

**NOTICE OF CITY COUNCIL BRIEFING SESSION  
MAY 20, 2019  
CITY COUNCIL CONFERENCE ROOM  
401 S. ROGERS  
WAXAHACHIE TEXAS  
6:30 P.M.**

**Agenda**

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

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 G E N D A**

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Chamber at City Hall, 401 S. Rogers on ***Monday, May 20, 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. ***Consent Agenda***

All matters listed under Item 4, Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Mayor/City Manager to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the City Council.

- a. Minutes of the City Council meeting of May 6, 2019
  - b. Minutes of the City Council briefing of May 6, 2019
  - c. Minutes of the Special City Council meeting of May 13, 2019
  - d. Budget amendment requested by Waxahachie Police Department
  - e. Budget amendment requested by Municipal Court
  - f. Request by UPRR to Close the Grand Avenue Crossing
  - g. TIRZ Board recommendation for Funding Downtown WiFi Security System
  - h. High School Graduation fireworks display hosted by WISD
  - i. Request by Wes Dorough, JH Development LLC, for a Final Plat of The Cove Phase 3 for 89 residential lots and 2 open space lots, being 26.170 acres situated in the Henry Sange Survey, Abstract 1009 and the Henri Levy Survey, Abstract 629 (Property ID 223031) - Owner: MORITZ INTERESTS LTD (FP-19-0049)
5. ***Introduce*** Honorary Councilmember
6. ***Present*** Proclamation proclaiming the first Saturday in September as “National Tailgating Day”
7. ***Present*** Certificate for 2019 National Main Street Accreditation
8. ***Consider*** street closure for June 15<sup>th</sup> event downtown
9. ***Public Hearing*** on a request by Brett Hess, Hi View Real Estate, for a Replat of Lot 1, Americase Business Park, to create Lots 1A, 1B, 1C, and 1D, Americase Business Park, 10.71 acres (Property ID 273983) in the Extra Territorial Jurisdiction – Owner: R&R AMERICASE HOLDINGS LTD (RP-19-0055)
10. ***Consider*** approving RP-19-0055
11. ***Public Hearing*** on a request by Brett Hess, Hi View Real Estate, for a Replat of Lot 4, Americase Business Park, to create Lots 4A and 4B, Americase Business Park, 6.06 acres (Property ID 273986) in the Extra Territorial Jurisdiction – Owner: R&R AMERICASE HOLDINGS LTD (RP-19-0056)
12. ***Consider*** approving RP-19-0056
13. ***Public Hearing*** on a request by Matthew Smith, Vaquero Ventures, for a Specific Use Permit (SUP) for Convenience Store and Gasoline Sales uses within a Planned Development-24-General Retail zoning district, located at 400 and 402 N Highway 77 (Property ID 180816 and 180826) – Owner: RICHARD A CHAPMAN & STEVEN F CHAPMAN (SU-19-0047)

14. **Consider** proposed Ordinance approving Zoning Change No. SU-19-0047
15. **Public Hearing** on a request by James Seymour for a Replat of Block 201 and East part of Block 194, Town Addition, to create Lot 1, Block 1, Marvin Seymour Addition, 0.45 acres (Property ID 234965) – Owner: JAMES SEYMOUR (RP-19-0050)
16. **Consider** approving RP-19-0050
17. **Public Hearing** on a request by Michael Evans, GSW Land Surveyors, for a Replat of a portion of Lots 3 and 4 and all of Lot 5, Block 14, West End, to create Lot 5R, Block 14, West End, 4.478 acres (Property ID 176761 and 176763) – Owner: CHRISTOPHER L GLEASON (RP-19-0051)
18. **Consider** approving RP-19-0051
19. **Consider** request by Blain Vinson, SAP Properties LLC, for a Preliminary Plat of The Cottages on Cantrell for 73 lots, being 17.348 acres situated in the J. Armstrong Survey, Abstract 6 (Property ID 244351) – Owner: SAP PROPERTIES LLC (PP-19-0053)
20. **Public Hearing** on a request by Matthew Monteiro, B&M Assessment Services, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single-Family Residential-3 zoning district, located at 208 Boardwalk (Property ID 239190) – Owner: LARRY & CAROL SKUZIE (SU-19-0052)
21. **Consider** proposed Ordinance approving Zoning Change No. SU-19-0052
22. **Public Hearing** on a request by Kelli Coash, TriSmart Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single-Family Residential-1 zoning district, located at 243 Bent Creek Drive (Property ID 216561) – Owner: WESLEY & TAMARA SMALLWOOD (SU-19-0046)
23. **Consider** proposed Ordinance approving Zoning Change No. SU-19-0046
24. **Public Hearing** on a request by Jacob A. Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for Portable Storage Structure or Temporary Building use within a Single-Family Residential-2 zoning district, located at 411 N. Gibson (Property ID 193942) – Owner: WAXAHACHIE ISD (SU-19-0045)
25. **Consider** proposed Ordinance approving Zoning Change No. SU-19-0045
26. **Public Hearing** on a request by Randy Roden, Hope Clinic, for a Zoning Change from a Single-Family Residential-3 zoning district to Planned Development-Office, with Concept Plan, located at 428 E. Jefferson (Property ID 171252) - Owner: PHINIS & ELIZABETH J MORGAN (PD-19-0044)
27. **Consider** proposed Ordinance approving Zoning Change No. PD-19-0044
28. **Public Hearing** on a request by Terry Weaver, Sterling Development Co., 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 & M INVESTMENTS (SU-19-0048)
29. **Consider** proposed Ordinance approving Zoning Change No. SU-19-0048
30. **Continue Public Hearing** on a request by Josh Spoerl, Arrive Architecture Group, for a Zoning Change from a Planned Development-General Retail-Mixed Use Residential zoning district to Planned Development-Multiple Family Residential-2 and Planned Development-General Retail, with Concept Plan, located at the NE corner of US 287 Bypass Service Road at FM 813, being 911 R RUSSELL 7.121 ACRES and 911 R RUSSELL 10.6200 ACRES (Property ID 227073 and 138302) - Owner: LYONS AMERICAN SECURITIES INC (PD-19-0031)
31. **Consider** proposed Ordinance approving Zoning Change No. PD-19-0031
32. **Consider** agreement and budget transfer for streaming services

33. ***Convene*** into Executive Session for deliberation regarding real property as permitted under Section 551.072 of the Texas Government Code
34. ***Reconvene*** and take any necessary action
35. Comments by Mayor, City Council, City Attorney and City Manager
36. Adjourn

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

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City Council  
May 6, 2019

(4a)

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, May 6, 2019 at 7:00 p.m.

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

Council Member Absent: 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 Kevin Strength called the meeting to order.

**2. Invocation**

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

Councilmember Chuck Beatty 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 April 15, 2019
- b. Minutes of the City Council briefing of April 15, 2019
- c. Event Application for Salvation Army Boys and Girls Club of Ellis County 5k race
- d. Event Application for Lions Club State Convention Kick-Off
- e. Budget amendment request from Downtown Development Department
- f. Contribution request to the Miracle League of Ellis County
- g. Haven Road Waterline Advanced Funding

**Action:**

*Mayor Pro Tem David Hill moved to approve items a. through g. on the Consent Agenda. Councilmember Mary Lou Shipley seconded, All Ayes.*

**5. Introduce Honorary Councilmember**

Mayor Strength introduced Lily Lawler as Honorary Councilmember for the month of May. She has lived in Waxahachie her entire life. Lily currently attends Waxahachie Global High School and is the Salutatorian of the graduating class of 2019. She is president and founder of the Culture Club, a senior editor for the Yearbook and Senior Representative on Global High's student council. Lily also volunteers as a tutor after school for elementary school and college level English. She enjoys writing and painting. Lily is planning on majoring in Anthropology in college and is

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enrolled to attend Yale University as a part of the QuestBridge Scholars Program. After she graduates, her intended career goals are to work as a museum curator or to be an advocate for accessible education in impoverished areas around the world.

**6. Present Proclamation proclaiming May as “Preservation Month”**

Mayor Strength read a Proclamation proclaiming May as “Preservation Month” and presented it to Anita Brown, Director of Downtown Development.

**7. Continue Public Hearing on a request by Barb Hall, Ervin USA, for a Specific Use Permit (SUP) for Trailer, Truck Sales or Rental use within a Light Industrial-2 and Future Development zoning district, located at 4675 N Interstate 35, being 790 EC NEWTON 29.74 ACRES (Property ID 188460) - Owner: LUIS ESTRADA (SU-18-0180)**

Mayor Strength continued the Public Hearing.

Mr. Shon Brooks, Director of Planning, reported at the April 1, 2019 City Council meeting, Council provided landscape stipulations to be completed. He stated the applicant has submitted a signed and sealed plan from a Landscape Architect and has installed additional landscaping for the property. He stated the applicant has addressed the stipulations and recommended approval.

There being no others to speak for or against SU-18-0180, Mayor Strength closed the Public Hearing.

**8. Consider proposed Ordinance approving Zoning Change No. SU-18-0180**

**ORDINANCE NO. 3111**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A TRAILER, TRUCK SALES OR RENTAL USE WITHIN A LIGHT INDUSTRIAL-2 AND FUTURE DEVELOPMENT (LI-2 AND FD) ZONING DISTRICT, LOCATED AT 4675 N INTERSTATE 35, BEING PROPERTY ID 188460, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 790 EC NEWTON ABSTRACT, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Mayor Pro Tem David Hill moved to approve Ordinance No. 3111 as presented. Councilmember Chuck Beatty seconded, All Ayes.*

**9. 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)**

(4a)

Mayor Strength continued the Public Hearing.

Mr. Brooks reported the proposed development will be a senior development property. He reported there are stipulations for approving the site and concerns remain outstanding. Mr. Brooks recommended to deny the project at this time.

Those who spoke for:

Mr. Tom Mensky resident at Palladium Senior Living, 870 Blassingame Avenue, Van Alstyne, Texas

Ms. Debra Nichols, resident at Palladium Senior Living, 870 Blassingame Avenue, Van Alstyne, Texas

Mr. Tom Huth, President and CEO of Palladium USA, stated he recognized the concern that City Staff has with the zoning change request. He requested to table the hearing until Palladium USA is awarded the tax credit which will be between July and September. Mr. Huth stated in the meantime he will continue to work with City Staff on the Zoning Change request concerns.

**10. Consider proposed ordinance approving Zoning Change No. PD-19-0022**

**Action:**

*Councilmember Mary Lou Shipley 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 August 5, 2019. Councilmember Chuck Beatty seconded, All Ayes.*

**11. Consider proposed Resolution of Candidate Nomination for the Ellis Appraisal District Board of Directors vacancy for the year 2019**

City Manager Michael Scott stated Mr. Tommy Hamilton resigned from the Ellis Appraisal District Board of Directors leaving a vacancy to the end of the 2019 year and the city needs to nominate replacement. He stated the following names were submitted for Council's consideration: Councilmember Melissa Olson, Mr. Dan Gus, and Mr. John Hamilton.

**RESOLUTION NO. 1267**

**RESOLUTION OF CANDIDATE NOMINATION FOR THE ELLIS APPRAISAL DISTRICT BOARD OF DIRECTORS VACANCY FOR THE YEAR 2019**

**Action:**

*Mayor Pro Tem David Hill moved to approve Resolution No. 1267 nominating Mr. John Hamilton. Councilmember Mary Lou Shipley seconded, All Ayes.*

(4A)

**12. Consider Local Project Advance Funding Agreement with Texas Department of Transportation for Voluntary Local Government Contributions to Transportation Improvement Projects with No Required Match of System**

Mr. Scott stated the agreement covers the bridge aesthetic agreement on the viaduct project. The historic viaduct will be destroyed and replaced with a couplet bridge. He stated the agreement allows for the historic keeping of the original bridge and railing.

