rate lowered to \$0.65. Councilmember Olson stated City Council needs to represent the people and it will be a disservice to not lower the rate.

7. Adjourn

There being no further business, the meeting adjourned at 12:21 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary



(5d)

Application for a Festival or Event Permit

Event Name and Description: "TRUNK - N - TREAT IN THE PARK"
FALL FESTIVAL FOR THE KIDS IN THE COMMUNITY

Applicant Information

Name: DENARD WILLIAMS
Address: 411 SMOKEY LANE
City, State, Zip: WAXAHACHIE, TX 75165 Phone: (469) 420-8931
E-mail Address: denardwilliams24@yahoo.com

Organization Information

Organization Name: BOYZ 2 MEN MENTORS
Address: 605 ANTONIO WAXAHACHIE, TX 75165
Authorized Head of Organization: ADDISON ALEXANDER/DENARD WILLIAMS
Phone: (214) 399-1547 E-mail Address: addisonalexander@yahoo.com

Event Chairperson/Contact

Name: ADDISON ALEXANDER
Address: 605 ANTONIO
City, State, Zip: WAXAHACHIE, TX 75165 Phone: (214) 399-1547
E-mail Address: addisonalexander@yahoo.com

Event Information

Event Location/Address: LEE PENN PARK 404 GETZENBANDER STREET
Purpose: A SAFE PLACE FOR THE KIDS TO TRICK - N - TREAT
Event Start Date and Time: OCTOBER 31st 5:30pm - 7:30pm

Received in
City Secretary's Office
8/19/19
City of Waxahachie, Texas

(5d)
Event End Date and Time: OCTOBER 31st 7:30 pm

Approximate Number of Persons Attending Event Per Day: 50-100

Site Preparation and Set-Up Date and Time: OCTOBER 31st 5:00 pm

Clean-Up Completion Date and Time: OCTOBER 31st 8:00 pm

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.

BOUNCE HOUSES, FACE PAINTING, AND FOOD VENDORS

REQUESTS: BARRICADES

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

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

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

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

Will dumpsters be needed? NO

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

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

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

[Signature]
Signature of Applicant

AUGUST 5, 2019
Date

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

(5d)
Villarreal, Amber

From: Smith, John
Sent: Monday, August 19, 2019 4:37 PM
To: Villarreal, Amber; Ricky Boyd; Wade Goolsbey; Martinez, Gumaro; Ojeda, Eneida; Hill, Krystyne; Martinez, Jose; Griffith, Thomas
Cc: Scott, Michael; Lawrence, Albert; Ludwig, Tommy; Cartwright, Lori
Subject: RE: Event Application-Trunk-N-Treat in the Park

There are no activities scheduled at Penn Park on that day. I will be glad to work with them to make this happen, thanks.

John

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Monday, August 19, 2019 4:29 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Smith, John <jsmith@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Ojeda, Eneida <Eojeda@waxahachie.com>; Hill, Krystyne <khill@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>
Subject: Event Application-Trunk-N-Treat in the Park

Please review the attached event application and send me your comments/concerns.

Thank you!

Amber Villarreal, TRMC, CMC
Assistant City Secretary
City of Waxahachie
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
www.waxahachie.com

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(5d)
Villarreal, Amber

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Monday, August 19, 2019 4:33 PM
To: Villarreal, Amber
Subject: RE: Event Application-Trunk-N-Treat in the Park

Amber,
I don't have any issues with it.

Wade G. Goolsby
Chief of Police
Waxahachie Police Department
630 Farley St.
Waxahachie, TX 75165
469-309-4411



From: Villarreal, Amber [mailto:avillarreal@waxahachie.com]
Sent: Monday, August 19, 2019 4:29 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; John Smith <jsmith@waxahachie.com>; Gumaro Martinez <gmartinez@waxahachie.com>; Eneida Ojeda <eojeda@waxahachie.com>; Hill, Krystyne <khill@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Michael Scott <msscott@waxahachie.com>; Albert Lawrence <alawrence@waxahachie.com>; Tommy Ludwig <tludwig@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>
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(5d)

Villarreal, Amber

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Tuesday, August 20, 2019 8:14 AM
To: Villarreal, Amber
Subject: RE: Event Application-Trunk-N-Treat in the Park

I have no concerns with this request. We will schedule an engine company to attend.

Ricky Boyd, Fire Chief

Waxahachie Fire-Rescue
214-463-9335

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Monday, August 19, 2019 4:29 PM
To: Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Smith, John <jsmith@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Ojeda, Eneida <Eojeda@waxahachie.com>; Hill, Krystyne <khill@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>
Subject: Event Application-Trunk-N-Treat in the Park

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

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Thank you!

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(5d)
Villarreal, Amber

From: Hill, Krystyne
Sent: Tuesday, August 20, 2019 8:17 AM
To: Villarreal, Amber
Subject: RE: Event Application-Trunk-N-Treat in the Park

Ooohhh exciting! The food vendors need to permit with the city if they do not hold an annual permit with us. 😊

From: Villarreal, Amber
Sent: Monday, August 19, 2019 4:29 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Smith, John <jsmith@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Ojeda, Eneida <Eojeda@waxahachie.com>; Hill, Krystyne <khill@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>
Subject: Event Application-Trunk-N-Treat in the Park

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Thank you!

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(5d)
Villarreal, Amber

From: Ojeda, Eneida
Sent: Tuesday, August 20, 2019 2:53 PM
To: Villarreal, Amber
Cc: Campos, Yadira
Subject: RE: Event Application-Trunk-N-Treat in the Park

Thank you ma'am!

From: Villarreal, Amber
Sent: Tuesday, August 20, 2019 2:39 PM
To: Ojeda, Eneida <Eojeda@waxahachie.com>
Cc: Campos, Yadira <ycampos@waxahachie.com>
Subject: RE: Event Application-Trunk-N-Treat in the Park

They will need two barricades that day. I'll let you know if council approves the event at their next meeting.

Thank y'all!

Amber Villarreal, TRMC, CMC
Assistant City Secretary
City of Waxahachie
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
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From: Ojeda, Eneida <Eojeda@waxahachie.com>
Sent: Monday, August 19, 2019 4:55 PM
To: Villarreal, Amber <avillarreal@waxahachie.com>
Cc: Campos, Yadira <ycampos@waxahachie.com>
Subject: FW: Event Application-Trunk-N-Treat in the Park

From: Massey, Matt
Sent: Monday, August 19, 2019 4:49 PM
To: Ojeda, Eneida <Eojeda@waxahachie.com>; Yrlas, Tim <tyrlas@waxahachie.com>
Cc: Campos, Yadira <ycampos@waxahachie.com>
Subject: RE: Event Application-Trunk-N-Treat in the Park

We need to know what they are doing with the barricades so we can get an idea of how many they need.

Matt Massey
City of Waxahachie
Street Dept.

(52)



Memorandum

To: Honorable Mayor and City Council

From: Anita Simpson 

Thru: Michael Scott, City Manager 

Date: August 19, 2019

Re: Antique Alley on the Square, Saturday, September 21, 2019

The Waxahachie Downtown Merchants Association would like to host an event similar to their Junk in the Trunk event in conjunction with the Fall Antique Alley that is held locally.

They are requesting permission to close College Street from Main to Franklin from 7 am to 6 pm on Saturday, September 21st. The C-10's Party on the Square has already been granted permission to close the 100 block of E. Franklin for their event that day. Hopefully having these two events in close proximity will increase interest and attendance at both.

Amber Caverly will be in attendance to answer any questions regarding this request.

Thank you for your consideration of this event.

(7)

City of Waxahachie
Fiscal Year 2019-2020
Budget Cover Page
September 16, 2019

This budget will raise more revenue from property taxes than last year's budget by an amount of \$2,253,304, which is a 11.32 percent increase from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$1,150,436.

The members of the governing body voted on the budget as follows:

FOR:

AGAINST:

PRESENT and not voting:

ABSENT:

Property Tax Rate Comparison

	2019-2020	2018-2019
Property Tax Rate:	\$0.680000/100	\$0.680000/100
Effective Tax Rate:	\$0.629553/100	\$0.658557/100
Effective Maintenance & Operations Tax Rate:	\$0.468636/100	\$0.496125/100
Rollback Tax Rate:	\$0.717493/100	\$0.768903/100
Debt Rate:	\$0.170000/100	\$0.170000/100

Total debt obligation for City of Waxahachie secured by property taxes: \$6,524,282

(8)
NOTICE OF PUBLIC HEARING

As required by sections 5.05 & 5.06 of the City Charter, the official budget of the City of Waxahachie, Texas, for fiscal year October 1, 2019 to September 30, 2020, will be presented at a public hearing before the City Council. The hearing will be held during a regular City Council meeting on Tuesday, September 3, 2019, at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, located at 401 South Rogers Street.

THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$2,253,304 OR 11.32%, AND OF THAT AMOUNT, \$1,150,436 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.

**PROPOSED BUDGET
Fiscal Year 2019-2020**

GENERAL FUND

ADMINISTRATION	1,581,212
FINANCE	1,107,725
CITY ATTORNEY	100,000
GENERAL ITEMS	402,090
FACILITY MAINTENANCE	412,184
HUMAN RESOURCES	629,169
IT	827,014
ECONOMIC DEVELOPMENT	1,645,097
DOWNTOWN DEVELOPMENT	275,280
PLANNING	647,582
MID-WAY AIRPORT	23,638
POLICE	11,177,055
EMERGENCY MANAGEMENT	211,184
FIRE	8,838,750
BUILDING SERVICES	943,235
MUNICIPAL COURT	356,450
CITY MARSHAL	208,680
STREET	6,193,723
CENTRAL GARAGE	302,320
ENGINEERING	775,362
CITY ENGINEER	379,333
COMMUNITY SERVICES	428,481
ANIMAL CONTROL	272,830
PARKS AND RECREATION	2,234,811
CHAUTAUQUA AUDITORIUM	29,450
RODEO	18,030
PENN PARK POOL	71,540
OPTIMIST POOL	98,500
AMPHITHEATER	100,680
SIMS LIBRARY	1,136,200
SENIOR CITIZENS CENTER	752,270
TOTAL GENERAL FUND EXPENDITURES	<u>42,179,875</u>

(9+10)




Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Director of Planning
Thru: Michael Scott, City Manager
Date: August 28, 2019
Re: ZC-19-0089 Fountain Court

On August 28, 2019, the applicant requested to continue case no. ZC-19-0089 to the September 16, 2019 City Council meeting agenda.



Memorandum

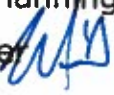
To: Honorable Mayor and City Council
From: Shon Brooks, Director of Planning
Thru: Michael Scott, City Manager 
Date: August 28, 2019
Re: PP-19-0090 Fountain Court

On August 28, 2019, the applicant requested to continue case no. PP-19-0090 to the September 16, 2019 City Council meeting agenda to further address engineering concerns for the site.

(12+13)



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Director of Planning
Thru: Michael Scott, City Manager 
Date: August 29, 2019
Re: SU-19-0098 100 W. Sterrett – Outside Storage

On August 14, 2019, the applicant requested to continue case no. SU-19-0098 to the September 10, 2019 Planning and Zoning meeting agenda, and the September 16, 2019 City Council meeting agenda.

(14+15)

Planning & Zoning Department

Plat Staff Report

Case: RP-19-0100



MEETING DATE(S)

Planning & Zoning Commission: August 27, 2019

City Council: September 3, 2019

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held August 27, 2019, the Commission voted 7-0 to recommend approval of plat no. RP-19-0100, subject to staff comments.

CAPTION

Consider request by John Ed Justice, BKG Legacy Ranch 1, LLC, for a Replat of Lot 3, Block B, Legacy Ranch, Phase One, to create Lots 3R-A and 3R-B, Block B, Legacy Ranch, Phase One, 1.382 acres (Property ID 267513) – Owner: BKG LEGACY RANCH 1 LLC (RP-19-0100).

CASE INFORMATION

Applicant: John Ed Justice, BKG Legacy Ranch 1 LLC

Property Owner(s): BKG Legacy Ranch 1 LLC

Site Acreage: 1.382 acres

Number of Lots: 2 lots

Number of Dwelling Units: 0 units

Park Land Dedication: N/A

Adequate Public Facilities: Adequate public facilities are available for this property.

SUBJECT PROPERTY

General Location: 1005 Legacy Ranch Road

Parcel ID Number(s): 267513

Current Zoning: Planned Development-General Retail (Ordinance 2771)

Existing Use: ROW paved to allow for office/general retail.

Platting History: This piece of property was originally approved as a final plat in September 19, 2016 under case no. FP 2016-34.

(14+15)

Site Aerial:



PROPERTY OWNER NOTIFICATIONS

Staff received eight (8) letters in support of this replat.

STAFF CONCERNS

This replat doesn't allow for direct street frontage to Legacy Ranch Dr. from the proposed lot.

APPLICANT RESPONSE TO CONCERNS

The applicant will have an access easement that allows for traffic from Legacy Ranch Dr. to the frontage of the new lot.

RECOMMENDATION

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

- ☐ Denial
- ☒ Approval, as presented.
- ☐ Approval, per the following conditions:

ATTACHED EXHIBITS

1. Plat Drawing.
2. PON Notifications
 - a. 8 support | 0 oppose

APPLICANT REQUIREMENTS

If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all conditions (if applicable).

(14+15)

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;
3. A traffic impact analysis has been conducted and the requirements of said study have been met, as required by the City's subdivision ordinance.

STAFF CONTACT INFORMATION

Prepared by:

Chris Webb

Planner

cwebb@waxahachie.com

Reviewed by:

Shon Brooks, AICP

Director of Planning

sbrooks@waxahachie.com



0' 15' 30'
SCALE: 1" = 30'

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Case RP-19-0100

Responses Received Inside Required 200' Notification Area
Support: 8 Oppose: 0

Property ID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
189258	BREKENGLENN LTD	22.722	844 J E PRINCE 22.722 ACRES	238 KATY LAKE DR	WAXAHACHIE	TX	75165	JOHN ARDEN DR WAXAHACHIE TX 75165
267508	BKG LEGACY RANCH I LLC	1.39	LOT 1 BLK A LEGACY ESTATES PH 1 1.39 AC	238 KATY LAKE DR	WAXAHACHIE	TX	75165	1000 LEGACY RANCH RD WAXAHACHIE TX 75167
267509	BKG LEGACY RANCH I LLC	1.212	LOT 2 BLK A LEGACY ESTATES PH 1 1.212 AC	238 KATY LAKE DR	WAXAHACHIE	TX	75165	1002 LEGACY RANCH RD WAXAHACHIE TX 75167
267510	BKG LEGACY RANCH I LLC	1.329	LOT 3 BLK A LEGACY ESTATES PH 1 1.329 AC	238 KATY LAKE DR	WAXAHACHIE	TX	75165	1004 LEGACY RANCH RD WAXAHACHIE TX 75167
267511	BKG LEGACY RANCH I LLC	1.401	LOT 1 BLK B LEGACY RANCH PH 1 1.401 AC	238 KATY LAKE DR	WAXAHACHIE	TX	75165	1001 LEGACY RANCH RD WAXAHACHIE TX 75165
267512	BKG LEGACY RANCH I LLC	1.241	LOT 2 BLK B LEGACY RANCH PH 1 1.241 AC	238 KATY LAKE DR	WAXAHACHIE	TX	75165	1003 LEGACY RANCH RD WAXAHACHIE TX 75165
267513	BKG LEGACY RANCH I LLC	1.382	LOT 3 BLK B LEGACY RANCH PH 1 1.382 AC	238 KATY LAKE DR	WAXAHACHIE	TX	75165	1005 LEGACY RANCH RD WAXAHACHIE TX 75165
267514	BKG LEGACY RANCH I LLC	1.493	LOT 4 BLK B LEGACY RANCH PH 1 RETENTION EASEMENT 1.493 AC	238 KATY LAKE DR	WAXAHACHIE	TX	75165	LEGACY RANCH RD WAXAHACHIE TX 75165
179579	LANDER TRUST, WILLIAM H GETZENDANER	99.29	41 J BARKER 99 J8 BOUNDS 99.29 ACRES	4445 SKINNER RD	MIDLOTHIAN	TX	76065	GRAND AVE WAXAHACHIE TX 75165

(14+15)

(16417)

Planning & Zoning Department

Plat Staff Report

Case: RP-19-0101



MEETING DATE(S)

Planning & Zoning Commission: August 27, 2019

City Council: September 3, 2019

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held August 27, 2019, the Commission voted 7-0 to recommend approval of plat no. RP-19-0101, as presented.

CAPTION

Consider request by James McDill, Davis & McDill, for a Replat of Lots 1 and 2, Chapman Place Business Addition, and 1.3974 acres out of the WM Baskins Survey, Abstract 148, to create Lot 1-R, Block A, Chapman Place Business Addition, 2.152 acres (Property ID 247595, 247596, 180847) – Owner: STEVEN F & RICHARD A CHAPMAN (RP-19-0101)

CASE INFORMATION

Applicant: James McDill, Davis & McDill

Property Owner(s): Steven F and Richard A Chapman

Site Acreage: 2.152 acres

Number of Lots: 1 lot

Number of Dwelling Units: 0 units

Park Land Dedication: N/A

Adequate Public Facilities: Adequate public facilities are available for this location.

SUBJECT PROPERTY

General Location: 500 N Highway 77

Parcel ID Number(s): 247595, 247596, and 180847

Current Zoning: Planned Development-24-General Retail

Existing Use: A furniture store currently sits on most of the property with the northernmost portion of the property remaining undeveloped.

Platting History: Final plats were approved for this property in 2009 and 2010 under Case Nos. FINAL PLAT 2009-05 and FINAL PLAT 2010-20.

(16+17)

Site Aerial:



PROPERTY OWNER NOTIFICATIONS

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

RECOMMENDATION

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

- ☐ Denial
- ☒ Approval, as presented.
- ☐ Approval, per the following conditions:

ATTACHED EXHIBITS

1. Plat drawing.
2. PON Responses
 - a. 1 support | 0 oppose

APPLICANT REQUIREMENTS

If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all conditions (if applicable).

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;
3. A traffic impact analysis has been conducted and the requirements of said study have been met, as required by the City's subdivision ordinance.

STAFF CONTACT INFORMATION

Prepared by:
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Planner
cwebb@waxahachie.com

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

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That We, RICHARD A. CHAPMAN AND STEVEN F. CHAPMAN, do hereby adopt this plat designating the herein above described property as a REPLAT of CHAPMAN PLACE BUSINESS ADDITION, on 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, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

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

WITNESS, my hand, this the _____ day of _____, 2019.

BY:

Richard A. Chapman
Owner

Steven F. Chapman
Owner

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 Richard A. Chapman, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

Given under my hand and seal of office, this _____ day of _____, 2019.

Notary Public in and for the State of Texas

My Commission Expires On: _____

CITY OF WAXAHACHIE, TEXAS FINAL PLAT APPROVAL

APPROVED BY: Planning and Zoning Commission
City of Waxahachie

By: _____ Date _____
Chairperson

APPROVED BY: City Council
City of Waxahachie

By: _____
Mayor

Attest _____ Date _____

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 Steven F. Chapman, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and considerations therein expressed.

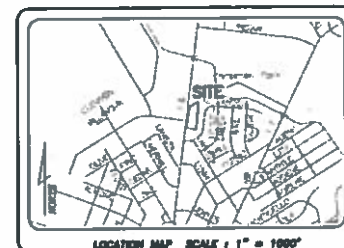
Given under my hand and seal of office, this _____ day of _____, 2019.

Notary Public in and for the State of Texas

My Commission Expires On: _____

Owner & Developers:

Steven F. Chapman
Richard A. Chapman
1602 Alexander Drive
Waxahachie, Texas 75165
972-938-2720



SURVEYOR'S DECLARATION

This is to certify that I, Stuart G. Hamilton, a Registered Professional Land Surveyor of the State of Texas, have plotted the above subdivision from an actual survey on the ground and that all lot corners, angle points, and points of curve have been properly marked on the ground, and that this plat correctly represents the survey made by me.