**Action:**

*Councilmember Chuck Beatty moved to approve the Local Project Advance Funding Agreement with Texas Department of Transportation for Voluntary Local Government Contributions to Transportation Improvement Projects with No Required Match of System. Councilmember Mary Lou Shipley seconded, All Ayes.*

**13. Consider Agreement with Texas Department of Transportation for the Preservation and Adaptive Use of a Historic On-State System Bridge for an Environmental Mitigation Program**

Mr. Scott stated when the State has a project that jeopardizes historic significance TxDOT will preserve the historic railings from the bridge. He stated the City will front the cost of \$60,000 which is fully reimbursed to the City from the State.

**Action:**

*Mayor Pro Tem David Hill moved to approve an Agreement with Texas Department of Transportation for the Preservation and Adaptive Use of a Historic On-State System Bridge for an Environmental Mitigation Program. Councilmember Mary Lou Shipley seconded, All Ayes.*

**14. Consider Advance Funding Agreement with Texas Department of Transportation for Voluntary Utility Relocation Contributions on State Highway Improvement Projects Project**

Mr. Scott stated the agreement speaks to the relocation of the utilities noting the project is part of the City's Capital Improvement Plan project.

**Action:**

*Councilmember Chuck Beatty moved to approve an Advance Funding Agreement with Texas Department of Transportation for Voluntary Utility Relocation Contributions on State Highway Improvement Projects Project. Councilmember Mary Lou Shipley seconded, All Ayes.*

**15. Consider resolution authorizing the reimbursement of Water and Wastewater Operating Funds from the proceeds of future debt for the advance funding agreement with Texas Department of Transportation for Voluntary Utility Relocation Contributions on State Highway Improvement Projects**

Mr. Scott stated Resolution No. 1268 is a companion to item 14 and explained Water and Wastewater Operating Funds will be refunded with proceeds of debt to be issued by the City.



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**RESOLUTION NO. 1268**

**A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF THE ADVANCE FUNDING AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR VOLUNTARY UTILITY RELOCATION CONTRIBUTIONS ON STATE HIGHWAY IMPROVEMENT PROJECTS**

**Action:**

*Mayor Pro Tem David Hill moved to approve Resolution No. 1268 as presented. Councilmember Mary Lou Shipley seconded, All Ayes.*

**16. Consider award of a bid to Schofield Civic Construction for the Lower Mustang Creek Lift Station Improvements**

Mr. Tommy Ludwig, Assistant City Manager, stated the project includes the installation of three (3) new pumps and will help handle wastewater flows conveyed by the Cole Creek Gravity Trunk Line. He stated Schofield Civic Construction was the lowest bidder in the amount of \$1,275,275. Mr. Ludwig stated the project is a planned expense budgeted in the Fiscal Year 2018-2019 Operations and Maintenance budget.

**Action:**

*Councilmember Chuck Beatty moved to award the bid for the Lower Mustang Creek Lift Station Improvements to Schofield Civic Construction in the amount of \$1,275,275. Mayor Kevin Strength seconded, All Ayes.*

**17. Consider award of a bid to Rey-Mar Construction for the Grove Creek Lift Station Expansion**

Mr. Ludwig reported Rey-Mar Construction was the lowest bidder in the amount of \$2,011,700. He stated the Operations and Maintenance Fund has a remaining balance of \$725,724 and explained the remainder of the project will be funded with Certificate of Obligation Bonds which will be sold later in the Fiscal Year 2018-2019 budget year in the amount of \$1,286,000.

**Action:**

*Councilmember Mary Lou Shipley moved to award the bid for the Grove Creek Lift Station Expansion to Rey-Mar Construction in the amount of \$2,011,700. Councilmember Chuck Beatty seconded, All Ayes.*

**18. Consider resolution authorizing the reimbursement of Wastewater Operating Funds from the proceeds of future debt for the Grove Creek Lift Station Expansion**

**RESOLUTION NO. 1269**

**A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE CONSTRUCTION OF THE GROVE CREEK LIFT STATION EXPANSION**

(4a)

**Action:**

*Councilmember Chuck Beatty moved to approve Resolution No. 1269. Councilmember Mary Lou Shipley seconded, All Ayes.*

**19. Consider award of a contract with Insituform, through the BuyBoard Cooperative Pricing Agreement, for the rehabilitation of a portion the Richmond Street sewer line**

Mr. Ludwig reported the contract for a sewer line rehabilitation came in at \$120,480. He explained Staff has expended the total line maintenance budget for Fiscal Year 2018-2019 budget year and the award of the contract will require approval of a supplemental appropriation in the full amount of the contract.

**Action:**

*Councilmember Chuck Beatty moved to award the contract to Insituform, through the BuyBoard Cooperative Pricing Agreement, for the rehabilitation of a portion of the Richmond Street sewer line in the amount of \$120,480. Councilmember Mary Lou Shipley seconded, All Ayes.*

**20. Consider authorization of a budget adjustment to increase appropriations in the Wastewater Fund for the rehabilitation of a portion of the Richmond Street sewer line**

**Action:**

*Councilmember Mary Lou Shipley moved to approve the authorization of a budget adjustment to increase appropriations in the Wastewater Fund for the rehabilitation of a portion of the Richmond Street sewer line in the amount of \$120,480. Councilmember Chuck Beatty seconded, All Ayes.*

**21. Consider Professional Services Contract for the Rock Branch Floodplain Study**

Mr. James Gaertner, City Engineer, presented a contract with Kimley-Horn and Associates, Inc. for a hydrologic and hydraulic floodplain study of the Rock Branch Creek. He stated the contract amount of \$34,500 will be funded through savings in the City Engineer's budget.

**Action:**

*Councilmember Mary Lou Shipley moved to approve a Professional Services Contract with Kimley-Horn for the Rock Branch Floodplain Study in the amount of \$34,500. Mayor Pro Tem David Hill seconded, All Ayes.*

**22. Public Hearing amending the Subdivision Ordinance to modify the use requirements of the Park Dedication Fees**

Mayor Strength opened the Public Hearing.

Assistant City Manager Albert Lawrence stated the modifications is to remove the requirement of utilizing park dedication fees within one mile of the subdivision that dedicated the fees, as well as, the requirement to use those fees within ten years of collection. He explained the proposed

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amendment would not change the current park dedication fees rate or influence the amount of fees collected, but will offer more flexibility in the use of the funds.

There being no others to speak for or against amending the Subdivision Ordinance to modify the use requirements of the Park Dedication Fees, Mayor Strength closed the Public Hearing.

- 23. Consider proposed Ordinance amending the Subdivision Ordinance to modify the use requirements of the Park Dedication Fees**

**ORDINANCE NO. 3112**

**AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING APPENDIX C, "SUBDIVISIONS", BY REPEALING SECTION 4.4.E, "SPECIAL FUND, RIGHT TO REFUND" BY REPLACING WITH A NEW SECTION 4.4E, "SPECIAL FUND" APPLICABLE TO THE USE OF PARK DEDICATION FEES; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**Action:**

*Councilmember Mary Lou Shipley moved to approve Ordinance No. 3112 as presented. Councilmember Chuck Beatty seconded, All Ayes.*

**24. Public Comments**

Ms. Amy Hedtke, 106 Vanderbilt, Waxahachie, referenced the recent City election noting it is not a referendum for how the people want to proceed. She stated there is a tiny 2 week period to get a certain number of people to give their opinion of who they want on City Council. She stated this year the curb is following an unpredictable path with a higher number of supporters of the status quo. That is unfortunate but was expected. People will not see tax relief anytime soon on your watch. She stated the economic benefit of the multi-city services are not trickling down to a lot of people that are trying to pay their bills and buy shoes for kids.

Mr. James Bell, Attentive Health & Wellness, referenced the upcoming Request for Proposals related to the health insurance program. He stated the City is currently take quotes for fully funded health insurance programs. He promoted a self-insurance program and explained the benefits. Mr. Bell reviewed a customized self-insured medical expense reimbursement plan with a wellness emphasis. Mr. Bell spoke on the homeless issue in the area and got with agencies that work with the homeless and found there is no place for men to stay in Ellis County. One solution is Hope4aDome with a campaign to raise funds to secure 150 plus acres for 500 plus domes and a Therapeutic Community Center. Mr. Bell stated they are working with local colleges, county and federal agencies to complete studies, designs and cot analysis. He explained once completed they will begin grant and foundation applications to complete construction. He stated this is a faith based program and asked the City to consider partnering with him on this endeavor.

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Pastor Bruce Zimmerman, 209 Brown Street, Waxahachie, representing Ms. Betty Hawkins, 703 Amherst Drive, Waxahachie, reported on December 9, 2018, Ms. Hawkins was driving down Grand Avenue and struck a cutout in pavement and suffered significant damage to her vehicle. She recorded it to the city on December 10, 2018 and filled out the required forms from the city. He stated Ms. Hawkins had \$6,900 additional damages to her vehicle which is considered totaled. Pastor Zimmerman stated a letter was received from the Texas Municipal League noting it does not cover this type of matter. He stated Ms. Hawkins does not have full coverage on her vehicle and she lost her vehicle as to no fault of her own. Pastor Zimmerman appealed to Council with estimates, pictures and suggested to perhaps change the policy to cover damages less than maybe \$20,000. He stated Ms. Hawkins is due some kind of compensation noting it is a substantial financial setback for her. Pastor Zimmerman stated Council needs to take better care of their citizens and suggested we pass a bucket for donations.

Mr. Alan Fox, 327 University, Waxahachie, stated the recent city council election more than shows what the City Council is here for. He stated this is not a platform for a one trick pony to get up and do that one trick. Mr. Fox stated the City Council has genuine concern for the welfare of the entire community and reflects that by the way they conduct business. He thanked Council for providing a place where every person in Waxahachie will be proud to call it there home. Mr. Fox stated others will use this town for an avenue for negativity. He thanked City Council for their leadership.

**25. Convene into Executive Session to discuss the purchase or lease and value of real estate as permitted under Section 551.072 of the Texas Government Code**

Mayor Strength announced at 8:15 p.m. the City Council would convene into Executive Session to discuss the purchase or lease and value of real estate as permitted under Section 551.072 of the Texas Government Code.

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

The meeting reconvened at 8:30 p.m.

**Action:**

*Councilmember Mary Lou Shipley moved that the city move forward with the purchase of a twenty-five acre tract in the S M Durrett Survey, Abstract 272, for a purchase price of \$593,750 plus one half of the closing cost which will be property adjoining the city's existing water treatment plant which is actually needed for future use at that plant. Mayor Kevin Strength seconded, All Ayes.*

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

City Staff and City Attorney Robert Brown congratulated incumbents Chuck Beatty and Mary Lou Shipley on their recent re-election.

Councilmember Chuck Beatty stated he appreciated the confidence of the public and by their votes it reflects they are comfortable in the direction the City is going.

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City Council  
May 6, 2019  
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City Manager Michael Scott announced on Monday, May 13, 2019 at 6:00 p.m., TxDOT will hold a Public Hearing at the Civic Center on the I-35E Frontage Roads improvements.

Mayor Kevin Strength congratulated Chuck Beatty and Mary Lou Shipley on their wins and stated he looks forward to working with them for another year.

Mayor Pro Tem David Hill stated he is happy with the elections and is encouraged moving forward.

Councilmember Mary Lou Shipley stated she is appreciative in being re-elected and appreciates the confidence and the affirmation that Council is taking the City in the right direction.

City Secretary Lori Cartwright announced on Monday, May 13, 2019, at 9:00 a.m. a Special City Council meeting will be held to canvass the May 4, 2019 election returns.

**28. Adjourn**

*There being no further business, Councilmember Mary Lou Shipley moved to adjourn at 8:34 p.m. Mayor Pro Tem David Hill seconded, All Ayes.*

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, May 6, 2019.

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

Council Member Absent: 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 Kevin Strength 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 congratulated incumbents Chuck Beatty and Mary Lou Shipley on the recent City Council election. He introduced Building Official Mr. Jose Martinez and welcomed him to the City. Mr. Scott reviewed the following items on the Consent Agenda:

Item f. Contribution request to the Miracle League of Ellis County – Mr. Scott reported it was the desire of Council to support and participate in completing the fully accessible ADA baseball field located at the Optimist Fields. He stated the fund request will be in the amount of \$50,000 and monies are available in the existing budgeted funds.

Item g. Haven Road Waterline Advanced Funding – Mr. Scott reported the request is to advance JH Development \$72,000 for the project to keep a new elementary school opening on time in the North Grove community. He explained the funds will be paid back to the City by JH Development when they plat this phase of their project.

Mr. Shon Brooks, Director of Planning, reviewed the following cases:

- SU-18-0180, applicant has met requirements and staff will recommend approval
- PD-19-0022, applicant is non-compliant with Ordinance requirements. Staff expressed concern approving zoning prior to the applicant being approved for the funding. Staff will recommend to continue the public hearing until the applicant confirms if their tax credit is approved by the state.

Mr. Scott referenced Item 11 stating City Council will need to vote on a nomination to fill a vacancy on the Ellis Appraisal District Board. The term expires December 2019.

(4b)

Mr. Scott reviewed the following agreements with the Texas Department of Transportation:

- **Bridge Aesthetic Improvements** – The City requested betterments to the design of the replacement bridge as well as the new couplet bridge to be erected. Improvements include an enhanced bridge railing that is keeping with the existing bridge railing look, use of a wrought iron look for required safety fencing above railroad right of way, and the installation of historic styled lighting across the bridge structures. The total cost to the City for these betterments is \$206,271. Staff has identified a savings in an existing bond fund to provide for this expenditure.
- **Environmental (Historic) Mitigation** – This addresses the State’s requirement to “offset” the removal of a recognized historic asset (the Viaduct Bridge). At no cost to the City, informational panels are being designed that will pay respect to the history of the bridge. They will be fabricated for inclusion in a designated location within the new Railyard Park (Amphitheater). The mitigation also includes preserving a portion of the historic railings from the bridge that will be displayed alongside the informational panels. The estimated cost is \$60,000, which is fully reimbursed to the City from the State.
- **Utility Relocations** – The City only pays for the portion of the utility relocations that are within TxDOT rights of way. Those utilities to be relocated, but located within City rights of way, are not at the expense of the City and are deemed to be TxDOT’s responsibility. The estimated cost, inclusive of mobilization and contingency estimates, is \$1,429,802.10.

Mr. Tommy Ludwig, Assistant City Manager, reported in January 2019 the Lower Mustang Creek and Grove Creek Lift Station Projects were bid together and explained one bid was received that far exceeded the total budget for project. He stated the bid was rejected and the individual lift stations were bid as separate projects. Mr. Ludwig stated recently the Lower Mustang Creek Lift Station Improvement Project was bid and Schofield Civil Construction was the lowest bid in the amount of \$1,275,275. He stated the project is a planned expense in which \$2,000,000 was budgeted in Utilities fiscal year 2018-2019 Operations and Maintenance Budget collectively for both the Lower Mustang Creek Lift Station Improvement and the Grove Creek Lift Station Expansion projects.

Mr. Ludwig reported bids for the Grove Creek Lift Station Expansion Project were received and Rey-Mar Construction was the lowest bidder in the amount of \$2,011,700. He stated following the award of the Lower Mustang Creek Lift Station Improvement Project, there is \$725,724 remaining in the Operations and Maintenance budget to partially fund the Grove Creek project. He stated Staff’s recommends funding the remainder of this project with Certificate of Obligation Bonds in the amount of \$1,286,000, which will be sold later in the 2018-2019 fiscal year.

Mr. Ludwig reviewed the Richmond Street Sewer Line Pipe Bursting Rehabilitation Project noting the proposed contract with Insituform, through the BuyBoard cooperative pricing agreement in the amount of \$120,480 will be a pipe bursting project replacing approximately 800 linear feet of the existing 6” diameter pipe by pulling an 8” diameter pipe in its place. He stated the project will be completed in one week. Mr. Ludwig stated a companion Resolution will request a supplemental appropriation to the Wastewater Fund.

(4b)

Mr. James Gartner, City Engineer, reviewed a proposed contract with Kimley-Horn and Associates, Inc. for a hydrologic and hydraulic floodplain study of Rock Branch Creek. He stated the contract is in the amount of \$34,500.00 and will be funded through savings of the City Engineer's budget.

Assistant City Manager Albert Lawrence reviewed amending Appendix C of the Subdivision Ordinance amending Section 4.4e to remove the requirement of utilizing park dedications fees within one mile of the subdivision that dedicated the fees and requirements to use those fees within ten years of collection. He explained based on the amount of fees and timing of collection, it is not unreasonable for the time to collect sufficient funds that will provide a substantial impact on the purchase, development or improvement of park land to exceed ten years.

### **3. Adjourn**

There being no further business, the meeting adjourned at 6:43 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary



City Council  
May 13, 2019

(4C)

A special meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, May 13, 2019 at 9:00 a.m.

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

Council Member Absent: Melissa Olson, Councilmember

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

**1. Call to Order**

Mayor Kevin Strength called the meeting to order.

**2. Invocation**

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

Assistant City Manager Tommy Ludwig gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Canvass and accept votes of City Council Election held on May 4, 2019**

Mayor Strength canvassed the election returns of the City Council Election that was held on Saturday, May 4, 2019 as follows:

**SUMMARY OF RETURNS**

I, Lori Cartwright, City of Waxahachie Elections Administrator, do hereby certify the following unofficial results to be true and correct tally for the May 4, 2019 City Council Election. I further certify the following is a total of all votes received by each candidate.

<b><u>Name of Office</u></b>	<b><u>Name of Candidate</u></b>	<b><u>Total Votes Received</u></b>
Council Member	Amy Hedtke	590
Council Member	Brian Bopp	185
Council Member	Charles "Chuck" Beatty	1,256
Council Member	David Cox	686
Council Member	Mary Lou Shipley	1,223

Total votes received: 3,940

Lori Cartwright  
Presiding Officer

(4c)

**Action:**

*Mayor Pro Tem David Hill moved acceptance of the canvassing of the May 4, 2019 election returns for the City Council Members. Councilmember Mary Lou Shipley seconded, All Ayes.*

**5. Administer Oaths of Office to City Council members elected on May 4, 2019**

City Secretary Lori Cartwright administered the Oaths of Office to Chuck Beatty and Mary Lou Shipley.

**6. Organization of City Council**

**Action:**

*Mayor Kevin Strength moved Mayor Pro Tem David Hill be nominated and elected as Mayor of the City of Waxahachie and Councilmember Mary Lou Shipley be nominated and elected as Mayor Pro Tem of the City of Waxahachie. Councilmember Chuck Beatty seconded, All Ayes.*

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

City Staff congratulated incumbents Councilmembers Charles Beatty and Mary Lou Shipley on their re-election. City Manager Michael Scott stated the votes reflect of how the community spoke and how the city is being run. Staff and Council thanked outgoing Mayor Kevin Strength for his direction and leadership through the years.

Councilmember Chuck Beatty stated he appreciated the confidence of the voters.

Mayor Pro Tem Mary Lou Shipley stated she appreciates the opportunity to serve as Mayor Pro Tem and thanked outgoing Mayor Kevin Strength for what he has accomplished and how he sets the example of how to serve the people.

Mayor David Hill thanked outgoing Mayor Kevin Strength for his mentorship and the many accomplishments he brought to the city. He thanked City Staff and stated he is excited to continue moving the city forward.

**8. Adjourn**

There being no further business, the meeting adjourned at 9:36 a.m.

Respectfully submitted,

Lori Cartwright  
City Secretary

(4d)



## Memorandum

To: Honorable Mayor and City Council

From: Wade Goolsby, Chief of Police

Thru: Michael Scott, City Manager

Date: May 9, 2019

Re: Budget Supplemental Appropriation

I am requesting a budget amendment that will allow the police department to recuperate procured insurance reimbursement funds used to repair damage to the entrance gate to the police department. The gate was damaged when driving the department's rescue and recovery vehicle (MRAP) through the Coleman Street entry gate. We have put measures in place to ensure this type of incident does not occur again. We paid for the repairs out of our building maintenance account (54310); however, the budget for the entire year is \$15,100.00 and the repair of the gate was \$18,750. The purpose of this memo is to request the replacement of the funds spent out of the building maintenance account for the gate repairs with the insurance reimbursements that were deposited in the Miscellaneous Revenue Insurance Reimbursement Revenue Account.

The City has already received insurance reimbursement funds from TML and they were posted to the Miscellaneous Revenue Insurance Reimbursement Revenue Account (100-49653). The City received a total of \$16,250.00.

I am requesting that the \$16,250.00 be transferred from Miscellaneous Revenue Insurance Reimbursement Revenue Account (100-49653) to Maintenance, Building - Upkeep Account (100-210-54310), resulting in a budget increase of the same amount.

(4d)

The funds will help offset the two expenses and ensure that funds are available for the remainder of the budget year.



## Memorandum

To: Honorable Mayor and City Council

From: Albert Lawrence, Assistant City Manager

Thru: Michael Scott, City Manager

Date: May 15, 2019

Re: Consider Budget Amendment for Municipal Court – Professional Services

---

**Item Description:** Consider approving a budget amendment increasing the 2018-19 Municipal Court – Professional Services budget by \$10,000.

**Item Summary:** The City of Waxahachie has a professional services agreement with Dana Huffman to perform all services and duties associated with the Municipal Court Prosecutor. The agreement was renewed in December 2018 and renews annually unless terminated by either party. Due to a significant increase in case load and required preparation work over the past few years, the compensation terms outlined in the agreement were increased proportionate to the workload and market rate for attorney fees. The monthly rate increased from \$3,000 per month to \$4,000 per month with a \$100 per hour rate for extraordinary matters outside the scope of services. Previously, the rates had not increased in several years.

Since the agreement was renewed with the increased rates after the annual budget was adopted, a budget amendment is necessary to cover the additional \$10,000 expense.

**Fiscal Impact:** The proposed budget amendment would increase the Municipal Court – Professional Services (100-250-53250) budget from \$40,000 to \$50,000. These additional funds would come from the General Fund unrestrictive reserve balance. The reserve balance has sufficient funds available to absorb the additional expenditure with no significant impact.



## Memorandum

To: Honorable Mayor and City Council  
From: Jeff Chambers, Director of Public Works  
Thru: Michael Scott, City Manager  
Date: 5/17/2019  
Re: Request by UPRR to Close the Grand Avenue Crossing

---

Consider request by Union Pacific Railroad to close Grand Avenue on May 29, 2019 from 07:00 to 19:00 to facilitate repairs to the crossing.