Stuart G. Hamilton
Registered Professional Land Surveyor
Number 4480

AUG 21 2019
Date

**REPLAT
Chapman Place Business Addition
Lot 1-R, Block A**

2.089 Acres
situated in the William Bankins Survey, Abst. 148
in the City of Waxahachie,
Ellis County, Texas
(1 Commercial Lot)

CASE NO.
RP-19-0101

**ELLIS ASSOCIATES
SURVEYORS**

212 North College Tel. 972-837-7474
Waxahachie, Texas 75165
TSPS License No. 10067100

Page 2 of 2
Date: 08/21/2019
Scale: 1" = 50'
Drawn: D. Hocutt
Job: 219-0041

Case RP-19-0101
Responses Received Inside Required 200' Notification Area
Support: 1 Oppose: 0

PropertyID	Owner's Name	Acreage	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
175008	KOSSMAN WAXAHACHIE LIMITED PRT	5	LOT 4 BLK 1 NORTHGATE PLAZA 5.0 AC	11 PARKWAY CTR STE 300	PITTSBURGH	PA	15220	505 N HIGHWAY 77 WAXAHACHIE TX 75165
172718	WALLER CHRISTOPHER & JENNIFER	0.319	LOT 19 BLK 9 CHAPMAN PLACE UNIT 5 .319 AC	1600 ALEXANDER DR	WAXAHACHIE	TX	75165	1600 ALEXANDER DR WAXAHACHIE TX 75165
172707	BARNES DANIEL L & ANITA L	0.289	LOT 11 BLK 10 CHAPMAN PLACE UNIT 5 .289 AC	1601 ALEXANDER DR	WAXAHACHIE	TX	75165	1601 ALEXANDER DR WAXAHACHIE TX 75165
172717	CHAPMAN STEVEN F	0.65	LOT 18 BLK 9 CHAPMAN PLACE UNIT 5 .65 AC	1602 ALEXANDER DR	WAXAHACHIE	TX	75165	1602 ALEXANDER DR WAXAHACHIE TX 75165
180818	CHAPMAN RICHARD A & STEVEN F CHAPMAN	0.498	148 WM BASKINS 0.498 ACRES	1602 ALEXANDER DR	WAXAHACHIE	TX	75165	400 N HIGHWAY 77 WAXAHACHIE TX 75165
180828	CHAPMAN RICHARD A & STEVEN F CHAPMAN	0.54	148 WM BASKINS 0.54 ACRES	1602 ALEXANDER DR	WAXAHACHIE	TX	75165	402 N HIGHWAY 77 WAXAHACHIE TX 75165
180847	CHAPMAN STEVEN F & RICHARD A	1.3974	148 WM BASKINS 1.3974 ACRES	1602 ALEXANDER DR	WAXAHACHIE	TX	75165	500 N HIGHWAY 77 WAXAHACHIE TX 75165
247585	CHAPMAN STEVEN F & RICHARD A	0.643	LOT 2 CHAPMAN PLACE BUSINESS ADDITION 0.643 AC	1602 ALEXANDER DR	WAXAHACHIE	TX	75165	N HIGHWAY 77 WAXAHACHIE TX 75165
247596	CHAPMAN STEVEN F & RICHARD A	0.2366	LOT 1 CHAPMAN PLACE BUSINESS ADDITION .2366 AC	1602 ALEXANDER DR	WAXAHACHIE	TX	75165	502 N HIGHWAY 77 WAXAHACHIE TX 75165
172706	WILLIAMS SARAH	0.272	LOT 10 BLK 10 CHAPMAN PLACE UNIT 5 .272 AC	1603 ALEXANDER DR	WAXAHACHIE	TX	75165	1603 ALEXANDER DR WAXAHACHIE TX 75165
172716	MOORE HANSFORD & LORI J	0.354	LOT 17 BLK 9 CHAPMAN PLACE UNIT 5 .354 AC	1604 ALEXANDER DR	WAXAHACHIE	TX	75165	1604 ALEXANDER DR WAXAHACHIE TX 75165
172715	BERGER EILEEN G & LOVELESS ANDREA M	0.298	LOT 16 BLK 9 CHAPMAN PLACE UNIT 5 .298 AC	1606 ALEXANDER DR	WAXAHACHIE	TX	75165	1606 ALEXANDER DR WAXAHACHIE TX 75165
172714	WOOD LARY E & DOROTHY J	0.298	LOT 15 BLK 9 CHAPMAN PLACE UNIT 5 .298 AC	1608 ALEXANDER DR	WAXAHACHIE	TX	75165	1608 ALEXANDER DR WAXAHACHIE TX 75165
172713	MAXFIELD DONALD & ANGELA	0.284	LOT 7 BLK 10 CHAPMAN PLACE UNIT 5 .284 AC	1609 ALEXANDER DR	WAXAHACHIE	TX	75165	1609 ALEXANDER DR WAXAHACHIE TX 75165
172723	NIEDERHAUS DONALD L & JOYCE R	0.298	LOT 14 BLK 9 CHAPMAN PLACE UNIT 5 .298 AC	1610 ALEXANDER DR	WAXAHACHIE	TX	75165	1610 ALEXANDER DR WAXAHACHIE TX 75165
172712	ELLYSON DON EDWYN	0.311	LOT 6 BLK 10 CHAPMAN PLACE UNIT 5 .311 AC	1611 ALEXANDER DR	WAXAHACHIE	TX	75165	1611 ALEXANDER DR WAXAHACHIE TX 75165
172722	MC LANE W D	0.278	LOT 13 BLK 9 CHAPMAN PLACE UNIT 5 .278 AC	1612 ALEXANDER DR	WAXAHACHIE	TX	75165	1612 ALEXANDER DR WAXAHACHIE TX 75165
193485	TROST MARY S	0.389	LOT 5 BLK 10 CHAPMAN PLACE UNIT 5 .389 AC	1613 ALEXANDER DR	WAXAHACHIE	TX	75165	1613 ALEXANDER DR WAXAHACHIE TX 75165
172711	BILLIND & WHITNEY	0.375	LOT 4 BLK 10 CHAPMAN PLACE UNIT 5 .375 AC	1615 ALEXANDER DR	WAXAHACHIE	TX	75165	1615 ALEXANDER DR WAXAHACHIE TX 75165
180818	WINDWARD PARTNERS X, % EMERSONS COMMERCIAL MANAGEMENT	6.85	148 & 599 WM BASKINS & J JOHNSON 6.85 ACRES	17778 PRESTON RD STE 100	DALLAS	TX	75252	401 N HIGHWAY 77 WAXAHACHIE TX 75165
196892	BM VANNAWALA FAMILY LIMITED PARTNERSHIP	0.486	1 1 WAXAHACHIE BLOCK BUSTER 0.486 ACRES	2716 WATERS EDGE DR	CEDAR HILL	TX	75104	508 N HIGHWAY 77 WAXAHACHIE TX 75165
175005	CLEAR LINK TELEPHONE CORP, ATTN: RE TAX DEPT	0.309	2A 1 NORTHGATE PLAZA REV 0.309 ACRES	3000 ALTAMESA BLVD STE 300	FORT WORTH	TX	76133	507 N HIGHWAY 77 WAXAHACHIE TX 75165
172704	LARKIN KIRK A	0.284	LOT 8 BLK 10 CHAPMAN PLACE UNIT 5 .284 AC	505 SYCAMORE	WAXAHACHIE	TX	75165	1607 ALEXANDER DR WAXAHACHIE TX 75165
175006	ROCKSTEADY LLC, C/O ATALLA JOUDEH	0.501	LOT 2B BLK 1 NORTHGATE PLAZA 0.501 AC	P O BOX 891	MIDLOTHIAN	TX	76065	503 N HIGHWAY 77 WAXAHACHIE TX 75165
172327	RETAIL BUILDINGS INC	1.75	1R A BRAUMS ADDN REV 1.75 ACRES	PO BOX 25429	OKLAHOMA CITY	OK	73125	504 N HIGHWAY 77 WAXAHACHIE TX 75165
172705	TITTLE JUDY P	0.284	LOT 9 BLK 10 CHAPMAN PLACE UNIT 5 .284 AC	PO BOX 303	WAXAHACHIE	TX	75168	1605 ALEXANDER DR WAXAHACHIE TX 75165

(116 & 17)

(18)

Planning & Zoning Department

Plat Staff Report

Case: PP-19-0103



MEETING DATE(S)

Planning & Zoning Commission: August 27, 2019

City Council: September 3, 2019

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held August 27, 2019, the Commission voted 7-0 to recommend approval of plat no. PP-19-0103, as presented.

CAPTION

Consider request by Matthew Martinez, JPH Land Surveying, for a Preliminary Plat of Chapman Acres Subdivision for 1 lot being 0.973 acres situated in William Baskins Survey, Abstract 148 (Property ID 180816 and 180826) Owner: VAQUERO KIRKSEY STREET PARTNERS LP (PP-19-0103)

CASE INFORMATION

Applicant: Matthew Martinez, JPH Land Surveying

Property Owner(s): Vaquero Kirksey Street Partners LP

Site Acreage: 0.973 acres

Number of Lots: 1 lot

Number of Dwelling Units: 0 units

Park Land Dedication: The cash in lieu of park land dedication for this case is estimated at \$600.00 (1 non-residential building at \$600.00 per building).

Adequate Public Facilities: Adequate public facilities are available at this location.

SUBJECT PROPERTY

General Location: 400 and 402 N Highway 77

Parcel ID Number(s): 180816 and 180826

Current Zoning: Planned Development-24-General Retail

Existing Use: This site is currently occupied by a small retail space and a carwash.

Platting History: 148 WM BASKINS Survey

Site Aerial:



RECOMMENDATION

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

- ☐ Denial
- ☒ Approval, as presented.
- ☐ Approval, per the following conditions:

ATTACHED EXHIBITS

1. Plat Drawing.

APPLICANT REQUIREMENTS

If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all conditions (if applicable).

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;
3. A traffic impact analysis has been conducted and the requirements of said study have been met, as required by the City's subdivision ordinance.

STAFF CONTACT INFORMATION

Prepared by:
Chris Webb
Planner
cwebb@waxahachie.com

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

(19)

Planning & Zoning Department

Zoning Staff Report

Case: SU-19-0095



MEETING DATE(S)

Planning & Zoning Commission: August 27, 2019

City Council: September 3, 2019

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held August 27, 2019, the Commission voted 7-0 to recommend approval of zoning change SU-19-0095, as presented.

CAPTION

Public Hearing on a request by Kayla Sterling, SunRun, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-2 zoning district, located at 90 Lilly Lane (Property ID 222788) – Owner: ROBERT J BOUDREAU (SU-19-0095)

CASE INFORMATION

Applicant: Kayla Sterling, SunRun

Property Owner(s): Robert J Boudreau

Site Acreage: 0.155 acres

Current Zoning: Planned Development-Single Family-2

Requested Zoning: PD-SF2 with SUP

SUBJECT PROPERTY

General Location: 90 Lilly Lane

Parcel ID Number(s): 222788

Existing Use: The site is currently a residence.

Development History: N/A

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	PD-SF-2	Residential
East	PD-SF-2	Residential
South	PD-SF-2	Residential
West	PD-SF-2	Residential

Future Land Use Plan: Low Density Residential

(19)

Comprehensive Plan:

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

Thoroughfare Plan:

The subject property is accessible via Lilly Ln.

Site Image:



PLANNING ANALYSIS

The applicant seeks to install solar panels on the roof of the single family residence. Per the City of Waxahachie Zoning Ordinance, solar panels are permitted with a Specific Use Permit, and must be installed so that they do not front onto the right-of-way. According to the current site plan submitted by the applicant, there will be no solar panel systems facing the public ROW.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 35 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Daily Light and a sign was visibly posted at the property on 08/09/2019.

PROPERTY OWNER NOTIFICATIONS

Staff received one (1) letter of support for the proposed solar rooftop solar panel system.

RECOMMENDATION

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

- ☐ Denial
- ☒ Approval, as presented.
- ☐ Approval, per the following conditions:

(19)

ATTACHED EXHIBITS

1. Site Plan
2. Ordinance
3. PON Responses
 - a. 1 support | 0 oppose

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
Chris Webb
Planner
cwebb@waxahachie.com

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

(20)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A PLANNED DEVELOPMENT SINGLE FAMILY – 2 (PD-SF-2) ZONING DISTRICT, LOCATED AT 90 LILLY LANE, BEING PROPERTY ID 222788, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 40 BLOCK A IN THE RIVER OAKS #4 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-SF-2; and

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number SU-19-0095. 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-SF-2 to PD-SF-2, with an SUP in order to permit Rooftop Solar Panel System use on the following property: Lot 40 Block A of the River Oaks #4 subdivision, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B.

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

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

PASSED, APPROVED AND ADOPTED on this 3rd day of September, 2019.

(20)

MAYOR

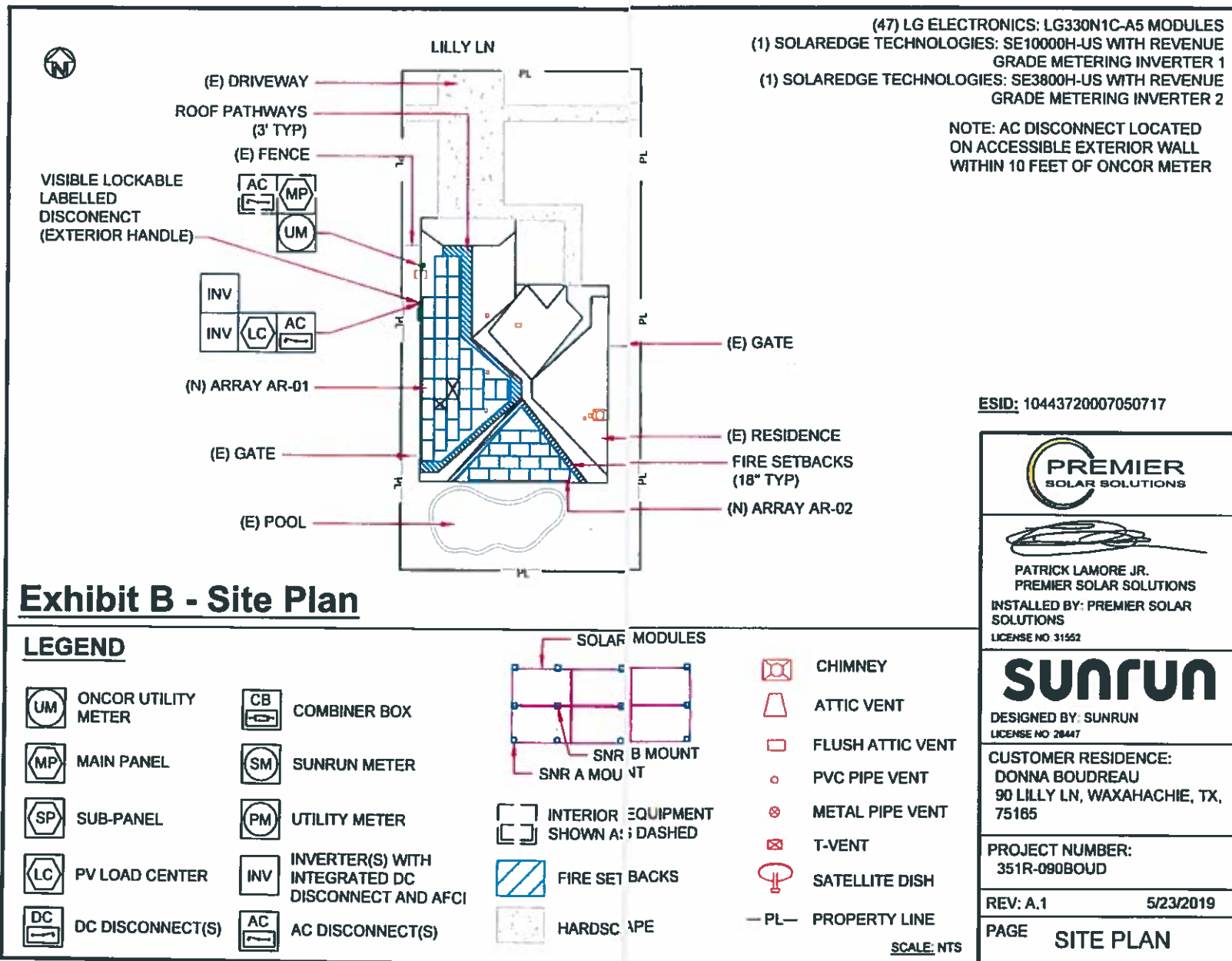
ATTEST:

City Secretary



Exhibit A - Location Exhibit

(20)



Case SU-19-0095
Responses Received Inside Required 200' Notification Area
Support: 1 Oppose: 0

Property ID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's Suite	Owner's City	Owner's State	Owner's ZIP	Physical Address
222780	HPA TEXAS SUB 2016-2 LLC	0.134	LOT 42 BLK A RIVER OAKS 4 0.134 AC	180 N STETSON	STE 3650	CHICAGO	IL	60601	86 LILLY LN WAXAHACHIE TX 75165
222784	JETT JAMES & CORI	0.152	37 A RIVER OAKS 4 0.152 ACRES	2075 RIVER WOOD DR		NIXA	MO	65714	87 HARDWOOD LN WAXAHACHIE TX 75165
222881	CROCKER JONATHAN D	0.173	14 C RIVER OAKS 4 0.173 ACRES	338 LEISURE LN		WAXAHACHIE	TX	75165	338 LEISURE LN WAXAHACHIE TX 75165
222882	JARAMILLO HUGO & JUANITA R	0.174	LOT 15 BLK C RIVER OAKS 4 .174 AC	340 LEISURE LN		WAXAHACHIE	TX	75165	340 LEISURE LN WAXAHACHIE TX 75165
222821	JOHNSON ZONDRA L	0.152	23 B RIVER OAKS 4 0.152 ACRES	341 LEISURE LN		WAXAHACHIE	TX	75165	341 LEISURE LN WAXAHACHIE TX 75165
222872	NARVAEZ ARMANDO & MATA BECKY	0.174	16 C RIVER OAKS 4 0.174 ACRES	342 LEISURE LN		WAXAHACHIE	TX	75165	342 LEISURE LN WAXAHACHIE TX 75165
222873	RICHMOND GREGORY & AMY M	0.175	LOT 17 BLK C RIVER OAKS 4 0.175 AC	344 LEISURE LN		WAXAHACHIE	TX	75165	344 LEISURE LN WAXAHACHIE TX 75165
222820	HENDERSON RAYMOND D & BIRDIE	0.149	LOT 22 BLK B RIVER OAKS 4 0.149 AC	346 CREEKSIDE WAY		WAXAHACHIE	TX	75165	346 CREEKSIDE WAY WAXAHACHIE TX 75165
222874	FUGITT JIMMY L & DORA G	0.144	18 C RIVER OAKS 4 0.144 ACRES	346 LEISURE LN		WAXAHACHIE	TX	75165	346 LEISURE LN WAXAHACHIE TX 75165
222875	BUSH KEVIN J & SUSAN M	0.144	19 C RIVER OAKS 4 0.144 ACRES	348 LEISURE LN		WAXAHACHIE	TX	75165	348 LEISURE LN WAXAHACHIE TX 75165
222876	HERNANDEZ VIRGINIA	0.144	20 C RIVER OAKS 4 0.144 ACRES	350 LEISURE LN		WAXAHACHIE	TX	75165	350 LEISURE LN WAXAHACHIE TX 75165
222877	ROJAS PABLO & TANYA M	0.144	21 C RIVER OAKS 4 0.144 ACRES	352 LEISURE LN		WAXAHACHIE	TX	75165	352 LEISURE LN WAXAHACHIE TX 75165
222866	BALLARD JULIE L	0.145	22 C RIVER OAKS 4 0.145 ACRES	354 LEISURE LN		WAXAHACHIE	TX	75165	354 LEISURE LN WAXAHACHIE TX 75165
222867	SHIELDS CLAYTON & AMANDA	0.145	LOT 23 BLK C RIVER OAKS 4 0.145 AC	356 LEISURE LN		WAXAHACHIE	TX	75165	356 LEISURE LN WAXAHACHIE TX 75165
206659	JOHNSON ALAN W & DEBORAH L	0.27	LOT 34 BLK 4 RIVER OAKS 3 0.27 AC	407 RIVER OAKS BLVD		WAXAHACHIE	TX	75165	407 RIVER OAKS BLVD WAXAHACHIE TX 75165
206657	SHOTWELL DOUGLAS RAY & REBECCA DIANE	0.3	LOT 33 BLK 4 RIVER OAKS 3 .3 AC	409 RIVER OAKS BLVD		WAXAHACHIE	TX	75165	409 RIVER OAKS BLVD WAXAHACHIE TX 75165
222862	JONES JAMIE R	0.172	30 C RIVER OAKS 4 0.172 ACRES	411 RIVER OAKS BLVD		WAXAHACHIE	TX	75165	411 RIVER OAKS BLVD WAXAHACHIE TX 75165
222861	HORAK JUSTIN W & RACHEL	0.172	29 C RIVER OAKS 4 0.172 ACRES	413 RIVER OAKS BLVD		WAXAHACHIE	TX	75165	413 RIVER OAKS BLVD WAXAHACHIE TX 75165
222860	JORDAN ROY	0.172	28 C RIVER OAKS 4 0.172 ACRES	415 RIVER OAKS BLVD		WAXAHACHIE	TX	75165	415 RIVER OAKS BLVD WAXAHACHIE TX 75165
222871	HOWARD JUSTIN E & RACHEL D	0.172	LOT 27 BLK C RIVER OAKS 4 0.172 AC	417 RIVER OAKS BLVD		WAXAHACHIE	TX	75165	417 RIVER OAKS BLVD WAXAHACHIE TX 75165
222793	WEST KEITH W & CHRISTINA D	0.187	35 A RIVER OAKS 4 0.187 ACRES	83 HARDWOOD LN		WAXAHACHIE	TX	75165	83 HARDWOOD LN WAXAHACHIE TX 75165
222782	WHITAKER KEVIN	0.29	LOT 44 BLK A RIVER OAKS 4 0.29 AC	83 LILLY LN		WAXAHACHIE	TX	75165	83 LILLY LN WAXAHACHIE TX 75165
222781	CAMPIONE JOHN J & OLIVIA M	0.332	LOT 43 BLK A RIVER OAKS 4 0.332 AC	84 LILLY LN		WAXAHACHIE	TX	75165	84 LILLY LN WAXAHACHIE TX 75165
222794	WILLIAMS MICHAEL W & SHARON D	0.125	LOT 36 BLK A RIVER OAKS 4 .125 AC	85 HARDWOOD LN		WAXAHACHIE	TX	75165	85 HARDWOOD LN WAXAHACHIE TX 75165
222783	HILL STEVEN D & ANN W	0.239	LOT 45 BLK A RIVER OAKS 4 .239 AC	85 LILLY LN		WAXAHACHIE	TX	75165	85 LILLY LN WAXAHACHIE TX 75165
222777	PHAN DUNG M	0.136	LOT 50 BLK A RIVER OAKS 4 .136 AC	85 POST OAK DR		WAXAHACHIE	TX	75165	85 POST OAK DR WAXAHACHIE TX 75165
222768	CHENEY HOLLY A	0.308	LOT 51 BLK A RIVER OAKS 4 0.308 AC	86 POST OAK DR		WAXAHACHIE	TX	75165	86 POST OAK DR WAXAHACHIE TX 75165
222773	DUONG TIEN QUOC	0.138	LOT 46 BLK A RIVER OAKS 4 .138 AC	87 LILLY LN		WAXAHACHIE	TX	75165	87 LILLY LN WAXAHACHIE TX 75165
222779	LOVELAND GEORGE E & CANDACE	0.151	41 A RIVER OAKS 4 0.151 ACRES	88 LILLY LN		WAXAHACHIE	TX	75165	88 LILLY LN WAXAHACHIE TX 75165
222785	FERMAN MARVIN & DALIA CUELLAR	0.152	LOT 38 BLK A RIVER OAKS 4 0.152 AC	89 HARDWOOD LN		WAXAHACHIE	TX	75165	89 HARDWOOD LN WAXAHACHIE TX 75165
222774	RAMOS JOSE & ADELA	0.15	LOT 47 BLK A RIVER OAKS 4 0.15 AC	89 LILLY LN		WAXAHACHIE	TX	75165	89 LILLY LN WAXAHACHIE TX 75165
222788	BOUDREAU ROBERT J	0.155	LOT 40 BLK A RIVER OAKS 4 .155 AC	90 LILLY LN		WAXAHACHIE	TX	75165	90 LILLY LN WAXAHACHIE TX 75165
222776	ROBINSON BEVERLY K	0.163	LOT 49 BLK A RIVER OAKS 4 0.163 AC	90 POST OAK DR		WAXAHACHIE	TX	75165	90 POST OAK DR WAXAHACHIE TX 75165
222786	ESPINOSA PATRICK O	0.151	39 A RIVER OAKS 4 0.151 ACRES	91 HARDWOOD LN		WAXAHACHIE	TX	75165	91 HARDWOOD LN WAXAHACHIE TX 75165
222775	HILL VINCENT LEE	0.162	LOT 48 BLK A RIVER OAKS 4 0.162 AC	91 LILLY LN		WAXAHACHIE	TX	75165	91 LILLY LN WAXAHACHIE TX 75165