(4f)

**Villarreal, Amber**

---

**From:** Scott, Michael  
**Sent:** Friday, May 17, 2019 9:45 AM  
**To:** Villarreal, Amber  
**Subject:** Fwd: N Grand Ave Closure - UPRR  
**Attachments:** image001.jpg; ATT00001.htm; TX Waxahachie N Grand Ave.pdf; ATT00002.htm

Begin forwarded message:

**From:** Joe Prado <[jprado@roadsafetraffic.com](mailto:jprado@roadsafetraffic.com)>  
**Date:** May 14, 2019 at 4:40:15 PM CDT  
**To:** "Chambers, Jeff" <[jchambers@waxahachie.com](mailto:jchambers@waxahachie.com)>  
**Cc:** "[tludwig@waxahachie.com](mailto:tludwig@waxahachie.com)" <[tludwig@waxahachie.com](mailto:tludwig@waxahachie.com)>, "[mscott@waxahachie.com](mailto:mscott@waxahachie.com)" <[mscott@waxahachie.com](mailto:mscott@waxahachie.com)>, "Travis U. Prater" <[tuprater@up.com](mailto:tuprater@up.com)>  
**Subject:** N Grand Ave Closure - UPRR

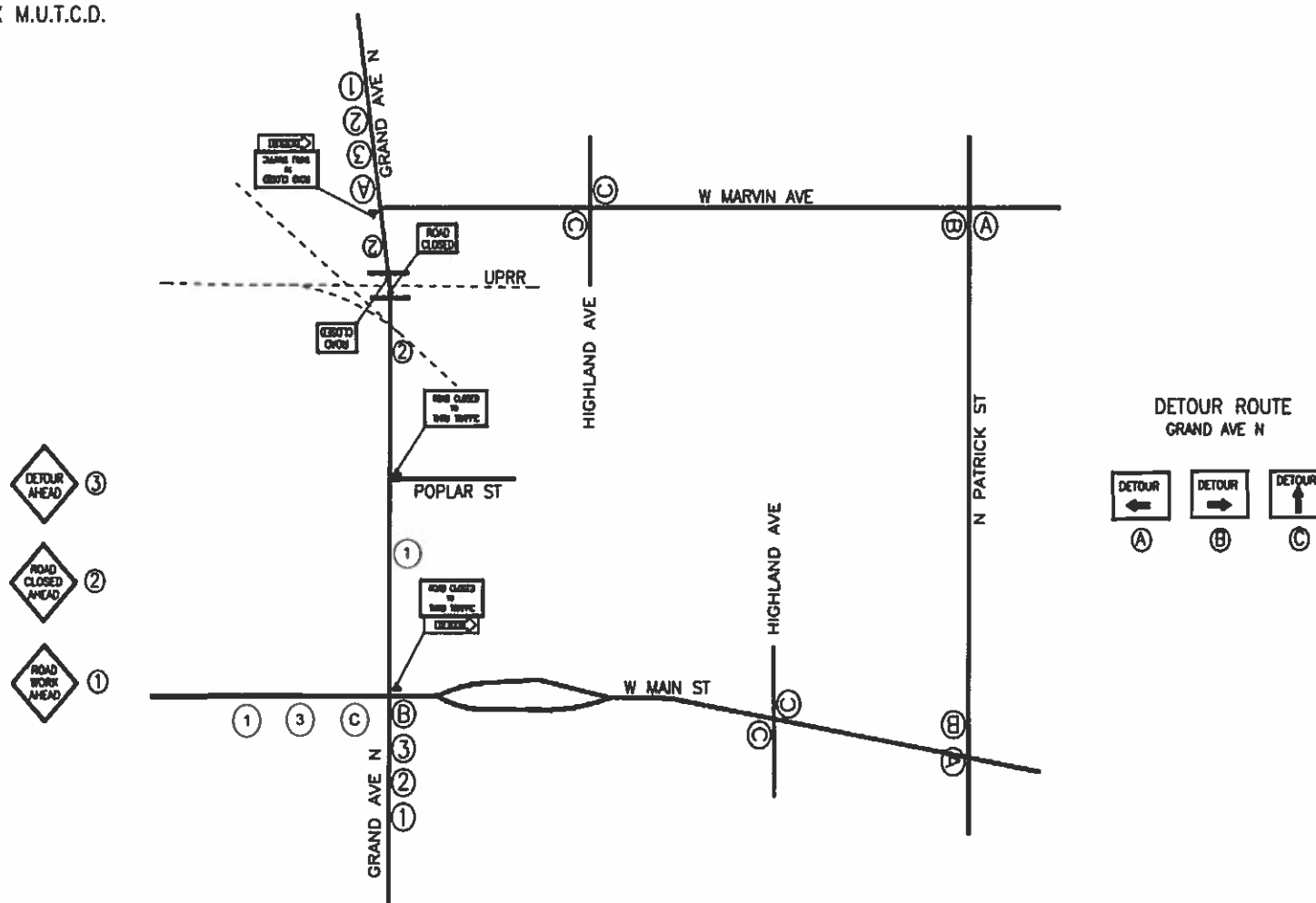
Jeff,

Union Pacific Railroad needs to close N Grand Ave at the railroad crossing approx.. 250' southwest of W Martin Ave to perform track maintenance. The location is below. They would like the closure on 5/29/29 from 0700 to 1900. I've attached a detour route. Please review and let me know if this will work or if you have any questions, thanks!

Crossing location: <https://goo.gl/maps/WiSxBUSHffaULi3n7>

Joe Prado  
ISG West Region  
Project Manager/ Traffic Control Supervisor  
(405)200-4867

NOTE:  
ALL SIGNAGE & SPACING SHALL  
COMPLY WITH TX M.U.T.C.D.



**RoadSafe**  
TRAFFIC SYSTEMS  
*Life on the road*

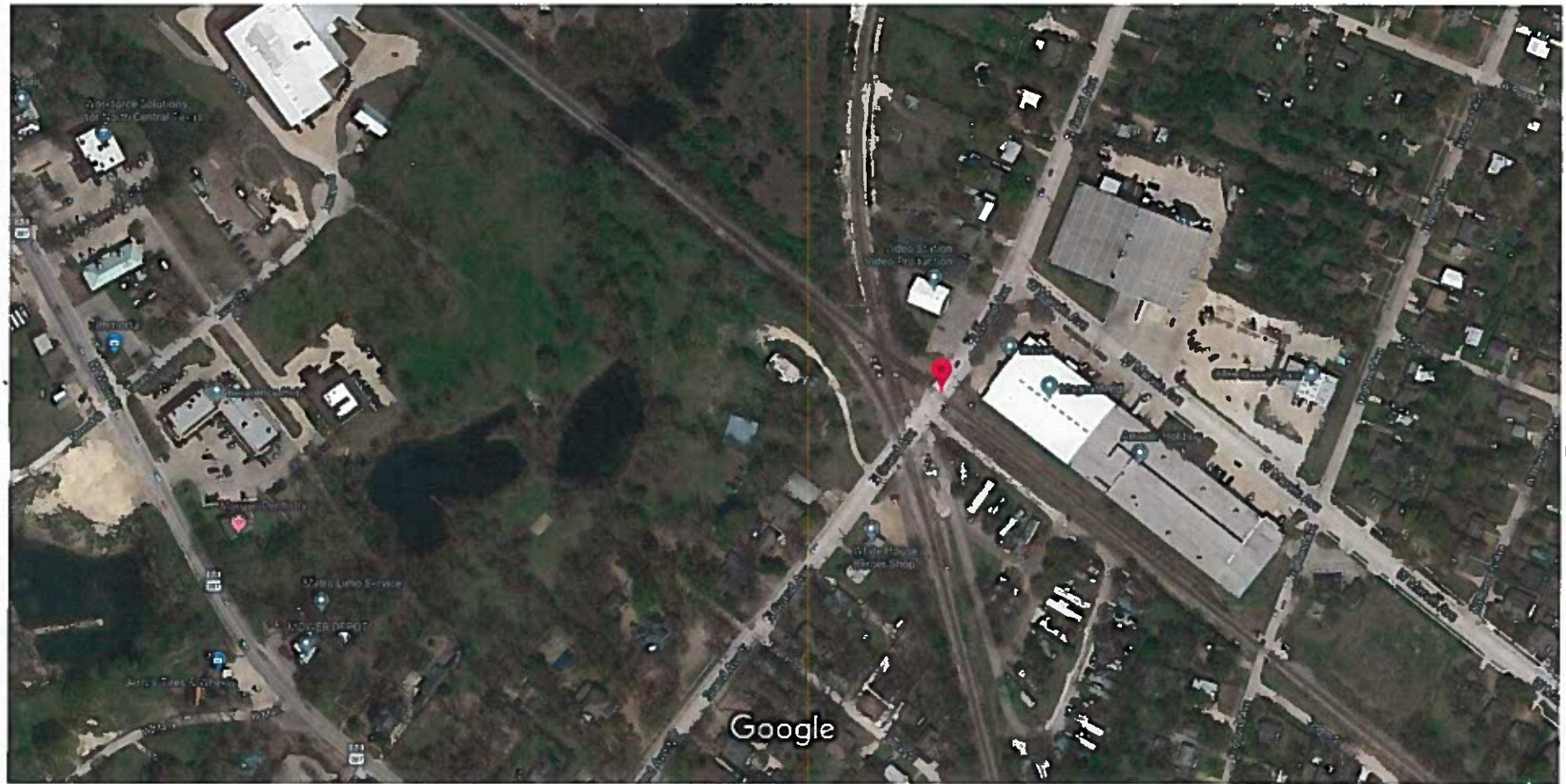
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NOT TO SCALE

SPEED LIMIT  
EXISTING  
SPEED LIMIT

(4F)



Google Maps 32°23'59.7"N 96°51'37.0"W



Imagery ©2019 DigitalGlobe, U.S. Geological Survey, Map data ©2019 Google 100 ft

(46)



## Memorandum

To: City Council

From: Anita Brown, Downtown Development Director/Heritage Preservation Officer *AB*

Thru: Michael Scott, City Manager *MS*

Date: May 16, 2019

Re: Consider TIRZ Board Recommendation for Funding Downtown WiFi Security System

---

**Item Description:** Consider TIRZ Board recommendation for funding downtown WiFi security system.

**TIRZ Board Recommendation:** The TIRZ Board approved funding not to exceed \$123,250.00 for implementation of a downtown WiFi network and security system. The system will be composed of ten wireless mesh access points and six sleds with security cameras placed in strategic locations.

**Item Summary:** With recent vandalism and occasional unwelcomed activities occurring downtown, the need for monitoring street activity has increased. The Waxahachie Partnership, Inc. board identified increasing communication and safety downtown as one of their goals for this year. After vetting possible solutions, a program of increased lighting, WiFi, and security cameras was put forth. The city's Technology Managed Services provider, Unified ConneXions, was asked to develop a proposal to meet these objectives. They created a unique solution for implementation that is flexible, non-invasive, and adaptable and presented it to the WPI board. The board supported the proposal and sought input and support from the Downtown Merchants Association and downtown building owners. Chuck Allsup with UCX presented the program to the WDMA and building owners at the May 1<sup>st</sup> meeting. The proposal was warmly received. On May 16<sup>th</sup> the concept was presented to the TIRZ board for funding consideration and it was approved by a 5-1 vote.

(4h)



## Application for a Festival or Event Permit

Event Name and Description: Fireworks show after Waxahachie High School  
Graduation on Friday, May 31, 2019.

### Applicant Information

Name: Waxahachie ISD  
Address: 411 N. Gibson Street  
City, State, Zip: Waxahachie, TX 75165 Phone: 972-923-4631  
E-mail Address: jperry@wisd.org

### Organization Information

Organization Name: Pyroshows of Texas  
Address: 6601 Nine Mile Azle Rd., Ft. Worth, Texas 76135  
Authorized Head of Organization: Steve Frantz  
Phone: 817-803-6896 E-mail Address: sfrantz@pyroshows.com

### Event Chairperson/Contact

Name: Waxahachie ISD  
Address: same as above  
City, State, Zip: \_\_\_\_\_ Phone: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

### Event Information

Event Location/Address: Brown Street @ Hwy. 287  
Purpose: Fireworks for 2019 graduation  
Event Start Date and Time: May 31, 2019 immediately following ceremonies

(44)

Event End Date and Time: May 31, 2019

Approximate Number of Persons Attending Event Per Day: 3000 @ Lumpkins Stadium

Site Preparation and Set-Up Date and Time: Brown St. @ Hwy. 287 -- May 31, 2019

Clean-Up Completion Date and Time: May 31, 2019

**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.**

Graduates and attendees will view fireworks show at completion  
of ceremony.