(90)

(21)

Planning & Zoning Department Zoning Staff Report

Case: SU-19-0096



MEETING DATE(S)

Planning & Zoning Commission: August 27, 2019

City Council: September 3, 2019

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held August 27, 2019, the Commission voted 7-0 to recommend approval of zoning change SU-19-0096, as presented.

CAPTION

Public Hearing on a request by Stephen Masker, Sunpro Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 112 Barger Drive (Property ID 172017) – Owner: JUSTIN T WITT (SU-19-0096).

CASE INFORMATION

Applicant: Stephen Masker, Sunpro Solar

Property Owner(s): Justin T Whitt

Site Acreage: 0.298 acres

Current Zoning: Single Family-2

Requested Zoning: SF2 with SUP

SUBJECT PROPERTY

General Location: 112 Barger Drive

Parcel ID Number(s): 172017

Existing Use: Residential

Development History: N/A

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF-2	Residential
East	SF-2	Residential
South	SF-2	Residential
West	SF-2	Residential

(21)

Future Land Use Plan:

Low Density Residential

Comprehensive Plan:

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

Thoroughfare Plan:

The subject property is accessible via Barger Dr.

Site Image:



PLANNING ANALYSIS

The applicant seeks to install solar panels on the roof of the single family residence. Per the City of Waxahachie Zoning Ordinance, solar panels are permitted with a Specific Use Permit, and must be installed so that they do not front onto the right-of-way. According to the current site plan submitted by the applicant, there will be no solar panel systems facing the public ROW.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 30 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Daily Light and a sign was visibly posted at the property on 08/09/2019.

RECOMMENDATION

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

- ☐ Denial
- ☒ Approval, as presented.
- ☐ Approval, per the following conditions:

(21)

ATTACHED EXHIBITS

1. Site Plan.
2. Ordinance

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
Chris Webb
Planner
cwebb@waxahachie.com

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

(22)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 112 BARGER DRIVE, BEING PROPERTY ID 172017, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 11 IN THE BARGER 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 SF-2; and

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number SU-19-0096. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from SF-2 to SF-2, with an SUP in order to permit a Rooftop Solar Panel System use on the following property: Lot 11 of the Barger subdivision, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B.

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

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

PASSED, APPROVED AND ADOPTED on this 3rd day of September, 2019.

(22)

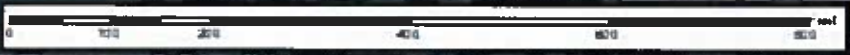
MAYOR

ATTEST:

City Secretary



Exhibit A - Location Exhibit



SJ-19-0094

(20)

Install Map - Justin Witt



NOTE: THIS DESIGN IS NOT ABSOLUTE AND MAY BE SUBJECT TO MINOR ON-SITE REDESIGN DUE TO UNFORSEEN OBSTRUCTIONS OR SIZE RESTRICTIONS TO BE APPROVED BY THE HOMEOWNER



Quantity: 28
Panel: LG 335N1C-V5
Inverter: Enphase iQ7-60-2-US

Exhibit B - Site Layout Plan

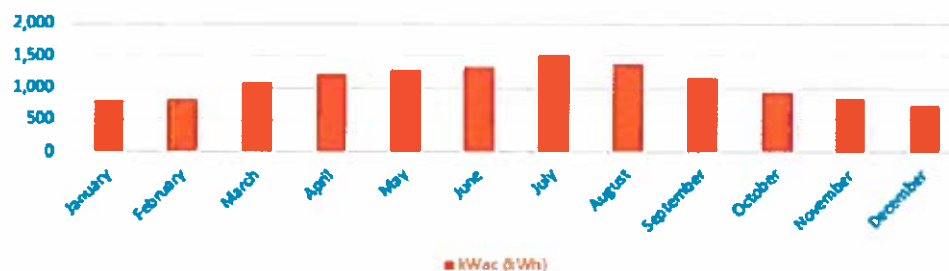
Estimated Energy Savings

Annual Results	12,976 kWh per Year*	
	Low	High
Estimated Solar Energy Production (kWh/yr)	12,876	13,276
Estimated Energypro Efficiency Savings (kWh/yr)**	2,000	6,000
Solar + Energypro Estimated Annual Benefit (kWh/yr)	14,876	19,276
Monthly Estimates (kWh/mo)	730	1,480

*The solar energy production provided here is only an estimate and does not take into account any pre-existing shade issues. The final solar energy production guarantee will be issued after the job is complete and based on the shade measurements conducted at the day of installation.

**Results from the energy efficiency work conducted by Energypro are estimates only and cannot be guaranteed as every home utilizes different construction methods.

Estimated Monthly Production



I, _____, APPROVE THE PROPOSED DESIGN AND ESTIMATED* ENERGY SAVINGS FOR MY SOLAR PANEL INSTALLATION.

X _____

MARCJONES
CONSTRUCTION
residential • commercial • solar

SUNPRO
SOLAR HOME SPECIALISTS

112 Barger Drive Waxahachie TX 75165

Install:	9.38 kW Solar Panel System
Jurisdiction:	City of Waxahachie
Utility:	Oncor ESID: 10443720004365451
Designer:	M Williams
Date:	06.20.19 REV: 1 Sheet: 1 of 1

(23)

Planning & Zoning Department Zoning Staff Report

Case: SU-19-0097



MEETING DATE(S)

Planning & Zoning Commission: August 27, 2019

City Council: September 3, 2019

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held August 27, 2019, the Commission voted 7-0 to recommend approval of case number SU-19-0097, subject to staff conditions.

CAPTION

Public Hearing on a request by Sean Neal, TGS Architects, for a Specific Use Permit (SUP) for Drive Through Establishment use within a General Retail zoning district, located at 1905 N Highway 77 (Property ID 262426) – Owner: COMMUNITY NATIONAL BANK & TRUST OF TEXAS (SU-19-0097)

CASE INFORMATION

Applicant: Sean Neal, TGS Architects

Property Owner(s): Community National Bank & Trust of Texas

Site Acreage: 2.4699 acres

Current Zoning: General Retail

Requested Zoning: GR with SUP

SUBJECT PROPERTY

General Location: 1905 N Highway 77

Parcel ID Number(s): 262426

Existing Use: Undeveloped Land

Development History: An Amended Plat for 1R, Block B Victory Park, was approved by staff in 2016.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF-1	Undeveloped Land
East	GR	Undeveloped Land
South	LI-1	Undeveloped Land
West	GR and LI	Undeveloped Land

(23)

Future Land Use Plan:

Retail

Comprehensive Plan:

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

Thoroughfare Plan:

The subject property is accessible via Triumph Ln, North Town Blvd, and Victory Dr.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant intends to develop a drive through establishment (bank) along US Highway 77, adjacent from North Grove Blvd. Per the City of Waxahachie Zoning Ordinance, a drive through establishment requires a Specific Use Permit. The Future Land Use Plan (FLUP) designates this area as Retail. The proposed use is consistent with the FLUP.

Proposed Use:

The proposed development includes a 28,502 sq. ft. building that will operate as a bank (8,688 sq. ft.) and office space (19,814 sq. ft.). Per the Operational Plan, operating hour for the bank lobby will be 9am-5pm Monday-Friday and the bank drive-thru will operate 7:30am-6pm Monday-Friday, and 9am-noon on Saturdays.

In addition to the full service bank, the site will consist of professional office spaces for lease. The office spaces will be marketed to professional services such as attorney and real estate offices.

(23)

DEVELOPMENT STANDARDS

Table 1 evaluates the dimensional standards for the proposed development.

Table 1: Proposed Development Standards (General Retail)

Standard	GR (City of Waxahachie)	Community National Bank of Texas	Meets Yes/No
Min. Lot Area	7,000 sq. ft.	107,595 sq. ft.	Yes
Min. Lot Width	60 ft.	404 ft.	Yes
Min. Lot Depth	100 ft.	265 ft.	Yes
Front Setback	40 ft.	40 ft.	Yes
Rear Setback	20 ft.	20 ft.	Yes
Side Setback	20 ft; 0 (adjacent to retail)	20 ft.	Yes
Maximum Height	2 Stories	2 Stories	Yes
Max. Lot Coverage	40%	13.29%	Yes

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 9 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Daily Light and a sign was visibly posted at the property on 08/09/2019.

EXCEPTIONS AND APPEALS

-Stacking spaces

Per the City of Waxahachie Zoning Ordinance: For banks and credit unions, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces.

- The applicant is only providing four (4) stacking spaces.

-Street Trees

9 street trees are required along Victory Dr.

- The applicant is only providing seven (7) trees along Victory Dr.

-Landscape Buffer

One (1) large tree per forty (40) L.F.

- Hwy 77: Applicant requests waiver of tree requirement due to utility easement within required landscape buffer.
- Triumph Ln: Applicant requests waiver of tree requirement due to future road widening.
- North Town Blvd: Applicant requests waiver of tree requirement due to required 6 ft. wide sidewalk within the buffer.

STAFF CONCERNS

1. A revised Landscape Plan is required from the applicant before final approval is made.

APPLICANT RESPONSE TO CONCERNS

1. At the time of this report (8/28/2019), the applicant has yet to submit a revised Landscape Plan to staff.

(83)

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following conditions:
 1. The applicant shall submit a revised Landscape Plan to staff, displaying Crape Myrtle landscaping within the Landscape Plan, before final approval is made by staff.

ATTACHED EXHIBITS

1. Site Plan
2. Elevation/Façade Plan
3. Landscape Plan
4. Operational Plan
5. Ordinance

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

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

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

(24)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A DRIVE THROUGH ESTABLISHMENT (BANK) USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT 1905 N HIGHWAY 77, BEING PROPERTY ID 262426, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1R, BLOCK B IN VICTORY PARK REV. 2, 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 GR; 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 SU-19-0097. 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 GR to GR, with an SUP in order to permit a Drive Through Establishment (Bank) use on the following property: Lot 1R, Block B of Victory Park Rev. 2, which is shown on Exhibit A, in accordance with the Site Plan attached as Exhibit B, Elevation/Façade Plan shown in Exhibit C, Landscape Plan shown in Exhibit D, Project Rendering shown in Exhibit E, and Operational Plan shown in Exhibit F.

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.

(24)

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A DRIVE THROUGH ESTABLISHMENT (BANK) USE IN THE GENERAL RETAIL (GR) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The site plan shall conform as approved by the City Council under case number SU-19-0097.
2. 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.
3. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit, Exhibit B-Site Plan, Exhibit C-Elevation/Façade Plan, Exhibit D – Landscape Plan, Exhibit E-Project Rendering, and Exhibit F-Operational Plan.
4. A minimum of four (4) stacking spaces shall be allowed for the property.
5. A minimum of seven (7) trees shall be allowed along Victory drive.
6. Due to a utility easement within the landscape buffer along Highway 77, the applicant is not required to plant trees within the buffer.
7. Due to a future road widening along Triumph Ln, trees are not required within the proposed construction area.
8. Due to a 6 ft. sidewalk located within the landscape buffer along North Town Blvd, the applicant is not required to plant trees where the sidewalk is located.
9. The applicant shall construct the proposed development (Drive Through Bank) with the same building materials shown in Exhibit C – Elevation/Façade Plan, as well as presented in Exhibit E – Project Rendering.
10. If approved, the City Council shall have the right to review the Specific Use Permit after 12-months if needed.

Compliance

All development must conform to the approved site plan and all exhibits incorporated as exhibits to this ordinance, as well as those incorporated herein by reference.

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.

(24)

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

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

PASSED, APPROVED AND ADOPTED on this 3rd day of September, 2019.

MAYOR

ATTEST:

City Secretary



Exhibit A - Location Exhibit

(24)

Exhibit B - Site Plan

THIS SITE IS NOT IN A FEMA FLOODPLAIN
ACCORDING TO FEMA FLOOD MAP NUMBER
48138C0101, EFFECTIVE ON 08/05/2013



KEY NOTES

1. BICYCLE RACK
2. TRASH DUMPSTER AND GENERATOR WITH MIN 8" MAX 8" HIGH MASONRY WALL ON THREE SIDES. FOURTH SIDE TO BE GATED
3. ADA ACCESSIBLE PARKING SIGN
4. ADA ACCESSIBLE STRIPING
5. DOUBLE DETECTOR CHECK VALVE IN VALVE Y
6. PAINTED MEDIAN STRIPING
7. FIRE DEPARTMENT CONNECTION
8. FIRE HYDRANT (PROPOSED)
9. WHEEL STOP

LEGEND

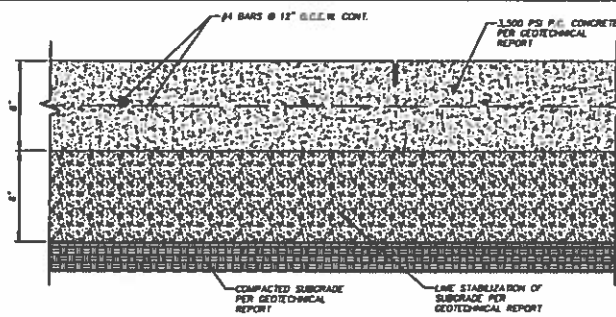
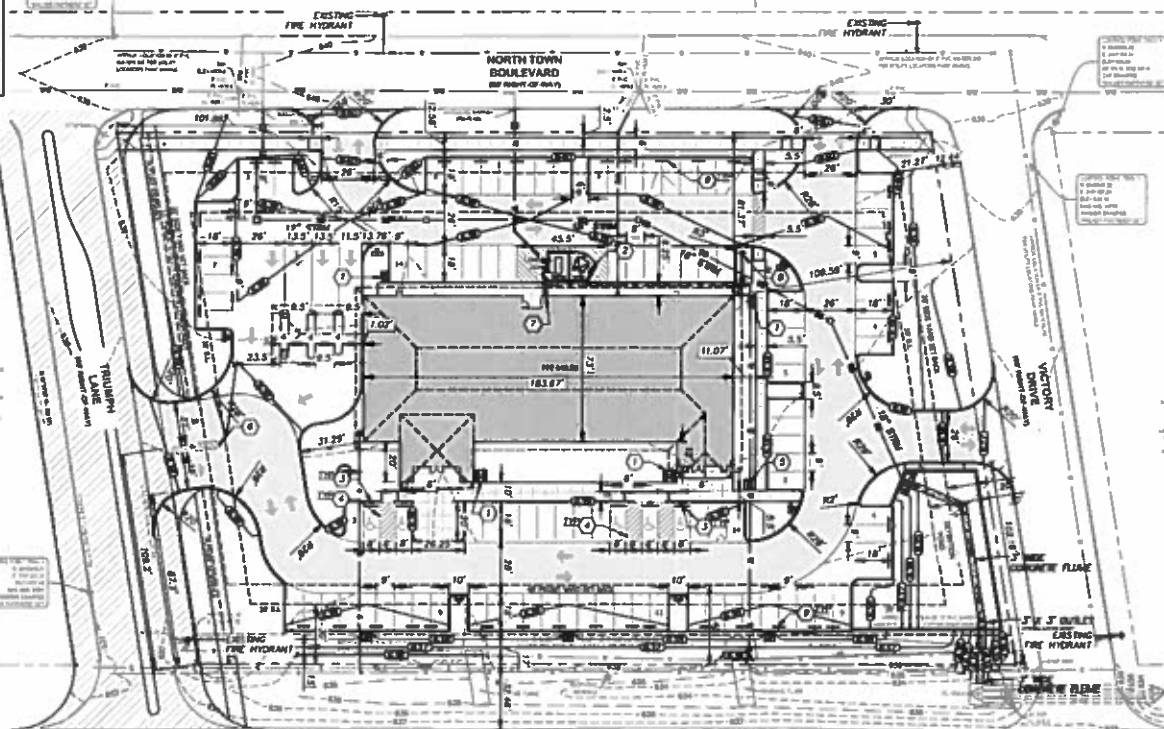
- 26" MIN FIRELANE
- PROPOSED BUILDING
- PROPOSED FUTURE ROAD IMPROVEMENTS
- POND RETAINING WALL

GENERAL NOTES

1. ALL VEHICULAR PAVING SHALL BE 8" P.C. CONCRETE PER DETAIL THIS SHEET.
2. NO LEFT TURNS TO OR FROM TRIUMPH LANE WILL BE ALLOWED AFTER THE RAISED MEDIAN IS INSTALLED.
3. THERE ARE NO EXISTING IMPROVEMENTS ON PRIVATE PROPERTY WITHIN 75 FT OF THE SUBJECT PROPERTY.