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 of Applicant

May 17, 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).**

(4h)

(6m)

Google Earth

Page 1



Approximate location of Fireworks show

(4h)

**Villarreal, Amber**

---

**From:** Brown, Marcus <MBrown@waxahachiefire.org>  
**Sent:** Friday, May 17, 2019 11:33 AM  
**To:** Villarreal, Amber  
**Cc:** Ricky Boyd  
**Subject:** Firework displays

Amber,

I received a site plan, copy of liability insurance from the Chamber, and an application for State permit for the firework display to be held on May 31<sup>st</sup>. I also received the same for the display to be held on July 3<sup>rd</sup>. I have not seen the actual permits but both shows were approved by my office.

Marcus Brown  
Fire Marshal  
Waxahachie Fire Rescue

[View](#) [Print](#) [Share](#)



(41)

## Planning & Zoning Department

### Plat Staff Report

Case: FP-19-0049



#### MEETING DATE(S)

*Planning & Zoning Commission:* May 14, 2019

*City Council:* May 20, 2019

#### CAPTION

**Consider** request by Wes Dorough, JH Development LLC, for a **Final Plat** of The Cove Phase 3 for 89 residential lots and 2 open space lots, being 26.170 acres situated in the Henry Sange Survey, Abstract 1009 and the Henri Levy Survey, Abstract 629 (Property ID 223031) - Owner: MORITZ INTERESTS LTD (FP-19-0049)

#### ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting, held May 14, 2019, the Commission voted 5-0 to recommend approval of plat no. FP-19-0049, per staff comments.

#### CASE INFORMATION

*Applicant:* Wes Dorough, JH Development LLC

*Property Owner(s):* Moritz Interests LTD

*Site Acreage:* 26.170 acres

*Number of Lots:* 89 residential lots and 2 open space lots

*Number of Dwelling Units:* 89 units

*Park Land Dedication:* N/A

*Adequate Public Facilities:* Adequate public facilities are available for this property. A Letter of Acceptance is still needed from Public Works Dept.

#### SUBJECT PROPERTY

*General Location:* South side of North Grove Boulevard at Whispering Trail Dr.

*Parcel ID Number(s):* 223031

*Current Zoning:* Planned Development – Ordinances 2733, 2841, 2870, and 3002

*Existing Use:* Soil has been moved but currently remains undeveloped.

*Platting History:* PLM2014-13 was approved by City Council on June 2, 2014.

(41)

**Site Aerial:**



**STAFF CONCERNS**

1. At the time of this report (4/30/19), the public works letter of acceptance is still needed prior to recording.

**APPLICANT RESPONSE TO CONCERNS**

1. The applicant submitted an updated plat that satisfied the comments made by P&Z and Engineering.

**RECOMMENDATION**

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
  1. A letter of acceptance is still required from the Public Works Department prior to recording of the plat.

**ATTACHED EXHIBITS**

1. Plat drawing
2. Landscape Plan

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

Prepared by:  
Chris Webb  
Planner  
[cwebb@waxahachie.com](mailto:cwebb@waxahachie.com)

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



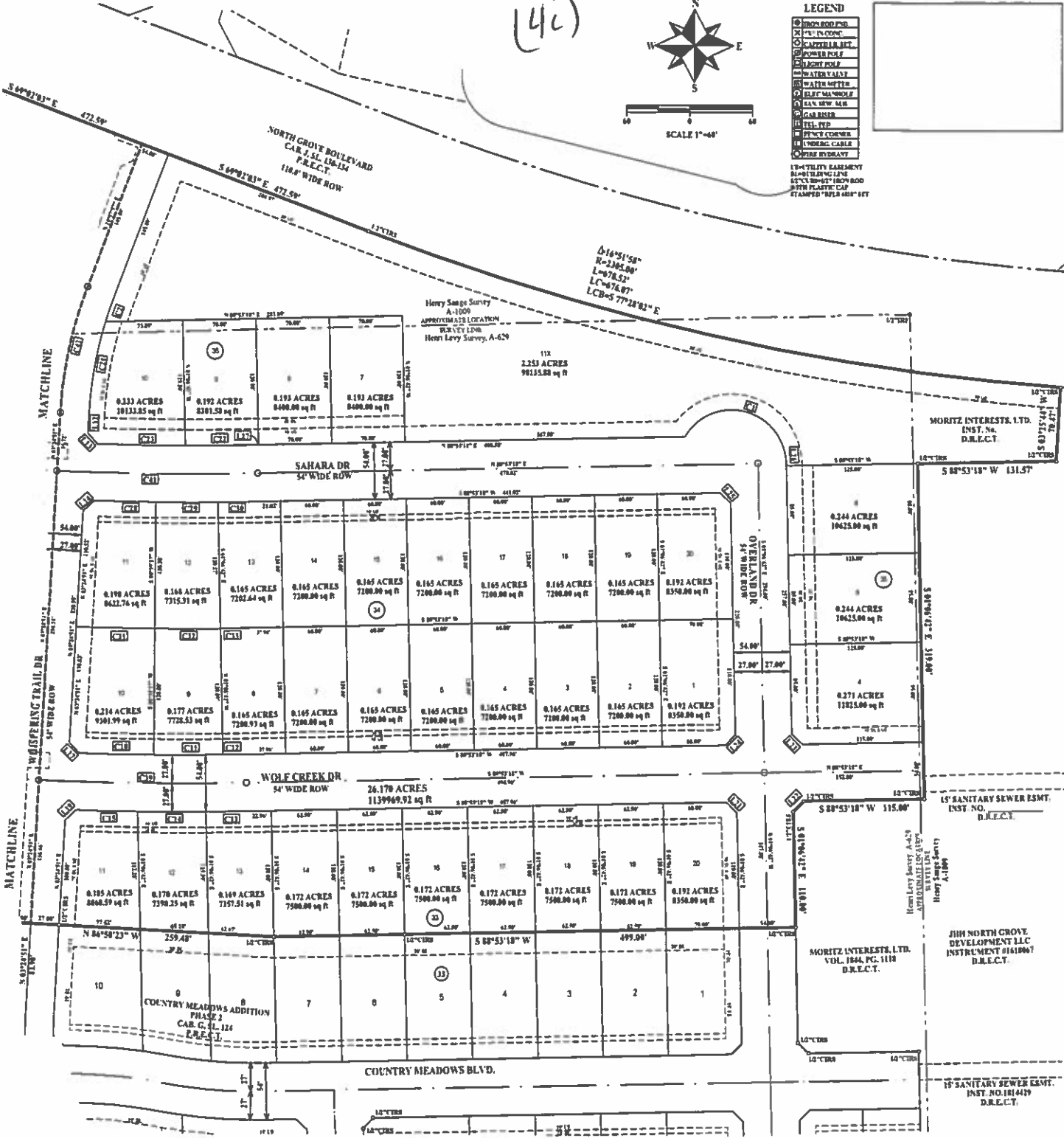


(4c)



LEGEND

- 1. 12" IRON BORN STAMPED "WPLA 48"
- 2. 1/2" IN CONC.
- 3. CANTERBURY SET
- 4. POWER POLE
- 5. PLANT POLE
- 6. WATER TOWER
- 7. 1/2" IN CONC.
- 8. SAN. SEW. ALB.
- 9. GAS RISER
- 10. TEL. POLE
- 11. PLY. CORNER
- 12. FENCE CABLE
- 13. FENCE POST
- 14. 1/2" IN CONC.
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- GENERAL NOTES
1. THE SUBJECT TRACT LIES WITHIN ZONE "2" UNSHADED PLAT MAP AS DETERMINED BY THE PLAT INSURANCE RATE MAP FOR ELLETT COUNTY, TEXAS AND INCORPORATED AREAS, COMMODITY PANEL MEMBER SURVEY, EFFECTIVE DATE 4/28/1, 2015.
  2. THE BEARING FROM THIS SURVEY ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL (GCS, NORTH AMERICA DATUM 83), AS DERIVED FROM STATIC OBSERVATION AND NOAA HIGH SPEED CALCULATIONS.
  3. ALL OPEN SPACES AND DETENTION FEATURES ARE TO BE MAINTAINED BY THE SUBOWNERS ASSOCIATION.
  4. WOLF CREEK WITH STEEL PILES ARE TO BE CONSTRUCTED ON ALL LOTS ADJACENT TO EXISTING RESIDENTIAL USE. PILES TO BE CONSTRUCTED BY HOME BUILDERS AT THE TIME OF INDIVIDUAL LOT CONSTRUCTION.
  5. PRIVATE HEADQUARTERS OWNED AND MAINTAINED OPEN SPACE.

SURVEYOR  
WHITEFIELD HALL SURVEYORS  
REGISTERED PROFESSIONAL  
LAND SURVEYORS  
3009 WILLIAMS ROAD, SUITE 100  
PORT WORTH, TEXAS 76134  
TEL: 817-494-2914  
WWW.WHITFIELDHALLSURVEYORS.COM

ENGINEER  
PAUL DAWSON ENGINEERS  
ONE MIDCAMP CENTRE  
6000 W. 10TH ST., SUITE 200  
PORT WORTH, TX 76134  
(817) 474-6648  
CONTACT: MARK SPEAR  
TYPED FROM SET, NO. 476

OWNER  
MORITZ INTERESTS, LTD.  
BY STEPHEN CAYENDE  
2111 N. GILBERT ST., SUITE 110  
ARLINGTON, TEXAS 76010  
(817) 461-5332  
PC: 01/14/15

FINAL PLAT  
OF  
LOTS 11-20, BLOCK 33; LOTS 1-20, BLOCK 34  
LOTS 4-10, 11X, BLOCK 35; LOTS 1-20, 10X, BLOCK 36  
LOTS 1-14, BLOCK 37; LOTS 1-10, BLOCK 38  
20 RESIDENTIAL LOTS & 2 OPEN SPACE LOTS  
PREPARED MARCH 31, 2019  
**THE COVE**  
PHASE THREE  
26.170 ACRES  
AN ADDITION TO THE CITY OF WAXAHACHIE, ELLIS  
COUNTY, TEXAS, AND BEING SITUATED IN THE HENRY  
LEVY SURVEY, ABSTRACT NO. 1099 AND THE HENRY  
LEVY SURVEY, ABSTRACT NO. 1099, ELLIS COUNTY, TEXAS.  
FF-19-0049  
PAGE 2 OF 3

(41)

STATE OF TEXAS

COUNTY OF ELLIS

WHEREAS, MORITZ INTERESTS, LTD. is the owner of a 26.170 acre tract of land in the HENRY SARGE SURVEY, ABSTRACT NUMBER 1009 AND THE HENRI LEVY SURVEY, ABSTRACT NUMBER 625, Ellis County, Texas and being a portion of that certain tract of land described in deed to MORITZ INTERESTS, LTD. according to the deed recorded in Volume 1844, Page 1118, Deed Records, Ellis County, Texas and being all of that certain tract of land described in deed to MORITZ INTERESTS, LTD. according to the deed recorded in Instrument Number \_\_\_\_\_, Deed Records, Ellis County, Texas. The bearings for this survey are based on the Texas State Plane Coordinate System, Texas North Central (4302) North America Datum 1983, as derived from state observation and NOAA/NGS OPUS calculations.

COMMENCING at a 1/2" iron rod with plastic cap stamped "RPLS 4818" set at the northeast corner of Country Meadows Addition, Phase 2, an addition to the City of Watahachie, Ellis County, Texas according to the Plat recorded in Cabinet C, Side 124, Plat Records, Ellis County, Texas and in the north right of way line of Oak Ridge Drive, a 66' wide public right of way;

THENCE along the north line of said Country Meadows Addition, Phase 2, and the said north right of way line of Oak Ridge Drive, the following courses and distances;

South 82°36'45" West, a distance of 149.28 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set for the point of curvature of a tangent curve, reverse to the north, having a radius of 275.00 Feet a central angle of 86°52'59", and a chord of 32.95 Feet bearing North 87°57'11" West;

Westerly along said curve, a distance of 32.97 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

North 84°31'06" West, a distance of 257.42 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set for the POINT OF BEGINNING;

North 84°31'06" West, a distance of 254.70 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set for the point of curvature of a tangent curve, reverse to the south, having a radius of 486.00 Feet a central angle of 87°24'52", and a chord of 62.35 Feet bearing North 89°14'31" West;

Westerly along said curve, a distance of 62.39 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

THENCE departing said north line of Country Meadows Addition, Phase 2 and said north right of way line and continuing over and across said Moritz Interests, LTD tract, the following courses and distances;

North 85°48'43" East, a distance of 997.61 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set in the south right of way line of North Grove Boulevard, an addition to the City of Watahachie, Ellis County, Texas, recorded in Cabinet C, Side 130-134, Plat Records, Ellis County, Texas, a 318' wide public right of way for the point of curvature of a non-tangent curve, reverse to the south, having a radius of 1415.00 Feet a central angle of 19°08'43", and a chord of 585.65 Feet bearing South 79°06'24" East;

THENCE easterly along said south right of way line and said curve, a distance of 588.87 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

South 69°02'53" East, continuing along said south right of way line, a distance of 472.59 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set for the point of curvature of a tangent curve, reverse to the north, having a radius of 1205.00 Feet a central angle of 16°51'58", and a chord of 676.87 Feet bearing South 77°28'01" East;

Easterly along said south right of way line and said curve, a distance of 678.52 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

THENCE departing said south right of way line and continuing over and across said Moritz Interests, LTD tract and said JHI North Grove Development, LLC tract, the following courses and distances;

South 63°25'44" West, a distance of 78.47 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

South 89°53'18" West, a distance of 131.57 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

South 81°06'42" East, a distance of 319.00 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

South 89°53'18" West, a distance of 115.00 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

South 43°53'18" West, a distance of 14.14 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

South 81°06'42" East, a distance of 218.00 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

South 89°53'18" West, a distance of 499.00 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

North 84°58'23" West, a distance of 259.48 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

South 83°24'51" West, a distance of 7.91 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

North 86°23'09" West, a distance of 139.57 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

North 84°53'06" West, a distance of 248.00 Feet to a 1/2" iron rod with plastic cap stamped "RPLS 4818" set;

South 85°28'54" West, a distance of 128.00 Feet to the POINT OF BEGINNING and containing a computed area of 26.170 Acres, more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That MORITZ INTEREST, LTD. acting herein by and through their duly authorized officers, do hereby adopt this plat designating the hereinbefore described property as THE COVE, PHASE THREE, an addition to the City of Watahachie, Texas and do hereby dedicate, in fee simple, to the public use however, 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 however, 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 Watahachie. In addition, Utility Easements may also be used for the normal use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use in particular utilities, said use by public utilities being subordinate to the Public's and City of Watahachie's use thereof. The City of Watahachie 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 Watahachie 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 construction, reconstruction, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity of any time procuring permission from anyone.

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

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

MORITZ INTEREST, LTD

By: WILLIAM ANDER

STATE OF TEXAS  
COUNTY OF TARRANT

BEFORE me, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared William Andor known to me to be the person and officer whose name is subscribed in the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Notary Public State of Texas  
My Commission expires \_\_\_\_\_

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS: That I, JOHNNY D.L. WILLIAMS, R.P.L.S. No. 4818, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Watahachie.

JOHNNY D.L. WILLIAMS APRIL 23, 2019  
DATE  
Johnny D.L. Williams  
Wildfield-Hall Surveyors  
3559 Williams Road, Suite 107  
Fort Worth, Texas 76116



CURVE TABLE				
Id	Bearing	Radius	Chord	Ch Bear
C1	348°43'11"	52.00'	134.97'	100.15' N 75°02'18" W
C2	83°48'58"	373.00'	24.84'	34.84' N 19°03'28" E
C3	81°54'04"	427.00'	34.17'	14.17' N 20°00'55" E
C4	145°13'57"	52.00'	33.18'	13.18' N 88°13'55" E
C5	48°48'14"	52.00'	44.29'	42.97' N 54°53'18" E
C6	63°48'13"	52.00'	57.79'	54.86' N 60°18'57" E
C7	148°47'41"	52.00'	127.78'	97.97' S 78°05'00" W
C8	88°47'34"	52.00'	36.29'	72.76' N 70°11'43" W
C9	59°53'16"	52.00'	64.39'	51.94' S 15°15'02" W
C10	81°21'59"	2973.00'	70.89'	70.89' N 88°43'43" W
C11	81°16'30"	2973.00'	66.16'	66.16' N 89°58'43" W
C12	80°25'29"	2973.00'	22.84'	22.84' N 89°53'18" W
C13	80°44'35"	2627.00'	39.55'	39.55' N 89°15'45" E
C14	81°12'52"	2627.00'	65.81'	65.81' S 89°04'52" W
C15	81°06'47"	2627.00'	58.80'	58.80' S 88°53'43" E
C16	80°03'02"	2973.00'	2.63'	2.63' N 84°53'27" W
C17	87°11'15"	427.00'	52.54'	52.54' N 87°00'28" E
C18	80°27'48"	427.00'	43.81'	43.81' N 14°50'00" E
C19	13°44'08"	373.00'	89.42'	89.42' N 10°16'55" E
C20	81°19'48"	2973.00'	69.81'	69.81' N 80°23'31" W
C21	81°34'52"	2973.00'	82.77'	82.77' N 88°58'29" W
C22	80°53'57"	2627.00'	46.63'	46.63' N 84°57'25" W
C23	81°28'14"	2627.00'	78.65'	78.65' N 84°04'18" W
C24	81°07'03"	2627.00'	59.83'	59.83' N 88°41'52" W
C25	81°07'03"	2627.00'	59.83'	59.83' N 89°48'25" W
C26	80°44'16"	2627.00'	38.98'	38.98' S 89°15'24" W
C27	81°59'04"	2853.00'	74.97'	74.97' N 88°39'24" W
C28	81°15'56"	2853.00'	62.48'	62.48' S 89°57'34" W
C29	80°56'24"	2853.00'	22.84'	22.84' S 89°06'35" W
C30	81°13'13"	2973.00'	63.32'	63.32' N 84°06'23" W
C31	80°53'50"	2973.00'	45.71'	45.71' N 84°57'21" W
C32	80°53'48"	2973.00'	46.37'	46.37' S 84°57'14" W
C33	81°12'22"	2827.00'	64.68'	64.68' S 84°06'27" E
C34	82°48'26"	3008.00'	146.99'	146.99' S 85°55'19" E
C35	83°47'18"	3008.00'	198.24'	198.24' S 89°13'07" E
C36	82°55'11"	3008.00'	153.21'	153.21' S 85°54'54" E
C37	83°39'55"	3008.00'	191.92'	191.92' S 89°14'45" E
C38	17°53'04"	400.00'	123.53'	123.53' N 81°11'14" W
C39	84°51'09"	275.00'	32.97'	32.97' N 87°57'11" W
C40	82°18'28"	2973.00'	112.71'	112.71' N 85°39'18" W
C41	82°51'27"	2973.00'	115.14'	115.14' S 85°57'47" E

LINE TABLE		
Id	Bearing	Distance
L1	S 50°28'54" W	14.14'
L2	S 39°31'06" E	14.14'
L3	S 50°28'54" W	14.14'
L4	S 39°31'06" E	14.14'
L5	S 50°28'54" W	14.14'
L6	S 39°31'06" E	14.14'
L7	S 50°28'54" W	14.14'
L8	S 85°28'53" W	25.00'
L9	N 50°45'00" E	27.01'
L10	N 48°17'10" E	14.17'
L11	N 82°24'51" E	19.00'
L12	N 83°24'51" E	18.19'
L13	N 42°19'12" W	13.96'
L14	N 47°14'05" E	14.32'
L15	S 41°42'24" E	14.11'
L16	S 48°28'57" W	14.16'
L17	N 42°16'03" W	13.97'
L18	S 41°38'59" E	14.13'
L19	N 47°44'41" E	14.31'
L20	S 83°24'51" E	7.91'
L21	S 46°06'42" E	14.14'
L22	S 48°53'18" W	14.14'
L23	N 44°06'42" E	14.14'
L24	N 43°53'18" E	14.14'
L25	S 46°06'42" E	14.14'
L26	N 81°06'42" W	2.00'
L27	S 88°53'18" E	1.00'
L28	N 84°31'06" W	14.31'
L29	S 84°31'06" E	14.31'

LAND USE SUMMARY:

LOTS	16.537 ACRES
OPEN SPACE	3.178 ACRES
ROW	6.455 ACRES
TOTAL ACRES	26.170 ACRES

FINAL PLAT  
OF

LOTS 11-16, BLOCK 15; LOTS 1-10, BLOCK 14  
LOTS 4-10, BLOCK 15; LOTS 1-10, BLOCK 14  
LOTS 1-14, BLOCK 17; LOTS 7-15, BLOCK 18

IN RESIDENTIAL LOTS & 1 OPEN SPACE LOTS  
PREPARED MARCH 31, 2019

THE COVE  
PHASE THREE  
26.170 ACRES

AN ADDITION TO THE CITY OF WATAHACHIE, ELLIS COUNTY, TEXAS, AND BEING SITUATED IN THE HENRY SARGE SURVEY, ABSTRACT NO. 1009 AND THE HENRI LEVY SURVEY, ABSTRACT NO. 625, ELLIS COUNTY, TEXAS.  
FP-19-0049

GENERAL NOTES:

1. THE SUBJECT TRACT LIES WITHIN ZONE "C" (UNIMPAVED PAVED PLAIN AS DETERMINED BY THE FLUID IMPERMEABLE RATE MAP FOR ELLIS COUNTY, TEXAS AND INCORPORATED AREA, COMMUNITY PANEL NUMBER 48000000, EFFECTIVE DATE JUNE 1, 2015).

2. 1/2" IRON RODS STAMPED "RPLS 4818" WILL BE SET AT ALL LOT CORNERS AFTER CONSTRUCTION IS COMPLETED.

3. THE BEARINGS FOR THIS SURVEY ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL HAZEL, NORTH AMERICA DATUM 1983, AS DERIVED FROM STATIC OBSERVATION AND NOAA/NGS OPUS CALCULATIONS.

4. ALL OPEN SPACE AND DETENTION FEATURES ARE TO BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

5. WOOD FENCES WITH STEEL POSTS ARE TO BE CONSTRUCTED ON ALL LOTS ADJACENT TO EXISTING RESIDENTIAL LOTS. FENCES TO BE CONSTRUCTED BY HOMEOWNERS AT THE TIME OF INDIVIDUAL LOT CONSTRUCTION.