VICINITY MAP



TYPICAL P.C. CONCRETE PAVEMENT SECTION

ACCORDING TO THE CITY OF WAXAHACHIE'S PLANNING AND ZONING MAP, THE HIGHWAY 77 RIGHT OF WAY IS 150 FEET WIDE. THE CITY THOROUGHFARE PLAN REQUIRES 170 FEET OF RIGHT OF WAY. THEREFORE, DEDICATION OF ADDITIONAL RIGHT OF WAY IS NOT REQUIRED.

PROPOSED IMPROVEMENTS COVER			
	SQ. FT.	ACRS.	PERCENTAGE
TOTAL SITE PLAN AREA	28788.4000	2.4288	88%
PROPOSED BLDG.	14281.3000	12.3750	4.3%
PROPOSED PAVL.	6888.4331	0.5974	2.4%
PROPOSED PVDAT.	13888.7771	1.1959	4.8%
TOTAL IMPROVEMENTS COVER	26558.5101	2.2283	92.2%
TOTAL PVDAT COVER	22584.8771	1.9653	78.5%

SETBACKS TO ADJACENT DISTRICT	
CATEGORY	DISTANCE (FT.)
FRONT YARD	40
SIDE YARD	20
REAR YARD	20

SITE DATA		# OF SPACES REQUIRED
# OF STORES	2	
RETAIL	08	
PROF. SER.	08	
BLDG HEIGHT TO PITCH	48'-6" MAX	
BAV	1.500 HPS/PS: 90 FT	6000 SF
OFFICE	1.500 HPS/PS: 90 FT	10,000 SF
	TOTAL PMS REQUIRED	1200

PARKING DATA PROVIDED		# OF SPACES PROVIDED
CATEGORY		
TOTAL PARKING SPACES		1200
STANDARD PARKING SPACES (8000 SF)		1000
STANDARD ACCESSIBLE SPACES (5000 SF)		5
STANDARD ACCESSIBLE SPACES (5000 SF)		5
BICYCLE SPACES		10

OVERALL SPACES BY PLAT	
ADJACENT TO	DISTANCE (FT.)
NORTH TOWN BOULEVARD	40
TRIUMPH LANE	30
WAXAHACHIE BOULEVARD	30
U.S. HIGHWAY 77	30



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FOR REVIEW ONLY

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ACCURACY OF THE
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USED FOR CONSTRUCTION
OR FOR ANY OTHER PURPOSE.

COMMUNITY
NATIONAL BANK
& TRUST OF
TEXAS

SPECIAL USE PERMIT

1905 N. Hwy 77

Waxahachie, Texas

GRAPHIC SCALE (FEET)
SU-19-0097

2.470 ACRES
1 LOT
ZONING: GR
LOT 1R, BLOCK "B"
VICTORY PARK
Address: 1905 N HWY 77
CITY: WAXAHACHIE
COUNTY: ELLIS
PREPARED 8/22/2019

TITLE
SITE PLAN

18030

C100

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5323 SPRING VALLEY ROAD
SUITE 200
DALLAS, TEXAS 75254
972.782.1945
972.782.1309 FAX
TCSearchHerts.com

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 THESE DOCUMENTS ARE INCOMPLETE AND
 ARE NOT RELEASED FOR INTERIM REVIEW UNTIL
 AND NOT FORWARDED FOR RELEASED APPROVAL
 (REVIEW, FORMS OR CONSTRUCTION PURPOSES)

PROJECT: DALLAS TOWER
 AREA REPRESENTATIVE FOR: 0637
 DATE: 06.07.10

1905 N. Hwy 77
Waxahachie, Texas

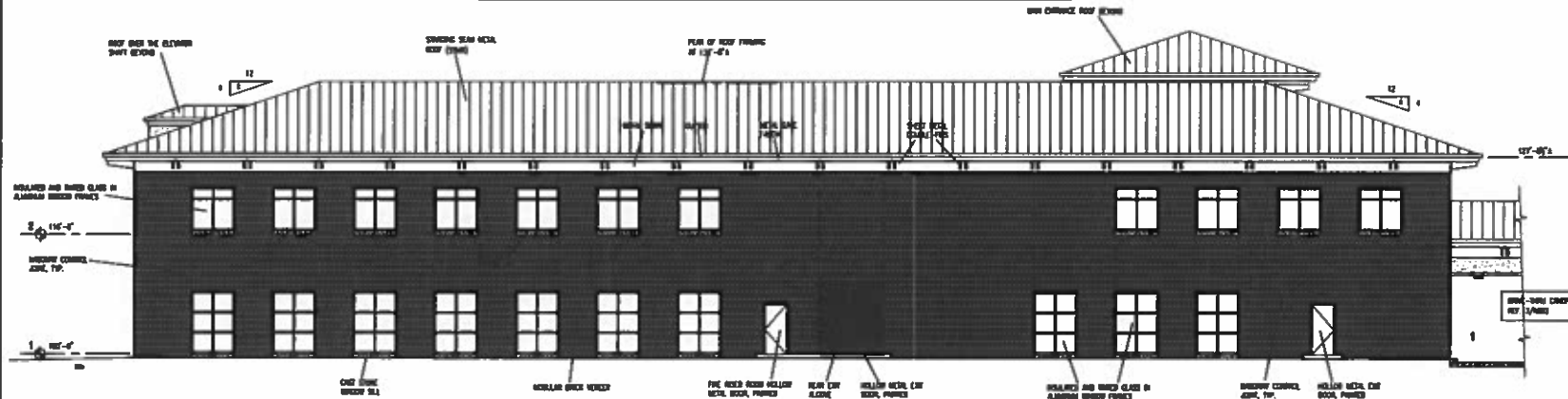
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TITLE
PHOTOMETRICS
SITE PLAN

18030

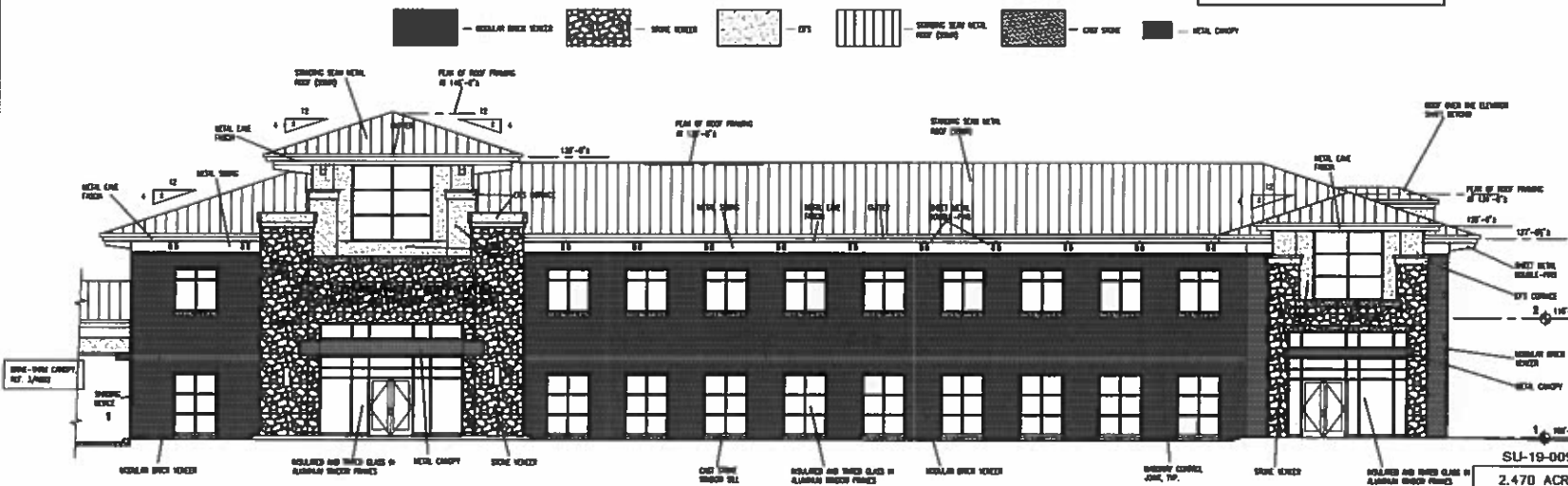
A100

Exhibit C -Elevation/Facade Plan



2 WEST BUILDING ELEVATION
SCALE: 1/8"=1'-0"

MATERIAL TAKE OFF'S
TOTAL AREA = 5,871 S.F.
GLASS/FRAMES = 908 S.F. OTHER MATERIALS = 4,113 S.F.
CMT. INSULATED AND TRIMMED GLASS = 3,701 S.F.
MASONRY PROVIDED = 1,418 S.F.
EIFS = 275 S.F.



1 EAST BUILDING ELEVATION
SCALE: 1/8"=1'-0"

MATERIAL TAKE OFF'S
TOTAL AREA = 5,383 S.F.
GLASS/FRAMES = 1,087 S.F. OTHER MATERIALS = 3,096 S.F.
CMT. INSULATED AND TRIMMED GLASS = 3,128 S.F.
MASONRY PROVIDED = 3,110 S.F.
EIFS = 436 S.F.

SU-19-0097
2.470 ACRES
1 LOT
ZONING: GR
LOT 1R, BLOCK "B"
VICTORY PARK
Address: 1905 N
HWY 77
CITY: WAXAHACHIE
COUNTY: ELUS
PREPARED
8/2/2019



ARCHITECTURE
INTERIORS
PLANNING
5323 SPRING VALLEY ROAD
SUITE 280
DALLAS, TEXAS 75254
972.788.1945
972.788.2309 FAX
TGSArchitects.com

INTERIM REVIEW ONLY
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ARE NOT FOR CONSTRUCTION PURPOSES
ARCHITECT: DALLAS TEXAS
ARCH. REGISTRATION NO. 48877
DATE: 08/02/19

COMMUNITY
NATIONAL BANK
& TRUST OF
TEXAS
SPECIAL USE PERMIT
1905 N. Hwy 77
Waxahachie, Texas

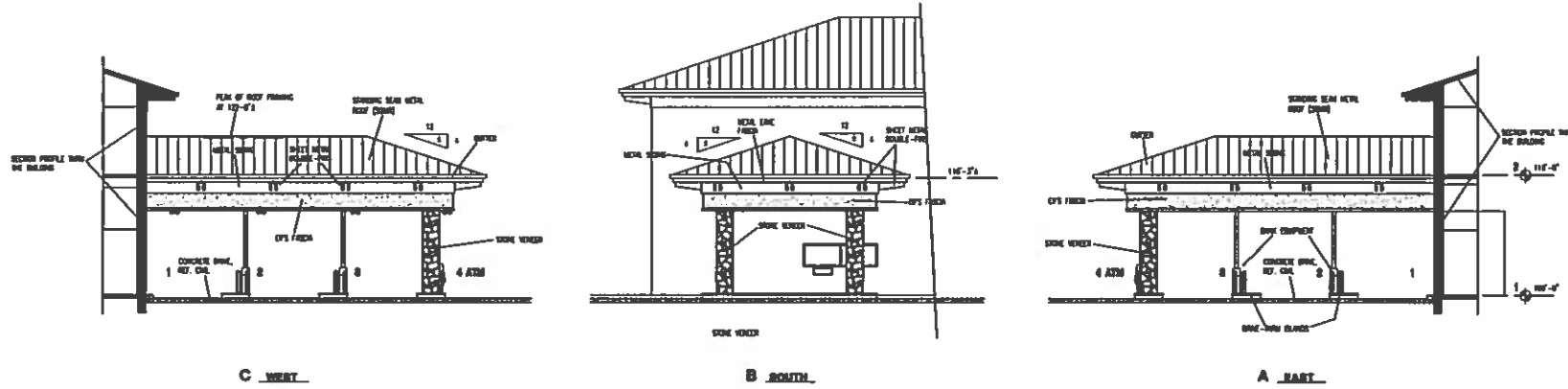
DATE: 08/02/19
BY: [Signature]
SIGNED: [Signature]

TITLE
BUILDING
ELEVATIONS

PROJECT: 18030
SHEET: A102

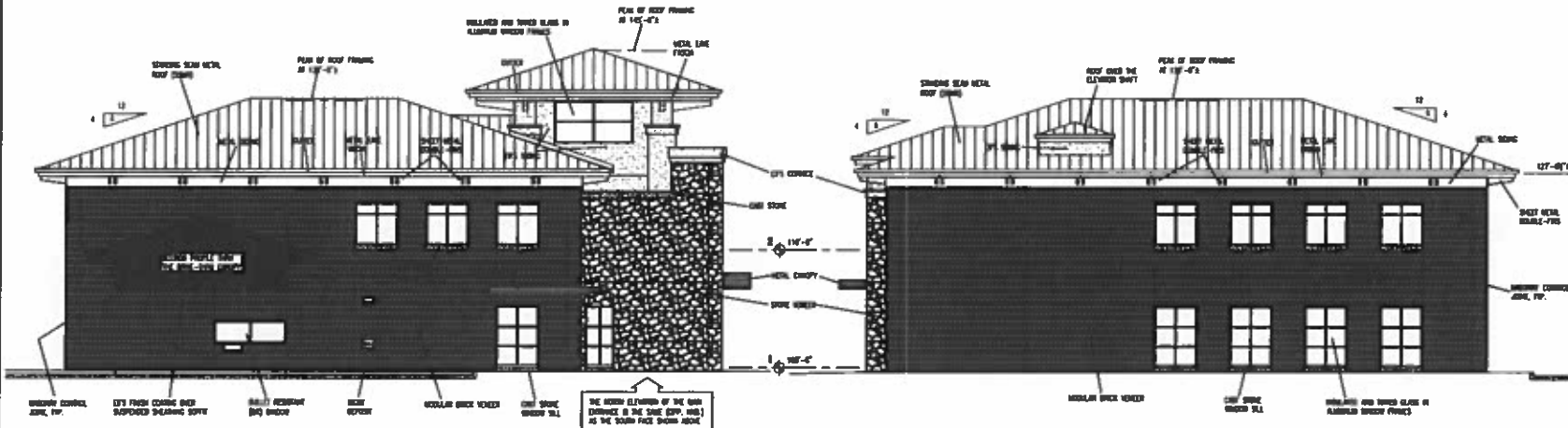
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Exhibit C -Elevation/Facade Plan



3 DRIVE-THRU CANOPY ELEVATIONS

SCALE: 1/8"=1'-0"



2 SOUTH BUILDING ELEVATION

SCALE: 1/8"=1'-0"

MATERIAL TAKE OFF'S
 TOTAL AREA = 2,780 S.F.
 GLASS/PANES = 280 S.F. OTHER MATERIALS = 2,500 S.F.
 CITY REQUIRED MIN. MASONRY = 2,281 S.F.
 MASONRY PROVIDED = 2,254 S.F.
 EPS = 281 S.F.

1 NORTH BUILDING ELEVATION

SCALE: 1/8"=1'-0"

MATERIAL TAKE OFF'S
 TOTAL AREA = 2,425 S.F.
 GLASS/PANES = 352 S.F. OTHER MATERIALS = 2,073 S.F.
 CITY REQUIRED MIN. MASONRY = 1,880 S.F.
 MASONRY PROVIDED = 1,874 S.F.
 EPS = 190 S.F.

SU-19-0097

2.470 ACRES
 1 LOT
 ZONING: GR
 LOT 1R, BLOCK "B"
 VICTORY PARK
 Address: 1905 N
 HWY 77
 CITY: WAXAHACHIE
 COUNTY: ELLIS
 PREPARED
 8/2/2019



ARCHITECTURE
 INTERIORS
 PLANNING

5313 SPRING VALLEY ROAD
 SUITE 200
 DALLAS, TEXAS 75254
 972.788.1945
 972.788.2309 FAX
 TGSArchitects.com

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 AND NOT OFFERED FOR REGULARITY OFFICIAL
 REVIEW FOR CONSTRUCTION PURPOSES.
 ARCHITECT: DALLAS TEXAS
 ARCH. REGISTRATION NO. 4327
 DATE: 08.27.19

COMMUNITY
 NATIONAL BANK
 & TRUST OF
 TEXAS
 SPECIAL USE PERMIT

1905 N. Hwy 77
 Waxahachie, Texas

DATE: 08/27/19
 BY: [Signature]
 TITLE: [Signature]

TITLE
 BUILDING
 ELEVATIONS

18030
 A103

Exhibit D - Landscape Plan

Christopher
RUSSELL
Landscape
Architecture
Dallas Texas
Phone: 972.788.1945
Fax: 972.788.1309



ARCHITECTURE
INTERIORS
PLANNING

5323 SPRING VALLEY ROAD
SUITE 200
DALLAS, TEXAS 75234
972.788.1945
972.788.1309 FAX
TCRS@architects.com

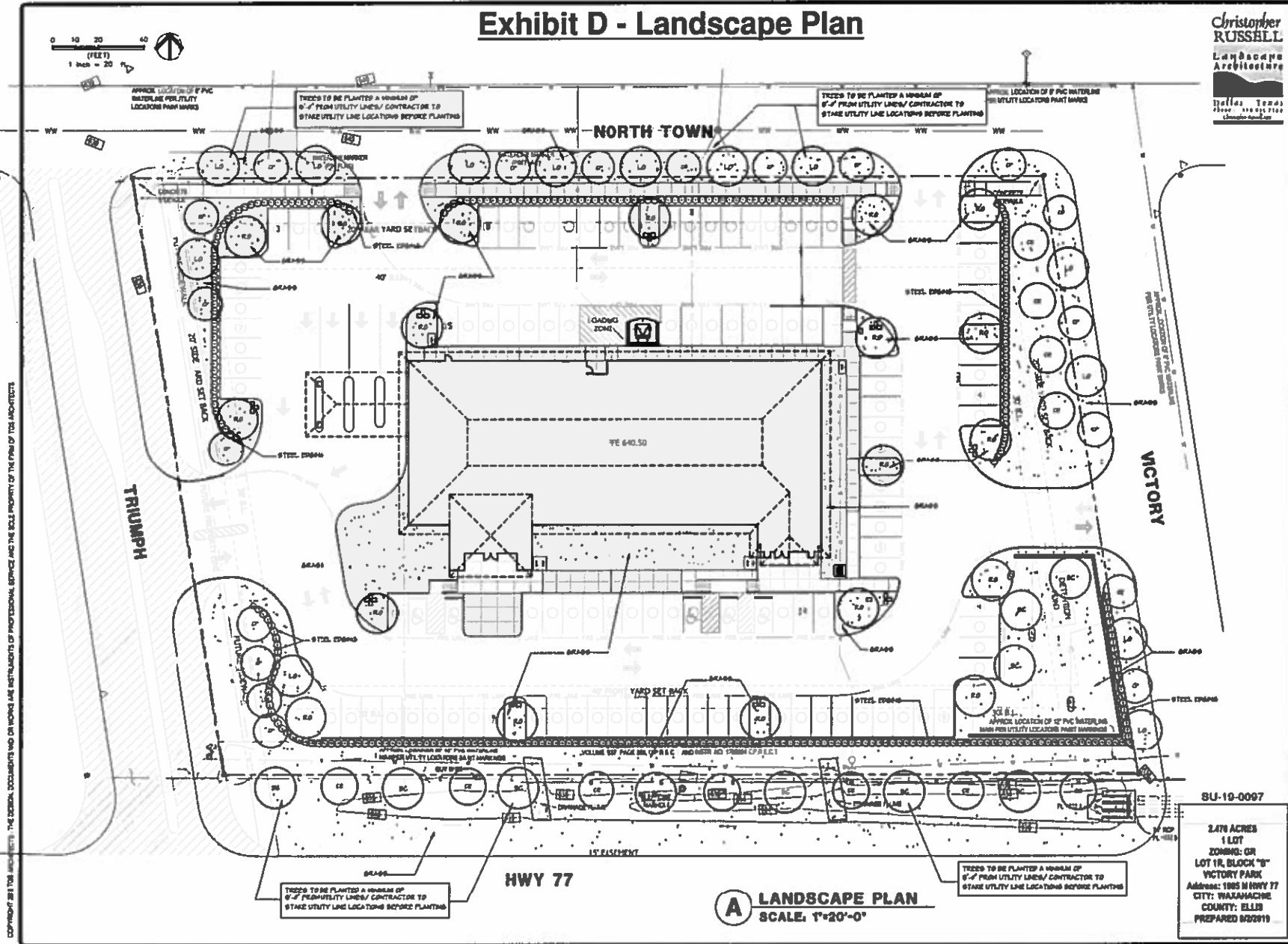


COMMUNITY
NATIONAL BANK
& TRUST OF
TEXAS
SPECIAL USE PERMIT

1905 N. Hwy 77
Waxahachie, Texas

TITLE

18030
L1.1



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Exhibit D - Landscape Plan

PLANT LIST

NO.	QTY.	COMMON NAME	BOTANICAL NAME	SIZE	REMARKS
76	20	SPOTTED RED OAK	<i>Quercus chrysolepis</i>	Minimum 1" caliper, minimum 12' to and 9' spread	Native grass (SWS), subterranean, container-grown, full shade, 100% shade
78	10	LAKE OAK	<i>Quercus virginiana</i>	Minimum 1" caliper, minimum 12' to and 9' spread	Native grass (SWS), subterranean, container-grown, full shade, 100% shade
80	5	SEEDY OAK	<i>Quercus agrifolia</i>	Minimum 1" caliper, minimum 12' to and 9' spread	Native grass (SWS), subterranean, container-grown, full shade, 100% shade
82	20	LAUREL FOLIAGE	<i>Photinia elaeagnifolia</i>	Minimum 1" caliper, minimum 12' to and 9' spread	Native grass (SWS), subterranean, container-grown, full shade, 100% shade
84	10	PALE CYPRESS	<i>Taxodium distichum</i>	Minimum 1" caliper, minimum 12' to and 9' spread	Native grass (SWS), subterranean, container-grown, full shade, 100% shade
86	200	SHARP SHINNED HELL	<i>Blue hollyhock 'honey'</i>	Minimum 1" caliper, minimum 12' to and 9' spread	Native grass (SWS), subterranean, container-grown, full shade, 100% shade

LANDSCAPE REQUIREMENTS

INTERIOR LANDSCAPE

10' x 12' OF LANDSCAPE AREA FOR SPACE	10' x 12' = 120 SQ. FT.	10' x 12' = 120 SQ. FT.
10' x 12' OF LANDSCAPE AREA FOR SPACE	10' x 12' = 120 SQ. FT.	10' x 12' = 120 SQ. FT.