6. PRIVATE HOME DEVELOPER OWNED AND MAINTAINED OPEN SPACE.

SURVEYOR:  
WILDFIELD-HALL SURVEYORS  
REGISTERED PROFESSIONAL  
LAND SURVEYORS  
200 WILLIAMS ROAD, SUITE 107  
FORT WORTH, TEXAS 76116  
(817) 504-2000  
CONTACT: MARK SPEAR  
TYPED PERM. REG. NO. 470  
wshs@wilfieldhall.com

ENGINEER:  
PAPE-DAYTON ENGINEERS  
ONE RED CLOUD CENTER  
600 WEST F.W. BLVD. STE 700  
FORT WORTH, TX 76104  
(817) 790-3400  
CONTACT: MARK SPEAR  
TYPED PERM. REG. NO. 470

OWNER:  
MORITZ INTEREST, LTD.  
C/O STEPHEN LAVENDER  
1111 K. CRYLONE ST., SUITE 112  
ARLINGTON, TEXAS 76011  
(817) 464-2343  
sm@moritzinterest.com



[illegible]

PLANT LEGEND					
SYMBOL	KEY	COMMON NAME	SCIENTIFIC NAME	SIZE	SPACING
	1.0	LFWS Out	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	2.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	3.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	4.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	5.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	6.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	7.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	8.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	9.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	10.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	11.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	12.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	13.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	14.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	15.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	16.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	17.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	18.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	19.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	20.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	21.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	22.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	23.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	24.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	25.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	26.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	27.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	28.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	29.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	30.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	31.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	32.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
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	34.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	35.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
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	39.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	40.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	41.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	42.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	43.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	44.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	45.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	46.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	47.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	48.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	49.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	50.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	51.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	52.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	53.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	54.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	55.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	56.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	57.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	58.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	59.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	60.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	61.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	62.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	63.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	64.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	65.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	66.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	67.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	68.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	69.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	70.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	71.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	72.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	73.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	74.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	75.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	76.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	77.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	78.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	79.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	80.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	81.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	82.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	83.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	84.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	85.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	86.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	87.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	88.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	89.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	90.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	91.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	92.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	93.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	94.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	95.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	96.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	97.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	98.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	99.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'
	100.0	LFWS In	SPORCH VERBENNA	1 CALIPSA	at 800' 100'

CODY JOHNSON




  
 The 6-in. wide hole in  
 the 12-in. wide beam is  
 cut out to the right,  
 where the hole is 1/2 in.  
 wide.

## SCREENING AND BUFFERING

Landscape Plan

City of Washington, Elba County, Texas

CAS PROJECT NO.  
J11D004

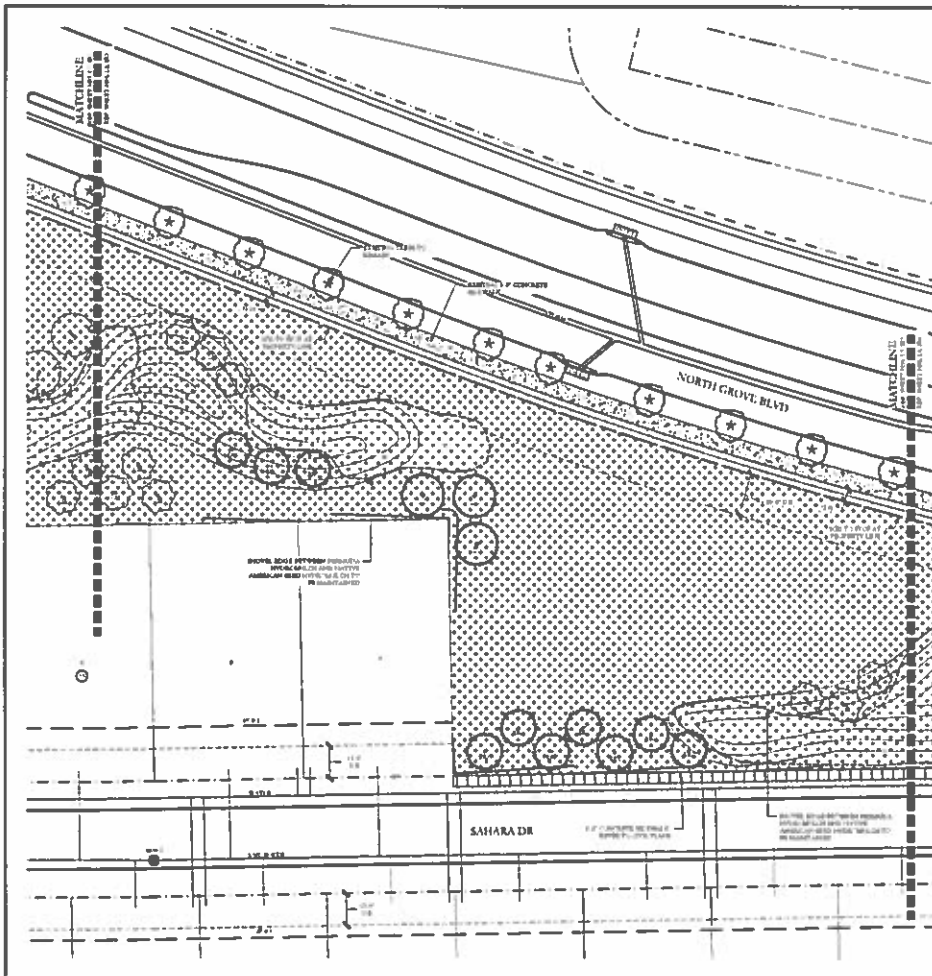
SHEET NO.

152 of 3

152 of 3

152 of 3

(46)



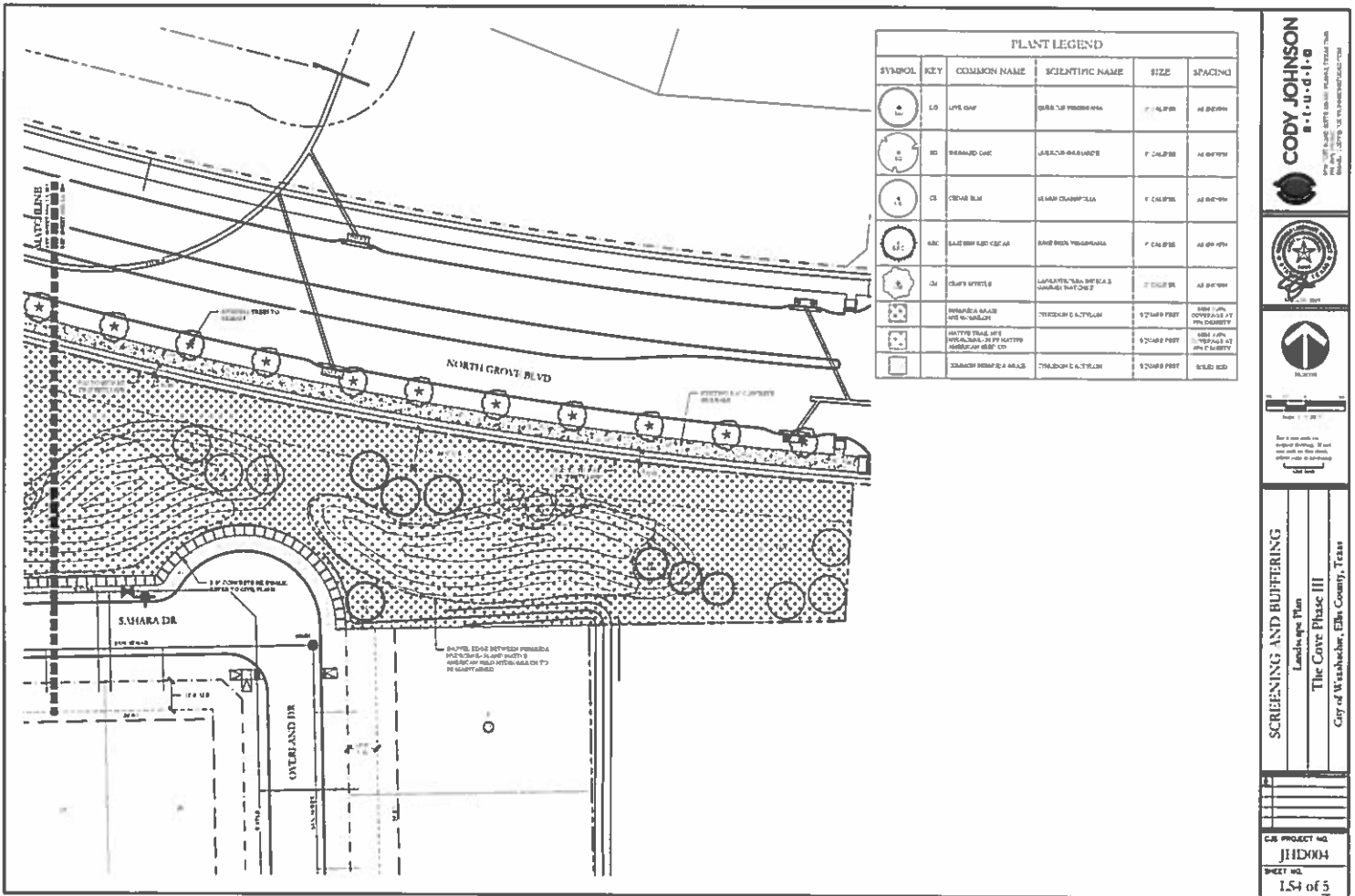
PLANT LEGEND					
SYMBOL	KEY	COMMON NAME	SCIENTIFIC NAME	SIZE	SPACING
	LO	LITE OAK	QUERCUS VIRGINICA	7' CALIPES	AS SHOWN
	SO	SPREADER OAK	QUERCUS SPREADER	7' CALIPES	AS SHOWN
	CH	CEDAR HILL	LEAFY LILAC	7' CALIPES	AS SHOWN
	ERC	EASTERN RED CEDAR	RED BARK YELLOW	7' CALIPES	AS SHOWN
	OH	OLIVE HEDGE	LAMP IT'S VERA BEE'S L	7' CALIPES	AS SHOWN
	BB	BURNING BUSH	TYNDEN CACTYLOH	8' 3/4" 1/2"	ONE 1/2" 1/2" COVERABLE AT 1/4" 1/2" 1/2"
	LA	LANTANA	TYNDEN CACTYLOH	8' 3/4" 1/2"	ONE 1/2" 1/2" COVERABLE AT 1/4" 1/2" 1/2"
	CP	CORONA PALM	TYNDEN CACTYLOH	8' 3/4" 1/2"	ONE 1/2" 1/2" COVERABLE AT 1/4" 1/2" 1/2"

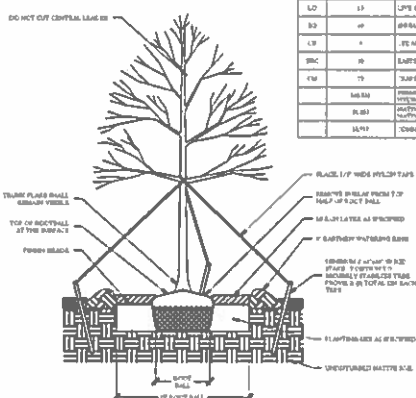
**CODY JOHNSON**  
8-11-08-10  
LANDSCAPE ARCHITECT  
10000 W. 10TH AVE. SUITE 100  
DENVER, CO 80202  
TEL: 303.751.1000  
WWW.CODYJOHNSON.COM

**SCREENING AND BUFFERING**  
Landscape Plan  
The Cove Phase III  
City of Washoe, Elko County, Texas

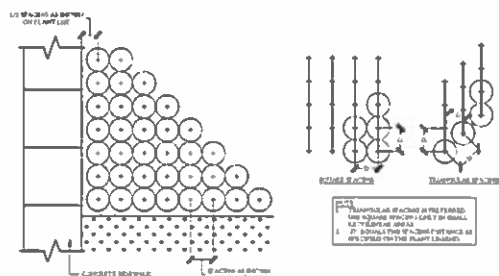
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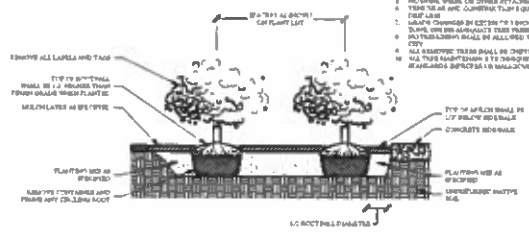


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### 1 TYPICAL TREE PLANTING SECTION



2 TYPICAL SHRUB AND GROUND COVER PLANTING  
PLAN/SECTION



## GENERAL LANDSCAPE NOTES

- [illegible]

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**MAINTENANCE STAFF**  
 1980-1981

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THE PARTY/OTOMAN WARRIOR

- [illegible]

**CODY JOHNSON**  
a.t.p.n.i.g



## SCREENING AND BUFFERING

44

1




(6)

# **PROCLAMATION**

**WHEREAS**, tailgating is the custom of gathering outside the stadium before the game with fans of the same team for food, beverages, and socializing; and

**WHEREAS**, tailgating continues to bring people of all backgrounds together and break social divides; and

**WHEREAS**, gatherings often take place at the tailgate of a pickup truck or the trunk of a car, but neither are required; and

**WHEREAS**, tailgating centers around the sport of football; and

**WHEREAS**, much like building a community, tailgating harkens back to a time when pioneering villages would come together to raise the framework of a building and often followed by a large meal; and

**WHEREAS**, those who tailgate come back every year, weekend after weekend; and

**WHEREAS**, couples have met, families have grown, bonds have been forged, all through the community of tailgating; and

**WHEREAS**, in 2016, Luke Lorick, president of Tailgating Challenge, founded National Tailgating Day as a way to share his passion for the sport of tailgating.