PARKING LOT LANDSCAPE

10' x 12' OF LANDSCAPE AREA FOR SPACE	10' x 12' = 120 SQ. FT.	10' x 12' = 120 SQ. FT.
10' x 12' OF LANDSCAPE AREA FOR SPACE	10' x 12' = 120 SQ. FT.	10' x 12' = 120 SQ. FT.

BUYER YARD LANDSCAPE

10' x 12' OF LANDSCAPE AREA FOR SPACE	10' x 12' = 120 SQ. FT.	10' x 12' = 120 SQ. FT.
10' x 12' OF LANDSCAPE AREA FOR SPACE	10' x 12' = 120 SQ. FT.	10' x 12' = 120 SQ. FT.

LANDSCAPE BUFFER

10' x 12' OF LANDSCAPE AREA FOR SPACE	10' x 12' = 120 SQ. FT.	10' x 12' = 120 SQ. FT.
10' x 12' OF LANDSCAPE AREA FOR SPACE	10' x 12' = 120 SQ. FT.	10' x 12' = 120 SQ. FT.

10' x 12' OF LANDSCAPE AREA FOR SPACE	10' x 12' = 120 SQ. FT.	10' x 12' = 120 SQ. FT.
10' x 12' OF LANDSCAPE AREA FOR SPACE	10' x 12' = 120 SQ. FT.	10' x 12' = 120 SQ. FT.

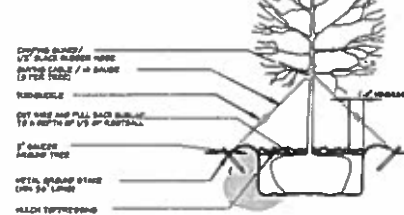
STREET TREES

10' x 12' OF LANDSCAPE AREA FOR SPACE	10' x 12' = 120 SQ. FT.	10' x 12' = 120 SQ. FT.
10' x 12' OF LANDSCAPE AREA FOR SPACE	10' x 12' = 120 SQ. FT.	10' x 12' = 120 SQ. FT.

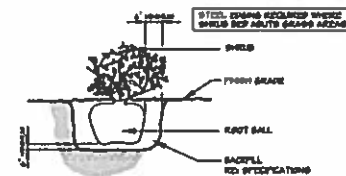
IRRIGATION

All landscape areas to be covered by an automatic, underground irrigation system.

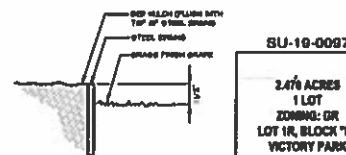
NOTE: THIS DETAIL APPLIES TO ALL TREES 3" CALIPER AND GREATER.



A TREE GUYING DETAIL
SCALE: N.T.S.



B SHRUB PLANTING DETAIL
SCALE: N.T.S.



C STEEL EDGING
SCALE: N.T.S.

SU-10-0087

2.476 ACRES
1 LOT
ZONING: OR
LOT 1R, BLOCK "B"
VICTORY PARK
Address: 1805 N HWY 77
CITY: WAXAHACHIE
COUNTY: ELLIS
PREPARED 03/28/19



ARCHITECTURE
INTERIORS
PLANNING

5313 SPRING VALLEY ROAD
SUITE 200
DALLAS, TEXAS 75154
972.788.1945
972.788.1309 FAX
TFSArchitects.com



COMMUNITY
NATIONAL BANK
& TRUST OF
TEXAS
SPECIAL USE PERMIT

1905 N. Hwy 77
Waxahachie, Texas

DATE: 03/28/19
BY: [Signature]
TITLE: [Blank]

18030

L1.2

Exhibit E - Project Rendering



ARCHITECTURE
INTERIORS
PLANNING

5323 SPRING VALLEY ROAD
SUITE 200
DALLAS, TEXAS 75254
972.768.1945
972.768.2189 FAX
TGSArchitects.com

INTERIM REVIEW ONLY
THIS DOCUMENT IS PRELIMINARY AND
NOT FOR CONSTRUCTION PURPOSES
ARCHITECT: DALLAS, TEXAS
ARCH. REGISTRATION NO. 4087
DATE: 08.07.19

COMMUNITY
NATIONAL BANK
& TRUST OF
TEXAS
SPECIAL USE PERMIT

1905 N. Hwy 77
Waxahachie, Texas

DATE: 08.07.19
BY: [Signature]
CHECKED BY: [Signature]
DATE: 08.07.19

TITLE
COLOR
RENDERING

PROJECT: 18030
SHEET: A104



1 PROJECT RENDERING
SCALE: N.T.S.

SU-19-0097
2.470 ACRES
1 LOT
ZONING: CR
LOT 1R, BLOCK "B"
VICTORY PARK
Address: 1905 N
HWY 77
CITY: WAXAHACHIE
COUNTY: ELLIS
PREPARED
8/2/2019



(24)
**COMMUNITY NATIONAL
BANK & TRUST OF TEXAS**

"My Community. My Bank."

Waxahachie Operational Plan

The CNB&T Waxahachie location and building offer the following in terms of daily operations:

- The branch location will be a full service banking center offering loan and deposit products to both individuals and businesses.
- The bank intends to operate a cash-dispensing ATM on site.
- Bank operations will include retail and commercial banking solutions comprised of...
 - o Small business and commercial lending
 - Commercial lines of credit
 - Commercial real estate loans & construction loans
 - Commercial and industrial loans
 - Standby letters of credit
 - Agricultural real estate and crop production loans
 - Equipment financing
 - SBA 7(a) and 504 loans.
 - o Consumer lending products
 - o Mortgage loan offerings
 - o Deposit products
 - Business and personal checking and savings accounts
 - Money market accounts, certificate of deposit accounts and Individual Retirement Accounts.
 - o Proposed hours of operation will be:
 - Lobby: 9a – 5p M-F, Closed on Saturday & Sunday
 - Drive-thru: 730a – 600p M-F, 9a – 12p Saturdays, Closed on Sundays
- Expected peak times for the banking center are:
 - o Lobby: 9a – 5p
 - o Drive-thru: 730a – 900a, 430p – 600p
- In addition to the full service banking location, the site includes professional office space for lease. The lease space will be marketed to professional services businesses such as accountants, attorneys, real estate companies and similar industries.
- It is anticipated that the peak times for the proposed tenants will match very closely with the bank's times.

Exhibit F - Operational Plan

P.O. Box 624 • Corsicana, TX 75151 • (903) 654-4500

Corsicana • Frost • Fairfield • Buffalo • Richland Chambers • Red Oak • Mineral Wells • Weatherford • Possum Kingdom
Burlison • White Settlement • Lake Worth • Waxahachie • Centerville

www.mybanktx.com

(25)

Planning & Zoning Department Zoning Staff Report

Case: SU-19-0099



MEETING DATE(S)

Planning & Zoning Commission: August 27, 2019

City Council: September 3, 2019

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held August 27, 2019, the Commission voted 6-1 to recommend approval of case number SU-19-0099, as presented by staff.

CAPTION

Public Hearing on a request by Alec Broadus, Broadus Services LLC, for a Specific Use Permit (SUP) for **Communications Antennas and Support Structures/Towers** use within an Office zoning district, located at 106 Chambers Circle (Property ID 174573) – Owner: DAWSON J & SHIRLEY STAFFORD REVOCABLE TRUST (SU-19-0099)

CASE INFORMATION

Applicant: Alec Broadus, Broadus Services LLC

Property Owner(s): Dawson J & Shirley Stafford Revocable Trust

Site Acreage: 1.096 acres

Current Zoning: Office

Requested Zoning: Office with SUP

SUBJECT PROPERTY

General Location: 106 Chambers Circle

Parcel ID Number(s): 174573

Existing Use: Armstrong McCall Professional Beauty Supply

Development History: N/A

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	C	Undeveloped Land
East	O	Undeveloped Land
South	O	Office Buildings
West	C	Undeveloped Land

(25)

Future Land Use Plan:

Mixed Use Non-Residential

Comprehensive Plan:

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

Thoroughfare Plan:

The subject property is accessible via Chambers Cir.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant intends to construct a 165 ft. monopole tower at 106 Chamber Circle, adjacent to Armstrong McCall Professional Beauty Supply (same property). Per the City of Waxahachie Zoning Ordinance, "Antenna/Tower structures in excess of the height allowed in the zoning district may be allowed by Specific Use Permit (SUP)."

Proposed Use:

The applicant intends to construct the 165 ft. monopole tower to provide additional capacity and adequate cell coverage for the surrounding area. At the time of this report (8/28/2019), T-Mobile is the anchor tenant for the proposed monopole tower. The applicant intends to screen the monopole tower with a 6 ft. PVC fence, and shrubs (Red Photinia and Crape Myrtle) along the property.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 9 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Daily Light and a sign was visibly posted at the property on 08/09/2019.

PROPERTY OWNER NOTIFICATIONS

Staff has received two (2) letters of opposition for the proposed development.

STAFF CONCERNS1. **Fall Zone/Setbacks:**

Due to the height of the proposed monopole tower, staff has concerns with the "fall zone" (area that protects the monopole from striking surrounding structures, if the monopole were to collapse) for the area.

2. **Height:**

If approved, the tower will be one of the largest antenna/tower structures within the City of Waxahachie.

APPLICANT RESPONSE TO CONCERNS

1. The applicant submitted a "Certified Fall Letter" to staff stating that the fall radius for the monopole tower is less than or equal to 37.5 ft. *In addition, staff has asked the applicant to provide drawings for the tower that is consistent with the Certified Fall Letter.*
2. The applicant understands staff's concerns regarding the height of the structure and the fall zone. The applicant intends to state his reasoning at the September 3, 2019 City Council meeting.

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
Due to staff concerns, specifically the height of the proposed structure, staff cannot support the proposed development.
- ☐ Approval, as presented.
- ☐ Approval, per the following conditions:

ATTACHED EXHIBITS

1. Site Plan
2. Elevation Plan
3. Fence Detail Plan
4. Landscape Plan
5. Certified Fall Letter
6. Proposed Tower Location Photos
7. Property Owner Notification Responses
8. Ordinance

APPLICANT REQUIREMENTS

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

(25)

STAFF CONTACT INFORMATION

Prepared by:

Colby Collins

Senior Planner

ccollins@waxahachie.com

Reviewed by:

Shon Brooks, AICP

Director of Planning

sbrooks@waxahachie.com

(26)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A COMMUNICATIONS ANTENNA/SUPPORT TOWER USE WITHIN A OFFICE (O) ZONING DISTRICT, LOCATED AT 106 CHAMBERS CIRCLE, BEING PROPERTY ID 174573, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 4, BLOCK C IN LAKERIDGE #1 – REV, 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 O; 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 SU-19-0099. 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 O to O, with an SUP in order to permit a Communication Antenna/Support Tower use on the following property: Lot 4, Block C of Lakeridge #1 - Rev, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B, Elevation Plan shown in Exhibit C, Fence Detail shown in Exhibit D, and the Landscape Plan shown in Exhibit E.

SPECIFIC USE PERMIT

Purpose and Intent

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

(26)

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A COMMUNICATIONS ANTENNA/SUPPORT TOWER USE IN THE OFFICE (O) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The site plan shall conform as approved by the City Council under case number SU-19-0099.
2. 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.
3. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit, Exhibit B-Site Plan, Exhibit C-Elevation Plan, Exhibit D – Fence Detail Plan, and Exhibit E-Landscape Plan.
4. If approved, the City Council shall have the right to review the Specific Use Permit after 12-months if needed.

Compliance

All development must conform to the approved site plan and all exhibits incorporated as exhibits to this ordinance, as well as those incorporated herein by reference.

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

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

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

PASSED, APPROVED AND ADOPTED on this 3rd day of September, 2019.

(b6)

MAYOR

ATTEST:

City Secretary



Exhibit A - Location Exhibit

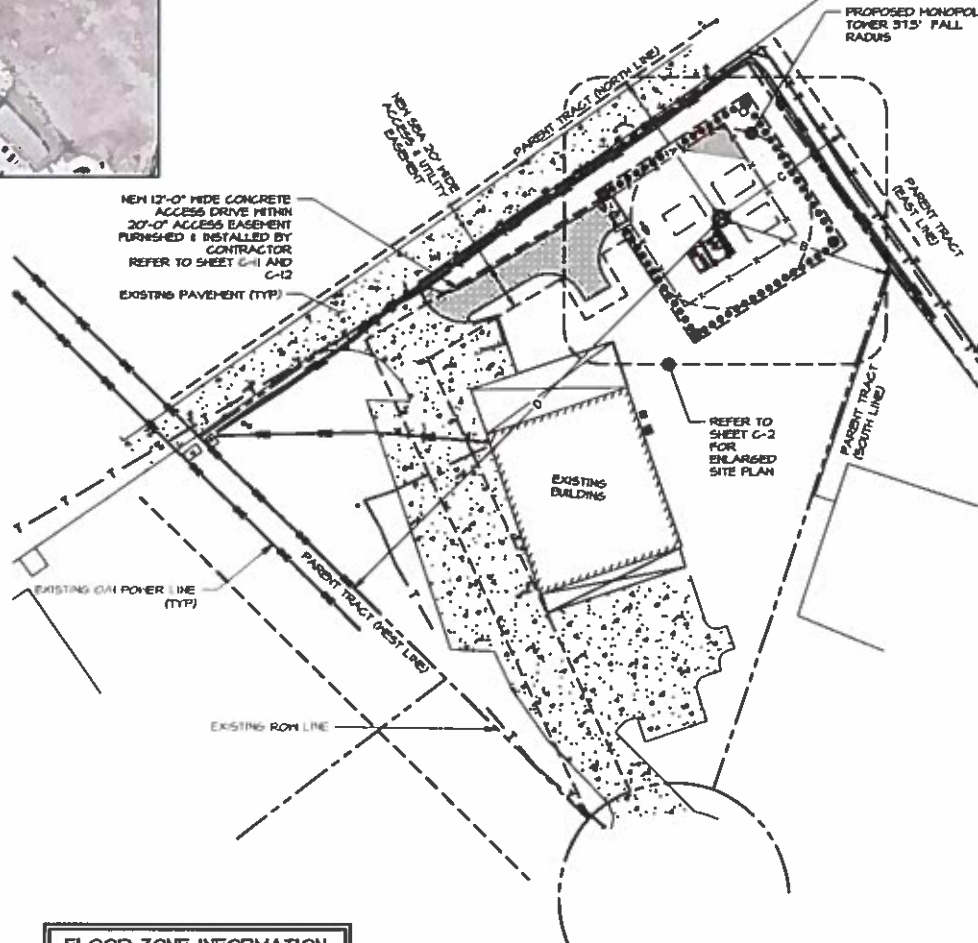
(26)

Exhibit B - Site Plan



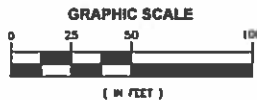
AIRIAL PLAN
N.T.S.

DIRECTION	REQUIRED TOWER SETBACK	PROPOSED TOWER SETBACK
(A) NORTH	N/A	64'
(B) SOUTH	25'	15'
(C) EAST	25'	61'
(D) WEST	25'	216'



FLOOD ZONE INFORMATION:

FLOOD ZONE: X
 PANEL NUMBER: 4809AC040F
 EFFECTIVE DATE: 06/05/2013
 FLOOD ELEV.:



NOTES:

1. FENCED SITE AREA SHALL BE CLEARED AND GRUBBED. REMOVE UNSUITABLE SOFT OR LOOSE SOILS, ORGANIC MATERIAL AND OR RUBBLE TO FIRM SUBGRADE. FILL UNDERCUT UP TO 6 INCHES BELOW FINISH GRADE.
2. THE CONTRACTOR MUST CONTACT THE SURVEYOR TO STAKE OUT THE LEASE AREA AND ALL EASEMENTS PRIOR TO CONSTRUCTION. ALL FEES ARE THE RESPONSIBILITY OF THE CONTRACTOR.
3. IF ANY ARCHAEOLOGICAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION THE CONTRACTOR SHALL STOP WORK IMMEDIATELY AND NOTIFY THE CLIENT.
4. THE CONTRACTOR IS TO ENSURE THAT NO DAMAGE OR DEBRIS OCCURS ON THE ADJACENT PROPERTIES.
5. THE CONTRACTOR SHALL SEED ALL DISTURBED AREAS WITH LOW MAINTENANCE NATIVE GRASS AND COVER WITH APPROVED STRAW.
6. UNTIL THE COMPOUND IS SURROUNDED BY A PERMANENT FENCE, THE CONTRACTOR MUST ERECT A TEMPORARY FENCE AROUND THE TOWER AND POST A "NO TRESPASSING" SIGN. ALL CLIMBING PEGS MUST BE REMOVED UP TO 20' UNTIL A PERMANENT FENCE IS INSTALLED.
7. THE CONTRACTOR MUST ENSURE THAT ALL DELIVERY TRUCKS WILL BE ABLE TO DELIVER THE MATERIAL TO THE COMPOUND. IF THE DELIVERY TRUCKS CAN NOT ACCESS THE COMPOUND THEN THE CONTRACTOR MUST MAKE OTHER ARRANGEMENTS TO GET THE MATERIAL TO THE COMPOUND. IF THIS IS REQUIRED THE CONTRACTOR MUST CONTACT KIMLEY-HORN AND ASSOCIATES IMMEDIATELY. NO ADDITIONAL FEES WILL BE PASSED ON TO THE CLIENT.
8. PROPOSED TOWER AND FOUNDATION TO BE INSTALLED IN ACCORDANCE WITH THE TOWER MANUFACTURER PLANS PROVIDED BY CLIENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE UNLOADING OF TOWER MATERIALS DELIVERED TO SITE BY THE TOWER MANUFACTURER.
9. CONTRACTOR MUST REFER TO THE GEOTECH REPORT FOR ALL COMPACTED FILL RECOMMENDATIONS. IF THE GEOTECH REPORT CONFLICTS WITH THE CONSTRUCTION DRAWINGS THEN STOP WORK AND CONTACT THE CLIENT AS SOON AS POSSIBLE.
10. IT IS THE CONTRACTORS RESPONSIBILITY TO VERIFY ALL DOT AND/OR COUNTY SPECIFICATIONS PRIOR TO BID AND CONSTRUCTION. IF THE SPECIFICATIONS DIFFER FROM THE CONSTRUCTION DRAWINGS, THEN THE SPECIFICATIONS WILL GOVERN. NO ADDITIONAL COSTS FOR ADHERING TO THE SPECIFICATIONS WILL BE ALLOWED AFTER THE BID HAS BEEN ISSUED AND ACCEPTED NOR WILL PROJECT DELAYS BE TOLERATED.
11. AT THE TIME THE CONSTRUCTION DRAWINGS WERE COMPLETED, KIMLEY-HORN AND ASSOCIATES DID NOT HAVE A COPY OF THE PROPOSED TOWER MANUFACTURER DRAWINGS. THIS MEANS WE DO NOT KNOW THE EXACT SIZE OF THE OVERALL TOWER FOOTPRINT. THE CONTRACTOR MUST COMPARE THE CONSTRUCTION DRAWINGS WITH THE TOWER DRAWINGS PRIOR TO BID AND/OR CONSTRUCTION AND IF THEY FIND ANY DISCREPANCIES OR POSSIBLE ISSUES THEY MUST NOTIFY THE CLIENT IMMEDIATELY.

PARKING REQUIREMENTS:
 THERE WILL BE MINIMAL TECHNICIAN ACCESS TO THE SITE ON A MONTHLY BASIS. ONE PARKING SPACE IS PROVIDED FOR TECHNICIAN PARKING.



SBA TOWERS 1X LLC,
 8051 CONGRESS AVENUE
 BOCA RATON, FL 33487-2797
 TEL: (800) 487-7483



855 NORTH FRANKLIN STREET
 SUITE 150
 TAMPA, FL 33602
 PHONE: (813) 820-1460
 WWW.KIMLEY-HORN.COM

THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO THE CLIENT IS STRICTLY PROHIBITED.

AAE PROJECT #	148415408
DRAWN BY:	DVS
CHECKED BY:	TMD
REV. BY:	DVS

REVISIONS

NO.	DATE	DESCRIPTION
01/15/10	REVISED PER COMMENTS	
07/29/10	REVISED PER COMMENTS	
05/25/10	ISSUED FOR REVIEW	

NOT FOR CONSTRUCTION

SITE NAME:

WAXAHACHIE

SITE NUMBER:

TX22705

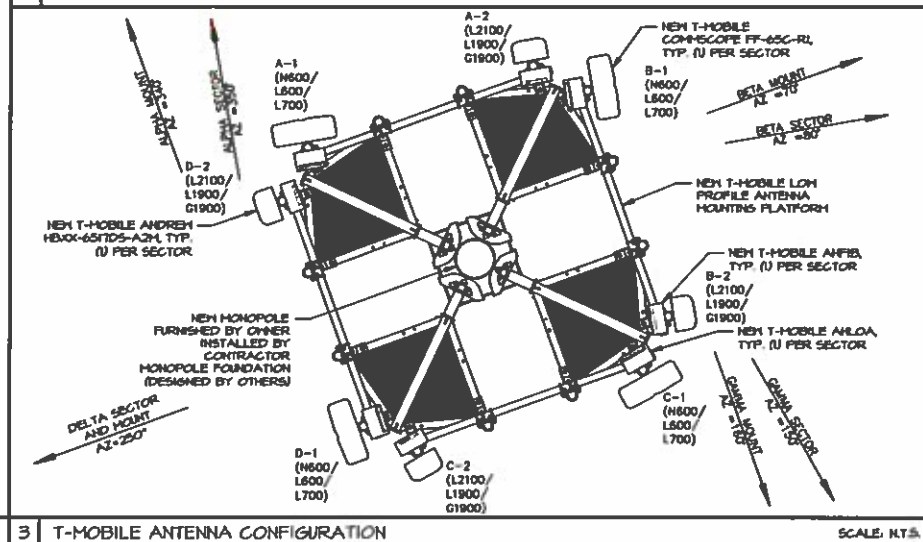
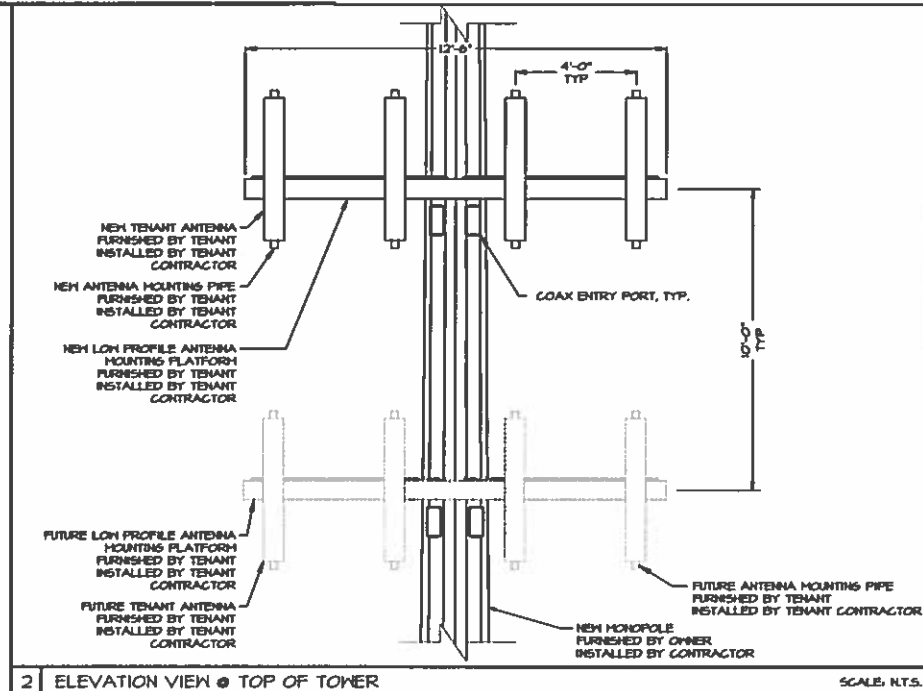
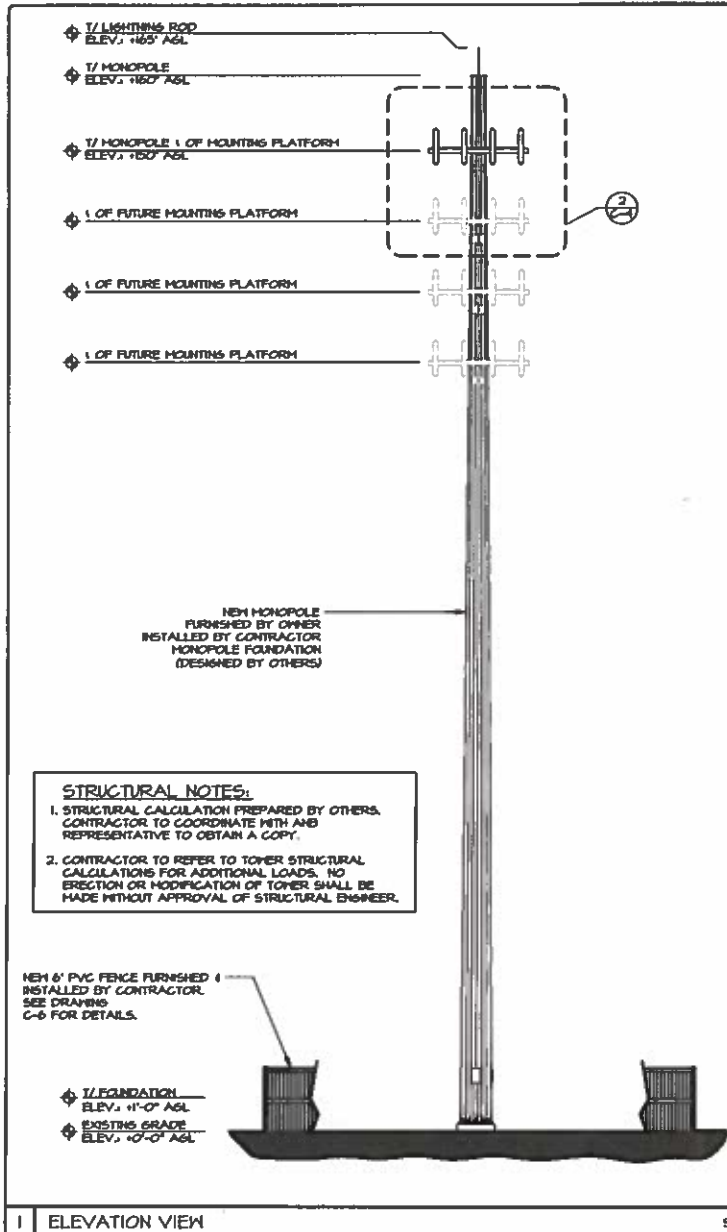
SITE ADDRESS:
 100 CHAMBERS CIRCLE
 WAXAHACHIE, TX 75165

DESIGN TYPE:
 RAWLAND

SHEET TITLE:
 OVERALL SITE PLAN

SHEET NUMBER: C-1
 REVISION: B

Exhibit C - Elevation Plan



SBA TOWERS IX LLC.
8051 CONGRESS AVENUE
BOCA RATON, FL 33487-2797
TEL: (800) 487-7483



655 NORTH FRANKLIN STREET
SUITE 150
TAMPA, FL 33602
PHONE (813) 420-1450
WWW.KIMLEY-HORN.COM

THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO THE CLIENT IS STRICTLY PROHIBITED.

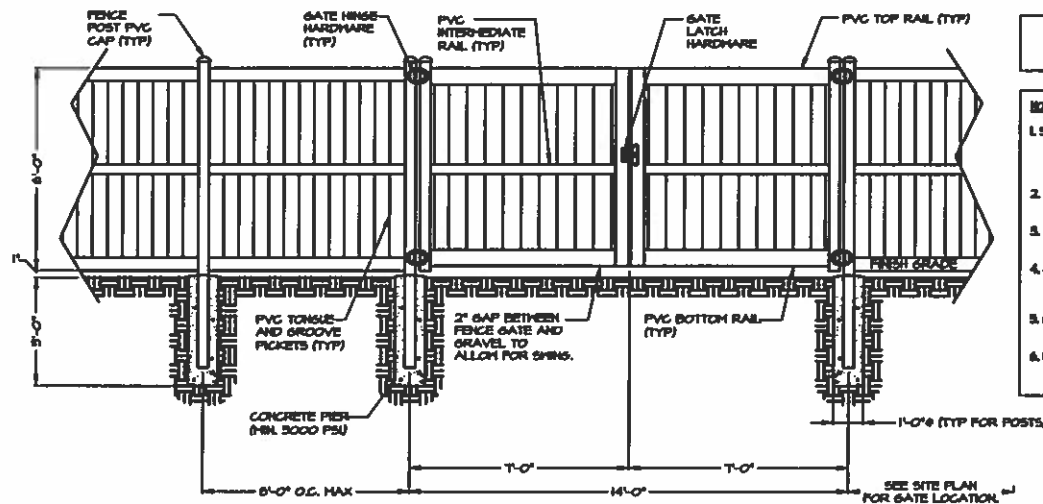
AGE PROJECT #	148419105
DRAWN BY	DVS
CHECKED BY	TWD
REV. BY	DVS

REVISIONS		
NO.	DATE	DESCRIPTION
1	06/19/19	REVISED PER COMMENTS
2	07/29/19	REVISED PER COMMENTS
3	08/29/19	ISSUED FOR REVIEW

NOT FOR CONSTRUCTION

SITE NAME: WAXAHACHIE	
SITE NUMBER: TX22705	
SITE ADDRESS: 105 CHAMBERS CIRCLE WAXAHACHIE, TX 75105	
DESIGN TYPE: RAWLAND	
SHEET TITLE: SITE ELEVATIONS	
SHEET NUMBER: C-4	REVISION: B

Exhibit D - Fence Detail



DETAIL SHOWN FOR REFERENCE ONLY. CONTRACTOR MUST VERIFY ALL PVC FENCE MATERIAL AND DETAIL PER MANUFACTURER'S SPECIFICATIONS.

NOTES

1. STANDARD FENCE SECTION AND GATES ARE DESIGNED FOR LEVEL TERRAIN. SIGNIFICANT SLOPES IN THE TERRAIN WILL NECESSITATE MODIFICATIONS TO PANEL KITS, GATE KITS, AND POSTS.
2. DURING INSTALLATION, WORK ON A SOFT, NON-ABRASIVE SURFACE TO AVOID SCRATCHING THE PVC.
3. WHEN CUTTING THE PVC COMPONENTS WITH A POWER SAW, USE A FINE TOOTHED BLADE.
4. ONCE INSTALLATION IS COMPLETE THE CONTRACTOR MUST CLEAN PVC MATERIAL WITH A NON-ABRASIVE SOAP AND SOFT BRUSHES.
5. CONTRACTOR MUST REPLACE ANY SECTION OF FENCE THAT IS SCRATCHED OR DAMAGED.
6. PROPOSED FENCE MUST MEET ALL LOCAL AND GOVERNING MSD CODES.



SBA TOWERS IX LLC
8051 CONGRESS AVENUE
BOCA RATON, FL 33487-2787
TEL: (800) 487-7483



655 NORTH FRANKLIN STREET
SUITE 150
TAMPA, FL 33602
PHONE: (813) 820-1480
WWW.KIMLEY-HORN.COM

THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO THE CLIENT IS STRICTLY PROHIBITED.

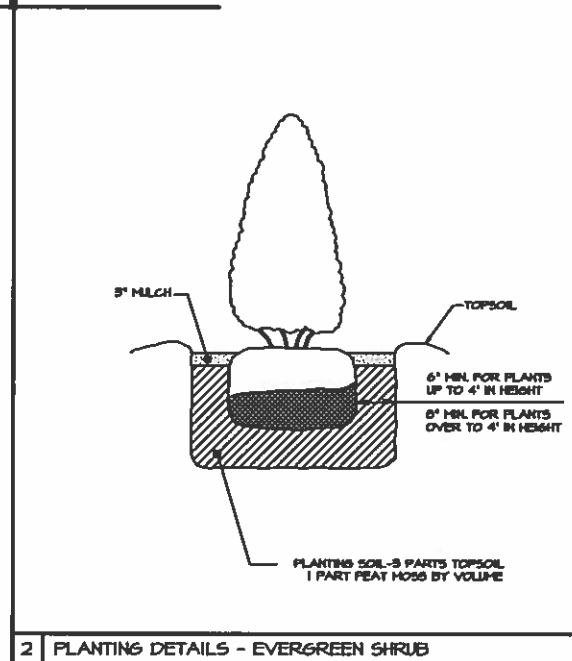
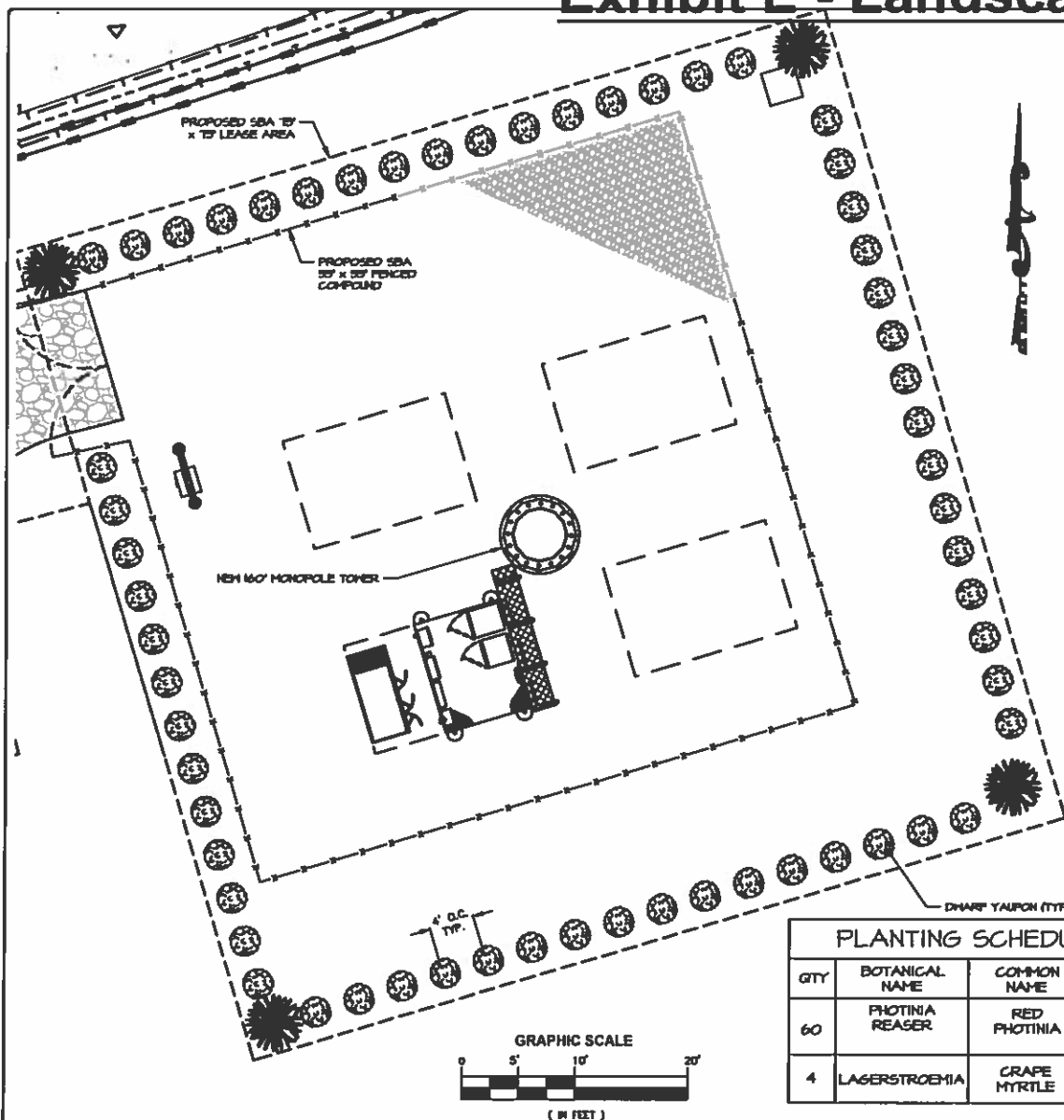
ALL PROJECT #	148415105
DRAWN BY	DVS
CHECKED BY	TMD
REV. # BY	DVS

REVISIONS		
NO.	DATE	DESCRIPTION
1	06/16/10	DESIGNED FOR COMMENTS
2	07/29/10	DESIGNED FOR COMMENTS
3	08/22/10	DESIGNED FOR REVIEW

NOT FOR CONSTRUCTION

SITE NAME:	WAXAHACHIE
SITE NUMBER:	TX22705
SITE ADDRESS:	109 CHAMBERS CIRCLE WAXAHACHIE, TX 75105
DESIGN TYPE:	RAWLAND
SHEET TITLE:	FENCE DETAILS
SHEET NUMBER:	C-6
REVISION:	B

Exhibit E - Landscape Plan



- LANDSCAPE NOTES:**
1. EACH TREE / SHRUB TO BE INSTALLED WITHIN 6" DIAMETER MULCH RING.
 2. CONTRACTOR TO INSTALL PESQUE SOD ON BERM / BUFFER AREAS TO LIMITS OF DISTURBANCE.

PLANTING SCHEDULE							
QTY	BOTANICAL NAME	COMMON NAME	SIZE	TYPE	SPACING	SYMBOL	REMARKS
60	PHOTINIA REASER	RED PHOTINIA	3" GAL	SHRUB	4' O. C.		FULL TO BASE
4	LAGERSTROEMIA	GRAPE MYRTLE	3" GAL	TREE	SEE PLAN		FULL TO BASE

SBA TOWERS IX LLC
8051 CONGRESS AVENUE
BOCA RATON, FL 33487-2787
TEL: (800) 467-7483

855 NORTH FRANKLIN STREET
SUITE 130
TAMPA, FL 33602
PHONE (813) 820-1480
WWW.KIMLEY-HORN.COM

THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO THE CLIENT IS STRICTLY PROHIBITED.

ALL PROJECT #:	148415108
DRAWN BY:	DVS
CHECKED BY:	TWO
REV. BY:	DVS

REVISIONS		
NO.	DATE	DESCRIPTION
1	06/19/10	REVISED FOR COMMENTS
2	07/26/10	REVISED FOR COMMENTS
3	08/22/10	REVISED FOR REVIEW

NOT FOR CONSTRUCTION

SITE NAME:
WAXAHACHIE

SITE NUMBER:
TX22705

SITE ADDRESS:
100 CHAMBERS CIRCLE
WAXAHACHIE, TX, 75105

DESIGN TYPE:
RAWLAND

SHEET TITLE:
LANDSCAPING PLAN

SHEET NUMBER L-1	REVISION B
----------------------------	----------------------

LANDSCAPE INSTALLATION NOTES:

1. ALL PLANT MATERIALS SHALL BE FLORIDA # OR BETTER AS GIVEN IN GRADES AND STANDARDS FOR NURSERY PLANTS, CURRENT EDITION, PUBLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.
2. SIZES SPECIFIED IN THE PLANT LIST ARE MINIMUM SIZES TO WHICH THE PLANTS ARE TO BE INSTALLED. TRUNK CALIPER IS MEASURED SIX INCHES ABOVE THE GROUND ON TREES.
3. ALL LANDSCAPING SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE CITY OF DELRAY BEACH STANDARDS AND IN ACCORDANCE WITH CURRENT INDUSTRY STANDARDS IN A NEAT, HEALTHY, AND WEED FREE CONDITION.
4. IT IS THE LANDSCAPE CONTRACTORS RESPONSIBILITY TO ENSURE THAT ALL PLANT BED AREAS HAVE PROPER DRAINAGE FOR OPTIMUM GROWTH OF LANDSCAPE MATERIAL BEFORE INSTALLATION BEGINS.
5. THE CONTRACTOR SHALL ENSURE THAT ALL PLANTING ISLANDS AND OTHER AREAS SHALL BE CLEAN OF TRASH, CONSTRUCTION DEBRIS, OTHER WASTE MATERIALS TO A DEPTH OF 24" PRIOR TO LANDSCAPE INSTALLATION.
6. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF ALL UNDERGROUND AND OVERHEAD UTILITIES. PLANT MATERIAL IS TO BE LOCATED SUCH THAT IT WILL NOT INTERFERE WITH ANY UNDERGROUND OR OVERHEAD UTILITIES. TREES CANNOT BE PLANTED AROUND, OVER, OR UNDER ANY EXISTING OR PROPOSED POWER LINES. THIS INCLUDES ANY LINES DESIGNED AFTER FINAL SITE PLAN APPROVAL.
7. ALL PLANT BEDS AND TREE RINGS SHALL BE TREATED WITH A FIRE-RESISTENT HERBICIDE AND THEN TOP-DRESSED WITH 3" DEEP PINE BARK MULCH. ALL NEW TREES SHALL HAVE A TREE RING WITH A MINIMUM 24" RADIUS. ALL NEW TREES AND PALMS SHALL BE STAKED.
8. TREES, SHRUBS AND GROUND COVER SHALL BE INSTALLED USING THE FOLLOWING PROCEDURE: PLANT PITS SHALL BE EXCAVATED TO TWICE THE DIAMETER OF THE PLANT ROOT BALL. ABRATE EXISTING SOIL BEFORE BACKFILLING PIT. ADD AGRIFORM FERTILIZER TABLETS TO EACH PLANT PIT, AS PER THE SPECIFICATIONS.
9. TREE INSTALLATION: ALL REQUIRED TREES SHALL BE INSTALLED 1" - 2" ABOVE FINISH GRADE. TREES INSTALLED OR BURIED TOO DEEP SHALL BE RESET TO THIS STANDARD. REMOVE THE TOP 1/3 OF THE WIRE BASKETS ON ALL B & B STOCK.
10. THE CONTRACTOR MUST MAINTAIN THE LANDSCAPING FOR 1 YEAR FROM THE DATE OF CONSTRUCTION COMPLETION. THIS INCLUDES BUT IS NOT LIMITED TO WATERING AND INSURING THAT THE LANDSCAPING DOES NOT DIE. IF ANY OF THE LANDSCAPING DIES WITHIN THE 1 YEAR TIME FRAME, THE CONTRACTOR MUST REPLACE IT WITH EQUIVALENT LANDSCAPING. LOCAL JURISDICTION WATERING GUIDELINES SHALL BE FOLLOWED THOROUGHLY. LANDSCAPED AREAS MUST BE 100% IRRIGATED THROUGHOUT THE ESTABLISHMENT PERIOD.
11. CONTRACTOR MUST CONFIRM LANDSCAPE REQUIREMENTS AND SPECIFICATIONS WITH LOCAL JURISDICTION.

Exhibit E - Landscape Plan



SBA TOWERS IX LLC,
8051 CONGRESS AVENUE
BOCA RATON, FL 33487-2797
TEL: (800) 487-7483



655 NORTH FRANKLIN STREET
SUITE 150
TAMPA, FL 33602
PHONE (813) 820-1480
WWW.KIMLEY-HORN.COM

THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY BY NATURE. ANY USE OR DISCLOSURE OTHER THAN THAT WHICH RELATES TO THE CLIENT IS STRICTLY PROHIBITED.

FILE PROJECT #	148415108
DRAWN BY:	DVS
CHECKED BY:	TWO
REV. # BY:	DVS

REVISIONS		
NO.	DATE	DESCRIPTION
1	06/10/10	REVISED PER COMMENTS
2	07/26/10	REVISED PER COMMENTS
3	08/23/10	REVISED FOR REVIEW

NOT FOR
CONSTRUCTION

SITE NAME:
WAXAHACHIE

SITE NUMBER:
TX22705

SITE ADDRESS:
100 CHAMBERS CIRCLE
WAXAHACHIE, TX 75105

DESIGN TYPE:
RAWLAND

SHEET TITLE:
LANDSCAPING NOTES

SHEET NUMBER: L-2	REVISION: B
-----------------------------	-----------------------

(26)

Sabre Industries™

Towers and Poles

August 13, 2019

Mr. Paul Hickey
SBA COMMUNICATIONS CORPORATION
8051 Congress Avenue
Boca Raton, FL 33487-1307

RE: Proposed 160' Monopole for Waxahachie, TX

Dear Mr. Hickey,

The above referenced monopole has been designed for an ASCE 7-16 Ultimate Wind Speed of 105 mph (no ice), 30 mph (1.5" ice), Structure Class II, Exposure Category C, and Topographic Category 1 in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-G-2005, "Structural Standard for Antenna Supporting Structures and Antennas".

When designed according to this standard, the wind pressures and steel strength capacities include several safety factors, resulting in an overall minimum safety factor of 25%. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within the monopole shaft, above the base plate. Assuming that the wind pressure profile is similar to that used to design the monopole, the monopole will buckle at the location of the highest combined stress ratio within the monopole shaft. This is likely to result in the portion of the monopole above leaning over and remaining in a permanently deformed condition. ***Please note that this letter only applies to the above referenced monopole designed and manufactured by Sabre Towers & Poles.*** This would effectively result in a fall radius less than or equal to 37.5 feet.

Sincerely,

Amy R. Herbst, P.E.
Senior Design Engineer



SBA



PHOTO SIMULATION

SBA PROPOSED MONOPOLE TOWER

Site Name: Waxahachie

Site Number: TX- 22705

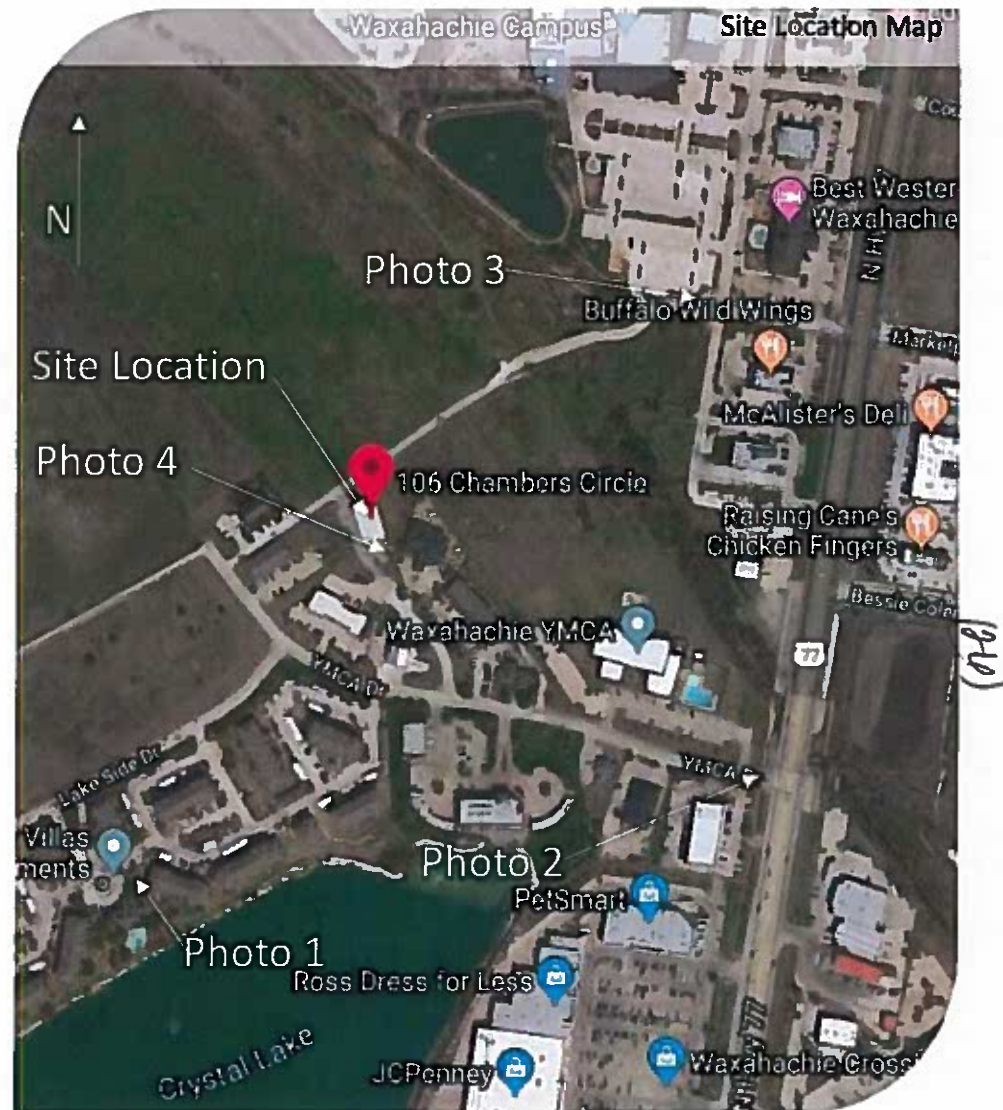
Site Type: RAWLAND – 160' MONOPOLE

Site Location: 106 Chambers Circle,
Waxahachie, TX 75165
32 25 46.296 N, -096 50 32.663 W

Date: 06/26/19

Applicant: SBA Towers
8051 Congress Avenue
Boca Raton, FL 33487

Contact: Paul Hickey
(561) 981-7406



SBA



PHOTO SIMULATION

SBA PROPOSED TOWER

Site Name:
WAXAHACHIE
Date: 06/24/19

Existing View



Proposed View



(50)

PHOTO LOCATION 1:
SOUTHWEST OF PROPOSED POLE FROM BLUE LAKE ENTRY LOOP

Small text if needed

SBA



PHOTO SIMULATION

SBA PROPOSED TOWER

Site Name:

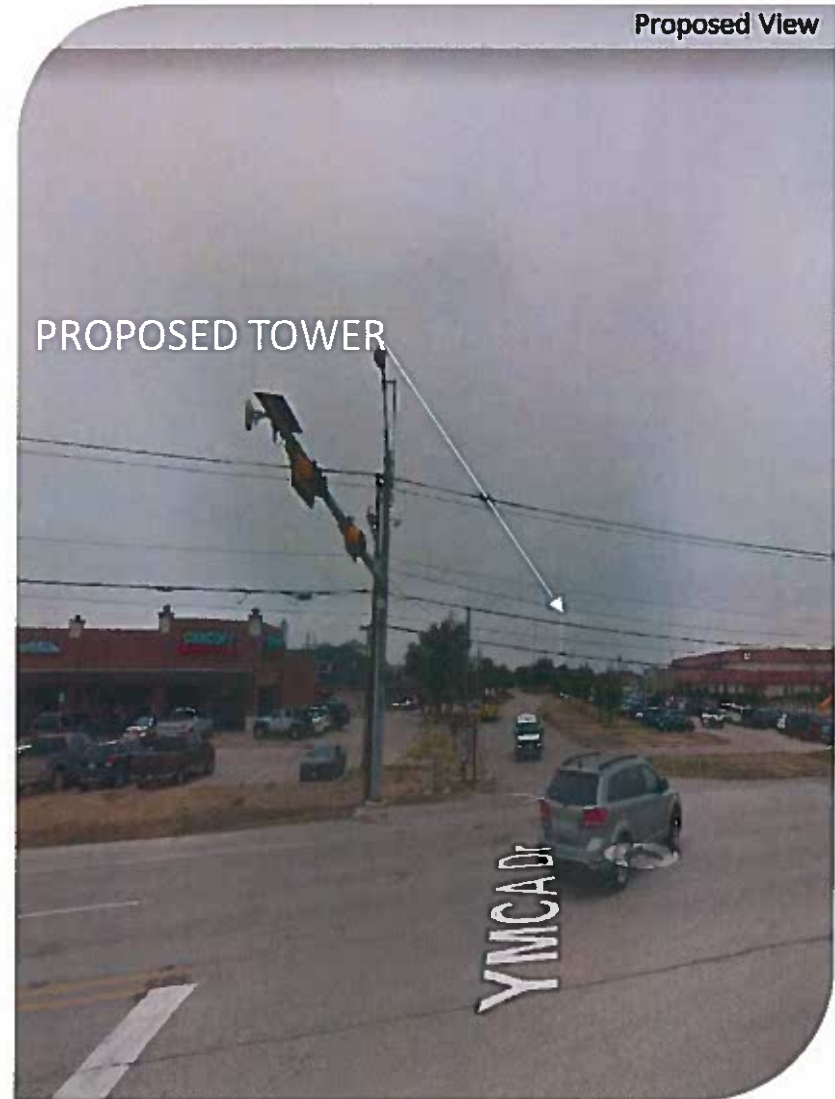
WAXAHACHIE

Date: 06/24/19

Existing View



Proposed View



(ref)

PHOTO LOCATION 2:
SOUTHEAST OF PROPOSED POLE UP YMCA DRIVE

Small text if needed

SBA



PHOTO SIMULATION

SBA PROPOSED TOWER

Site Name:
WAXAHACHIE
Date: 06/24/19

Existing View



Proposed View



(916)

PHOTO LOCATION 3:
NORTHEAST OF PROPOSED POLE FROM MARKET PLACE BLVD

Small text if needed

SBA



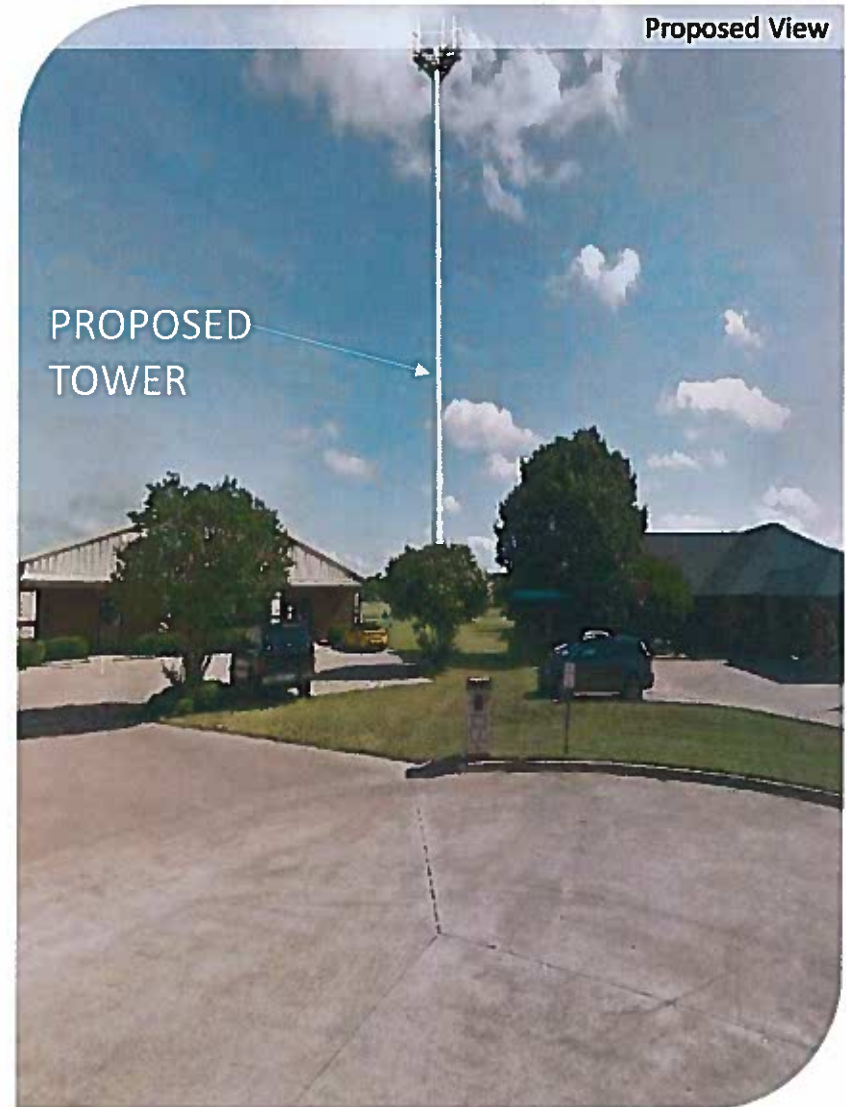
PHOTO SIMULATION
SBA PROPOSED TOWER

Site Name:
WAXAHACHIE
Date: 06/24/19

Existing View



Proposed View



(10)

PHOTO LOCATION 4:
SOUTH OF PROPOSED POLE FROM CHAMBER CIRCLE

Case SU-19-0099
Responses Received Inside Required 200' Notification Area
Support: 0 Oppose: 2

PropertyID	Owner's Name	Acreage	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
174572	PEACOCK INVESTMENTS LLC	0.894	LOT 3 BLK C LAKERIDGE 1-REV 0.894 AC	1279 DIANA LN	STEPHENNVILLE	TN	78401	208 YMCA DR WAXAHACHIE TX 75165
186874	FERRIS AVE BAPTIST CHURCH DBA THE AVENUE	68.0112	629 H LEVY 68.0112 ACRES	210 YMCA DR	WAXAHACHIE	TX	75165	1761 N HIGHWAY 77 WAXAHACHIE TX 75165
243748	FERRIS AVE BAPTIST CHURCH DBA THE AVENUE	1.4	629 H LEVY 1.4 ACRES	210 YMCA DR	WAXAHACHIE	TX	75165	210 YMCA DR WAXAHACHIE TX 75165
174574	[REDACTED]	0.729	LOT 5 BLK C LAKERIDGE 1-REV 0.729 AC	217 HUNTER PASS	WAXAHACHIE	TX	75165	102 CHAMBERS CIR WAXAHACHIE TX 75165
174573	STAFFORD DAWSON J & SHIRLEY REVOCABLE TRUST	1.096	LOT 4 BLK C LAKERIDGE 1-REV 1.096 AC	23 MOUNTAIN CREST DR	RUSSELLVILLE	AR	72802	106 CHAMBERS CIR WAXAHACHIE TX 75165
193873	CITY OF WAXAHACHIE	0.543	LOT 1 BLK C LAKERIDGE 1-REV .543 AC	401 S ROGERS	WAXAHACHIE	TX	75165	200 YMCA DR WAXAHACHIE TX 75165
174571	LIECHTY HOMES INC	1.018	LOT 2 BLK C LAKERIDGE 1-REV 1.018 AC	501 17TH ST SW	JAMESTOWN	ND	58401	206 YMCA DR WAXAHACHIE TX 75165
183929	YMCA OF METRO DALLAS	11.423	PT 11 C LAKERIDGE 1 11.423 ACRES	601 N AKARD ST	DALLAS	TX	75201	100 YMCA DR WAXAHACHIE TX 75165
174575	[REDACTED]	0.723	LOT 6 BLK C LAKERIDGE 1-REV 0.723 AC	700 N PEARL STREET SUITE G208	DALLAS	TX	75201	100 CHAMBERS CIR WAXAHACHIE TX 75165

(m)

Case Number: **SU-19-0099**

City Reference: 174574

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Wednesday, August 21, 2019** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to planningandzoning@waxahachie.com.

RECEIVED
8/16/19

☐

SUPPORT

☒

OPPOSE

Comments:

Tower would lower the value of surrounding property. NO

Herbert Bruce Connor

8-15-19

Signature

Date

(10)

HERBERT BRUCE CONNOR

102 CHAMBER CIRCLE

Printed Name and Title

Address

Fire station tower is enough we do not need a cell phone tower next door

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



(26)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: SU-19-0099

RECEIVED
8/19/19

MANDALAY HOLDINGS LLC
700 N PEARL STREET SUITE G208
DALLAS, TX 75201

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, August 27, 2019 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Tuesday, September 3, 2019 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. Request by Alec Broadus, Broadus Services LLC, for a Specific Use Permit (SUP) for Communications Antennas and Support Structures/Towers use within an Office zoning district, located at 106 Chambers Circle (Property ID 174573) – Owner: DAWSON J & SHIRLEY STAFFORD REVOCABLE TRUST (SU-19-0099)

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: planningandzoning@waxahachie.com for additional information on this request.

Case Number: SU-19-0099
City Reference: 174575

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on Wednesday, August 21, 2019 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to planningandzoning@waxahachie.com.

☐

SUPPORT

☒

OPPOSE

Comments:

At 160 feet, a tower that tall is too big and will detract from the areas appeal.

Randall Grubbs
Signature

8.19.19
Date

Randall Grubbs Senior
Printed Name and Title

100 Chambers Circle, 206 YUCA
Address
Ar.



Memorandum

To: Honorable Mayor and City Council

From: Doug Barnes, Economic Development Director

Thru: Michael Scott, City Manager

Date: August 26, 2019

Re: Rate Review Mechanism ("RRM") Tariff for ATMOS Energy Corporation

Item Description: Consideration of the adoption of an ordinance approving the negotiated settlement between the ATMOS Cities Steering Committee ("ACSC") and ATMOS Energy Corporation, Mid-Tex Division regarding the company's 2019 rate review mechanism filings and adopting tariffs that reflect rate adjustments consistent with the negotiated settlement.

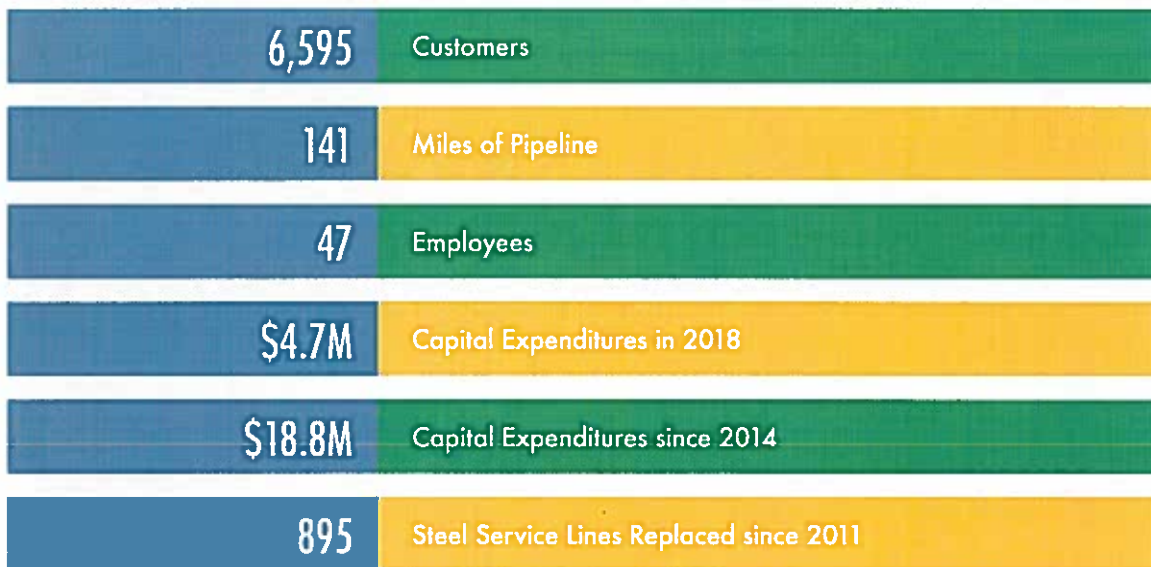
Staff Recommendation: Adoption of the resolution as presented.

Item Summary: Since 2007, there have been several modifications to the Rate Review Mechanism (RRM) Tariff. The most recent iteration of an RRM Tariff was reflected in an ordinance adopted by ACSC members earlier this year. On or about April 1, 2019, ATMOS Energy Corporation, Mid-Tex Division filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2018, entitled it to system-wide revenues of \$70.0 million. Application of the standards set forth in ACSC's Tariff required ATMOS to reduce its request to \$39.3 million. Following further negotiations, ACSC Executive Committee agreed to recommend an increase of \$35.4 million, which was accepted by the Company.

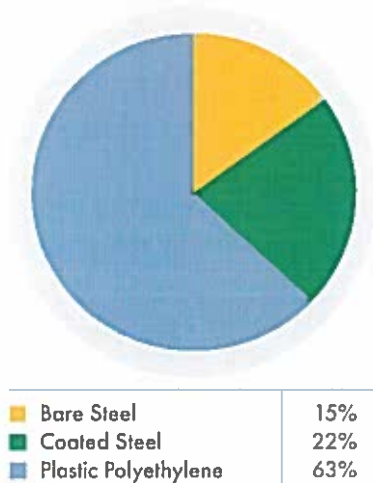
If approved by Council on September 3, 2019, the Effective Date for new rates will be October 1, 2019.

(27)

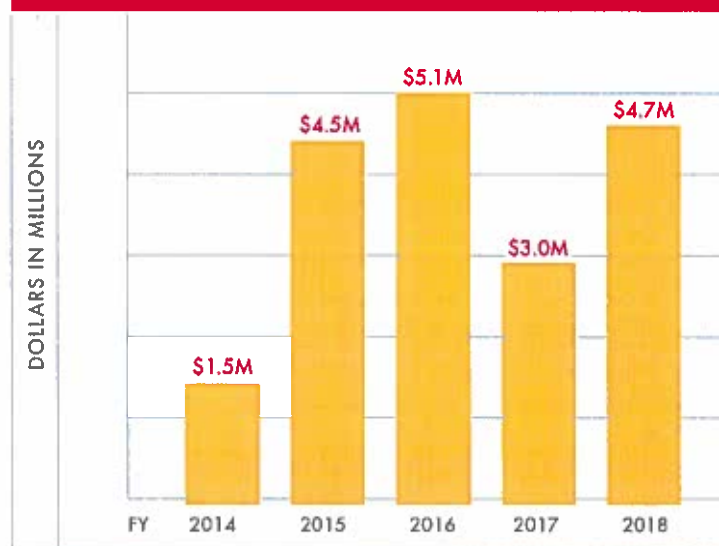
City of Waxahachie Profile



System Makeup



Waxahachie Capital Expenditures 2014-2018



(27)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2019 RATE REVIEW MECHANISM FILING, DECLARING EXISTING RATES TO BE UNREASONABLE, ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT, FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST, APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS, APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY, REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES, DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT, ADOPTING A SAVINGS CLAUSE, DECLARING AN EFFECTIVE DATE, AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.

WHEREAS, the City of Waxahachie, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex, and

WHEREAS, the City is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of similarly-situated cities served by Atmos Mid-Tex ("ACSC Cities") that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area, and

WHEREAS, ACSC and the Company worked collaboratively to develop a new Rate Review Mechanism ("RRM") tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program ("GRIP") process instituted by the Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division, and

WHEREAS, the current RRM tariff was adopted by the City in a rate ordinance in 2018, and

WHEREAS, on about April 1, 2019, Atmos Mid-Tex filed its 2019 RRM rate request with ACSC Cities based on a test year ending December 31, 2018, and

(27)

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2019 RRM filing through its Executive Committee, assisted by ACSC's attorneys and consultants, to resolve issues identified in the Company's RRM filing, and

WHEREAS, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$35.4 million applicable to ACSC Cities, and

WHEREAS, the attached tariffs (Exhibit A) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest, and

WHEREAS, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Exhibit B), and

WHEREAS, the settlement agreement establishes an amortization schedule for regulatory liability (Exhibit C), and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications;

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

Section 1. That the findings set forth in this Ordinance are hereby in all things approved.

Section 2. That, without prejudice to future litigation of any issue identified by ACSC, the City Council finds that the settled amount of an increase in revenues of \$35.4 million for ACSC Cities represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2019 RRM filing, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

Section 3. That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Exhibit A, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$35.4 million from customers in ACSC Cities, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

(27)

Section 4. That the ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Exhibit 8, attached hereto and incorporated herein.

Section 5. That amortization of regulatory liability shall be consistent with the schedule found in attached Exhibit C attached hereto and incorporated herein.

Section 6. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2019 RRM filing.

Section 7. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.

Section 8. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 9. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 10. That consistent with the City Ordinance that established the RRM process, this Ordinance shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after October 1, 2019.

Section 11. That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LJB Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED this ___ day of _____ 2019.

Mayor

(27)

ATTEST:

APPROVED AS TO FORM:

City Secretary

City Attorney

(27)

Exhibit A

Rate Tariffs Effective October 1, 2019

(27)

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2019	PAGE:

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 19.55 per month
Rider CEE Surcharge	\$ 0.05 per month ¹
Total Customer Charge	\$ 19.60 per month
Commodity Charge – All <u>Ccf</u>	\$0.17423 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2019.

(27)

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2019	PAGE:

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 46.50 per month
Rider CEE Surcharge	\$ 0.02 per month ²
Total Customer Charge	\$ 46.52 per month
Commodity Charge – All Ccf	\$ 0.09924 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹ Reference Rider CEE - Conservation and Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2019.

(27)

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	1 – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2019	PAGE:

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 845.50 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.3572 per MMBtu
Next 3,500 MMBtu	\$ 0.2616 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0561 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

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**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2019	PAGE:

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

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**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RRC Tariff No:

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2019	PAGE:

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 845.50 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.3572 per MMBtu
Next 3,500 MMBtu	\$ 0.2616 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0561 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

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MID-TEX DIVISION
ATMOS ENERGY CORPORATION

RRC Tariff No:

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 10/01/2019	PAGE:

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

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**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2019	PAGE:

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification

$WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf

R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.

HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class

NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.

ADD = billing cycle actual heating degree days.

BL_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j th customer in i th rate schedule is computed as:

$$WNA_j = WNAF_i \times q_j$$

Where q_j is the relevant sales quantity for the j th customer in i th rate schedule.

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**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION UNDER THE RRM TARIFF	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2019	PAGE:

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use Ccf	Heat use Ccf/HDD	Base use Ccf	Heat use Ccf/HDD
Abilene	9.77	0.1487	88.49	0.7036
Austin	9.04	0.1537	201.48	1.0000
Dallas	13.07	0.2202	184.64	1.1385
Waco	8.77	0.1470	135.70	0.7744
Wichita Falls	11.40	0.1468	117.90	0.5943

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mbx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNAs factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and an Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

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Exhibit B

2019 Benchmark for Pensions and Retiree Medical Benefits

ATMOS ENERGY CORP., MID-TEX DIVISION
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITIES APPROVAL
TEST YEAR ENDING DECEMBER 31, 2018

Line No.	Description	Shared Services		Mid-Tex Direct			Adjustment Total
		Pension Account Plan	Post-Employment Benefit Plan	Pension Account Plan	Supplemental Executive Benefit Plan	Post-Employment Benefit Plan	
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
1	Proposed Benefits Benchmark - Fiscal Year 2019 Willis Towers Watson Report as adjusted (1) (2) (3)	\$ 2,744,088	\$ 2,267,927	\$ 4,724,119	\$ 193,211	\$ 2,621,842	
2	Allocation to Mid-Tex	43.48%	43.48%	73.88%	100.00%	73.88%	
3	Proposed Benefits Benchmark Costs Allocated to Mid-Tex (Ln 1 x Ln 2)	\$ 1,193,029	\$ 986,012	\$ 3,490,241	\$ 193,211	\$ 1,937,051	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	
5	Proposed Benefits Benchmark Costs to Approve (Ln 3 x Ln 4) (3)	\$ 1,193,029	\$ 986,012	\$ 3,490,241	\$ 193,211	\$ 1,937,051	\$ 7,799,544
6							
7							
8	Summary of Costs to Approve (1):						
9							
10	O&M Expense Factor (WP_F-2.3, Ln 2)	81.35%	81.35%	38.28%	16.24%	38.28%	
11							
12							
13	Total Pension Account Plan	\$ 970,514		\$ 1,336,038			\$ 2,306,553
14	Total Post-Employment Benefit Plan		\$ 802,108			\$ 741,489	1,543,597
15	Total Supplemental Executive Benefit Plan				\$ 31,377		31,377
16	Total (Ln 13 + Ln 14 + Ln 15)	\$ 970,514	\$ 802,108	\$ 1,336,038	\$ 31,377	\$ 741,489	\$ 3,881,527

Notes:

1. Studies not applicable to Mid-Tex or Shared Services are omitted.
2. The Company is requesting that the benchmark amount approved by the RRM Cities for future periods include only the expense amount.
3. The amount attributable to capital would continue to be recorded to utility plant through the overhead process as described in the CAM.
3. SSU amounts exclude cost centers which do not allocate to Mid-Tex for rate making purposes.

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Exhibit C

2019 Amortization Schedule for Regulatory Liability

ATMOS ENERGY CORP., MID-TEX DIVISION
RATE BASE ADJUSTMENTS
TEST YEAR ENDING DECEMBER 31, 2018
AMORTIZATION OF REGULATORY LIABILITY

Line No.	Year Ended Dec. 31	Beginning of Year Rate Base Adjustment Amount (1)	Annual Amortization (2)	End of Year Rate Base Adjustment Amount
	(a)	(b)	(c)	(d)
1	2018	\$ 290,043,948	\$ -	290,043,948
2	2019	290,043,948	12,085,165	277,958,784
3	2020	277,958,784	12,085,165	265,873,619
4	2021	265,873,619	12,085,165	253,788,455
5	2022	253,788,455	12,085,165	241,703,290
6	2023	241,703,290	12,085,165	229,618,126
7	2024	229,618,126	12,085,165	217,532,961
8	2025	217,532,961	12,085,165	205,447,797
9	2026	205,447,797	12,085,165	193,362,632
10	2027	193,362,632	12,085,165	181,277,468
11	2028	181,277,468	12,085,165	169,192,303
12	2029	169,192,303	12,085,165	157,107,139
13	2030	157,107,139	12,085,165	145,021,974
14	2031	145,021,974	12,085,165	132,936,810
15	2032	132,936,810	12,085,165	120,851,645
16	2033	120,851,645	12,085,165	108,766,481
17	2034	108,766,481	12,085,165	96,681,316
18	2035	96,681,316	12,085,165	84,596,152
19	2036	84,596,152	12,085,165	72,510,987
20	2037	72,510,987	12,085,165	60,425,823
21	2038	60,425,823	12,085,165	48,340,658
22	2039	48,340,658	12,085,165	36,255,494
23	2040	36,255,494	12,085,165	24,170,329
24	2041	24,170,329	12,085,165	12,085,165

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25 2042 12,085,165 12,085,165 (0)

27

28

29	Revenue Related Tax Factor	6.71%	See WP_F-5.1
	Revenue Related Taxes on Annual		Amortization * Tax
30	Amortization (see WP_B-6.3)	\$ 810,653	Factor
31	Related Taxes (see WP_B-6.3)	<u>\$ 12,905,421</u>	Amortization + Taxes

32

33 Notes:

- 34 1. The beginning 2018 balance is the September, 2018 balance. The regulatory
35 liability for excess deferred taxes is an estimate. This estimate will be
36 finalized when the Company files its federal tax return in July, 2019. To the
37 extent that this estimate changes with the filing of the Company's tax return,
38 the Company will 'true-up' the amount in the 2020 RRM filing.
- 39 2. The annual amortization of a 24 year recovery period is based on the
40 Reverse South Georgia Method.
- 41 3. The Regulatory Liability is recorded to FERC Account 253, Sub Account 27909.

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RESOLUTION NO.

A RESOLUTION OF THE CITY OF WAXAHACHIE, TEXAS DESIGNATING AN OFFICIAL NEWSPAPER FOR THE CITY OF WAXAHACHIE, TEXAS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Charter requires the City Council of the City of Waxahachie, Texas to designate by ordinance or resolution a public newspaper to be the official publication of the city, which designation shall continue until otherwise designated by the City Council; and

WHEREAS, the City Council cause to be published therein all ordinances, notices and other matters required by the City Charter or the ordinances of the city to be published; and

WHEREAS, the City Council finds that _____ is a public newspaper of general circulation, published at least once a week, and has been published regularly and continuously for at least 12 months before the governmental entity or representative publishes notice; and

WHEREAS, the City Council finds that _____ is a publication that meets all of the criteria legally required of an officially designated newspaper for the City of Waxahachie in compliance with Section 2051.044 of the Local Government Code; and

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

SECTION 1

That the City Council of the City of Waxahachie hereby designates _____ as the official newspaper for the City of Waxahachie.

SECTION 2

That this Resolution shall take effect immediately.

ADOPTED THIS 3rd day of September, 2019.

MAYOR

ATTEST:

City Secretary



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Assistant City Manager
Thru: Michael Scott, City Manager
Date: August 30, 2019
Re: BNSF Water Line Project - CIP

On Tuesday September 3, 2019 a professional services contract with Kimley-Horn for the BNSF 18" Water Transmission Line Project, associated with the City's Capital Improvement Plan, will appear before the City Council for consideration, in the amount of \$133,500. The contract will provide engineering design, bid specification preparation, construction support services and right-of-way services to construct an 18" water line from the existing 24" water line on Butcher Road to the south property line of Owens Corning. The project will parallel the BNSF Railroad.

The BNSF 18" Water Line is part of a larger series of water infrastructure improvements that will help facilitate transmission of water from the Sokoll Water Treatment Plant into the Northern Service Area and reduce the pumping needs from the Southern Service Area. This project will help facilitate growth in the northern part of the city, such as allow future expansion of the water line to Dove Hollow, northern portion of North Grove Blvd and extension of a 24-inch water line to Marshall Road and FM 664.

Please note, the funding proposed to be utilized for this project was initially programmed for the Cardinal Road Water Line. However, the development that the Cardinal Road Line would support has not occurred as scheduled. As

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a result, staff is recommending to advance the BNSF Water Line Project. The BNSF Water Line Project is an impact fee eligible and funded project. Both projects are included in the Five Year Water Capital Improvement Program Plan and the Cardinal Road Water Line Project will be funded at a later date.

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

Tommy Ludwig



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Assistant City Manager
Thru: Michael Scott, City Manager 
Date: August 30, 2019
Re: Informal Bid - Broadhead Road Resurfacing

On Tuesday September 3, 2019 an informal bid associated with the resurfacing of a portion of Broadhead Road will appear before City Council for consideration in the amount of \$46,497. In early August, City staff removed approximately 30,000 square feet of faulty asphalt pavement from Broadhead Road. This portion of road was slated to have a new layer of asphalt installed upon the removal of the existing pavement. As staff does not have the necessary equipment to perform asphalt paving of this magnitude, a quote was obtained from J & K Excavation to perform the work. City staff finished their portion of Broadhead Road on August 16th and J & K Excavation was scheduled to begin paving on August 19th.

Formal bids, requiring advertisements, are not required for jobs below the value of \$50,000 and can be awarded administratively. However State law prohibits awarding multiple informal bids to a single contractor, without City Council approval, if the total of the bids would exceed \$50,000 in a single year. Upon review of the quote from J & K Excavation, Management determined that awarding this informal bid would exceed the \$50,000 threshold. As the portion of the road under repair did not have a permanent surface in place and was in need of paving as quickly as possible, staff informed J & K Excavation that they would have to pursue another contractor to perform the work as awarding would require additional time for City Council approval.

Staff reached out to a total of four additional contractors the week of August 19th requesting quotes and only received one bid from FNH Contracting in an amount more than double that of J & K Excavation. As a result on Friday August 23rd staff

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informed J & K Excavation that their intention was to recommend an award of their bid on the September 3rd City Council Meeting. As J & K Excavation was aware of the need to repair this portion of Broadhead Road as quickly as possible, they moved forward with executing a contract to obtain the asphalt necessary to perform the work in an effort to expedite the repair.

Please note on Tuesday August 27th, staff received an unexpected third bid from All Right Paving in the amount of \$36,080. However as staff did not anticipate receiving an additional quote, and had already notified J & K Excavation of their intention to award the bid to them, staff is recommending City Council's approval of J & K Excavation's informal bid. J & K Excavation is scheduled to begin work on September 16th at Broadhead Road. Until that time, staff will water and regrade the area under construction as needed in an effort to reduce dust and mitigate the rough driving surface as much as possible.

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

Tommy Ludwig