**NOW, THEREFORE**, I, Mayor David Hill, along with the entire City Council, do hereby proclaim the first Saturday in September as

## ***“NATIONAL TAILGATING DAY”***

PROCLAIMED this 20<sup>th</sup> day of May, 2019.

---

MAYOR

ATTEST:

---

CITY SECRETARY



## Memorandum

To: Honorable Mayor and City Council  
From: Anita Brown *AB*  
Thru: Michael Scott, City Manager *MS*  
Date: May 13, 2019  
Re: 2019 National Main Street Accreditation

---

Waxahachie has received state and national accreditation for our progress as a designated Main Street City. This accreditation is based on the annual 10 Criteria report we submit to the state Main Street program. Certificates were received May 2<sup>nd</sup>.

The Downtown Development Department would like to present this certificate to the City Council.

(8)



## Memorandum

To: City Council

From: Anita Brown, Downtown Development Director/Heritage Preservation Officer *AB*

Thru: Michael Scott, City Manager *MS*

Date: May 13, 2019

Re: Consider street closure for June 15<sup>th</sup> event downtown

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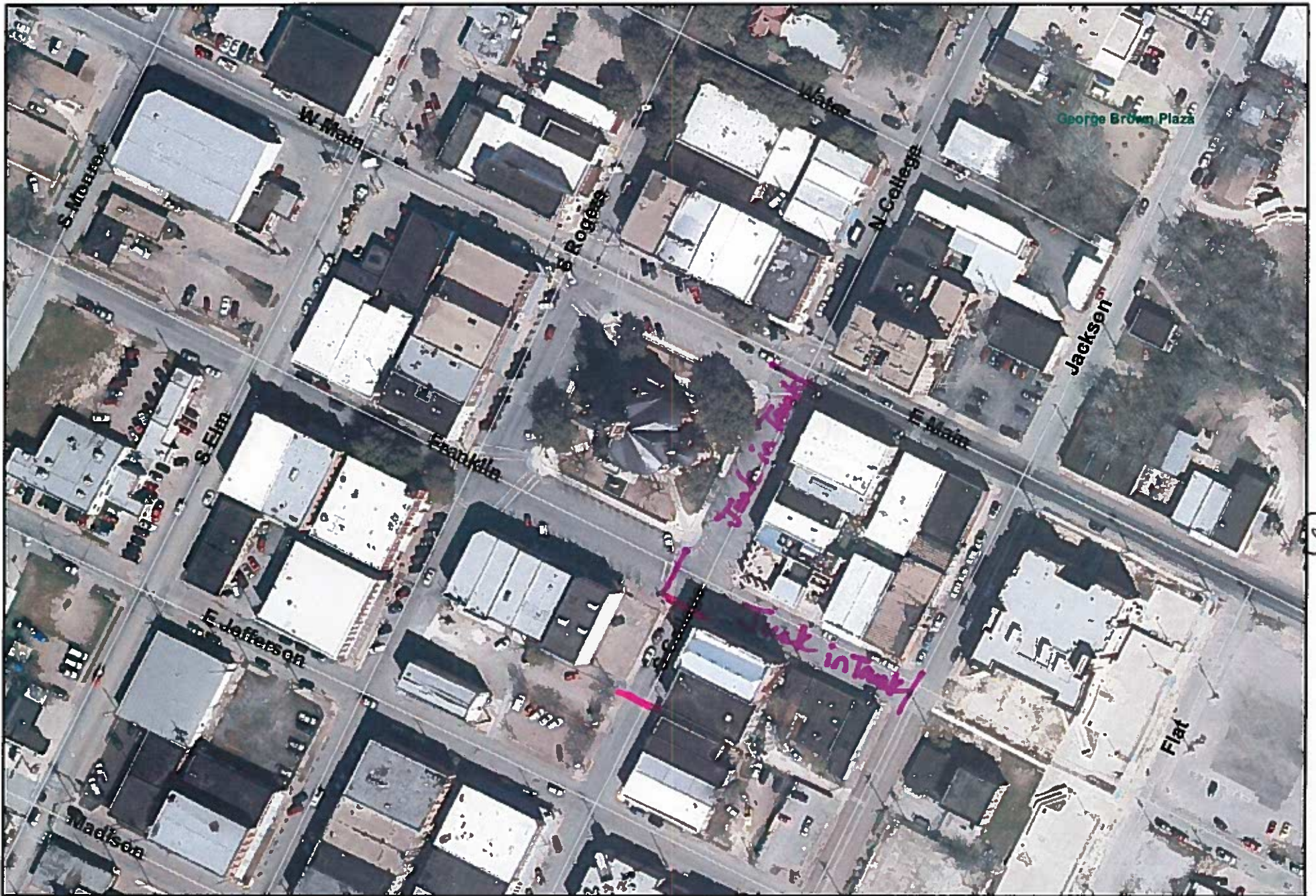
**Item Description:** Consider closing half of the 200 block of S. College Street from 7 am to 6 pm to accommodate downtown events on June 15<sup>th</sup>.

**Item Summary:** The Downtown Merchants Association is hosting the quarterly Junk in the Trunk event on Saturday, June 15<sup>th</sup>. Street closures (100 block of S. College and 100 block of E. Franklin) were approved for that event on January 22, 2019. The DMA is planning a Sip 'n Stroll for the afternoon of June 15<sup>th</sup> and Matt Pittman, owner of Meat Church, would like to have the grand opening for his business that day as well. Both of these additional events will add to the fun and traffic downtown on the Saturday before Father's Day.

Matt Pittman is requesting that half of the 200 block of S. College be closed for his grand opening celebration. The 100 block of S. College will already be closed for the Junk in the Trunk event and this will extend the area for the additional activities taking place that day. Traffic will still be able to exit the parking area behind the Franklin Street buildings and access Jefferson Street. After Junk in the Trunk is complete and the vendors have left the area those streets will be opened back up and only half of the 200 block of S. College will remain closed.

A map of the proposed area is attached. Thank you in advance for your consideration.





June 15, 2019 7am to 6pm  
Meat Church Grand Opening  
(Sip n Stroll + Junk in the Trunk)





(9)



## Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager

Date: May 7, 2019

Re: RP-19-0055 – Americase Business Park (Lot 1)

---

On May 7, 2019, the applicant asked staff to continue case no. RP-19-0055 from the May 14, 2019 Planning and Zoning Commission agenda, as well as the May 20, 2019 City Council meeting agenda.

(9)



PLANNING & ZONING DEPARTMENT  
401 South Rogers Street | Waxahachie, Texas 75168  
(469) 309-4290 | [www.waxahachie.com/Departments/PlanningandZoning](http://www.waxahachie.com/Departments/PlanningandZoning)



## 30 DAY WAIVER

As the property owner of AMERICASE BUSINESS PARK (LOT 1) (name of plat), I hereby waive the 30-day review period recognizing that some applications may require additional time due to the level of complexity or because it lacks complete information.

*Robby Kinsala*  
Owner's Signature

ROBBY KINSALA  
Printed Name

5/7/2019  
Date

**Note: The City of Waxahachie will make every effort to process applications within a 30-day timeframe. For applications that require a public hearing, you should anticipate up to 60 days.**



## Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager

Date: May 7, 2019

Re: RP-19-0056 – Americase Business Park (Lot 4)

---

On May 7, 2019, the applicant asked staff to continue case no. RP-19-0056 from the May 14, 2019 Planning and Zoning Commission agenda, as well as the May 20, 2019 City Council meeting agenda.



PLANNING & ZONING DEPARTMENT  
401 South Rogers Street | Waxahachie, Texas 75168  
(469) 309-4290 | [www.waxahachie.com/Departments/PlanningandZoning](http://www.waxahachie.com/Departments/PlanningandZoning)



### 30 DAY WAIVER

#### AMERICASE BUSINESS PARK (LOT 4)

As the property owner of 341 Hwy 7 RD, WAXAHACHIE TX (name of plat), I hereby waive the 30-day review period recognizing that some applications may require additional time due to the level of complexity or because it lacks complete information.

Owner's Signature

GARY J. McSPENCER

Printed Name

5/7/19

Date

**Note: The City of Waxahachie will make every effort to process applications within a 30-day timeframe. For applications that require a public hearing, you should anticipate up to 60 days.**



(17)

# Planning & Zoning Department

## Zoning Staff Report

Case: SU-19-0047



### MEETING DATE(S)

Planning & Zoning Commission: May 14, 2019

City Council: May 20, 2019

### CAPTION

**Public Hearing** on a request by Matthew Smith, Vaquero Ventures, for a Specific Use Permit (SUP) for Convenience Store and Gasoline Sales uses within a Planned Development-24-General Retail zoning district, located at 400 and 402 N Highway 77 (Property ID 180816 and 180826) – Owner: RICHARD A CHAPMAN & STEVEN F CHAPMAN (SU-19-0047)

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held May 14, 2019, the Commission voted 5-0 to recommend approval of case no. SU-19-0047, as presented by staff.

### CASE INFORMATION

**Applicant:** Matthew Smith, Vaquero Ventures

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

**Site Acreage:** 0.498 acres

**Current Zoning:** Planned Development-24-General Retail

**Requested Zoning:** PD-24-GR with Specific Use Permit

### SUBJECT PROPERTY

**General Location:** 400 and 402 N Highway 77

**Parcel ID Number(s):** 180816 and 180826

**Existing Use:** Convenience Store with Car Wash

**Development History:** N/A

### Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	PD-24-GR	Furniture by Sleep Quarters
East	SF-2	Single Family Residential
South	GR	InterBank
West	-	US Highway 77

(17)

*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 US Highway 77.

*Site Image:*



#### **PLANNING ANALYSIS**

The applicant is requesting approval for a Specific Use Permit to allow a convenience store with gasoline and diesel fuel sales (7 Eleven) on 0.498 acres. The location will operate 24 hours a day, 7 days a week. There will be six gas pumps which allows for a maximum of 12 cars to fuel at any given time. The pumps will service both gasoline and diesel vehicles. There will be an average of three employees per shift throughout the day and night.

Before final approval is made, staff has informed the applicant that a brick wall shall be constructed along the rear of the property adjacent to the Chapman Place subdivision.

#### **PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 12 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 04/24/2019.

#### **REQUESTED EXCEPTIONS/APPEALS**

Per the City of Waxahachie Zoning Ordinance, "windows and glazing shall be a minimum of thirty (30) percent and up to a maximum of seventy (70) percent of each building elevation". The applicant is currently providing 17% glazing.

(13)

**RECOMMENDATION**

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

- ☐ Denial  
☒ Approval, as presented.

**ATTACHED EXHIBITS**

1. Site Plan
2. Landscape Plan
3. Elevations/Façade Plan
4. Operational Plan
5. Location Exhibit

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

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

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

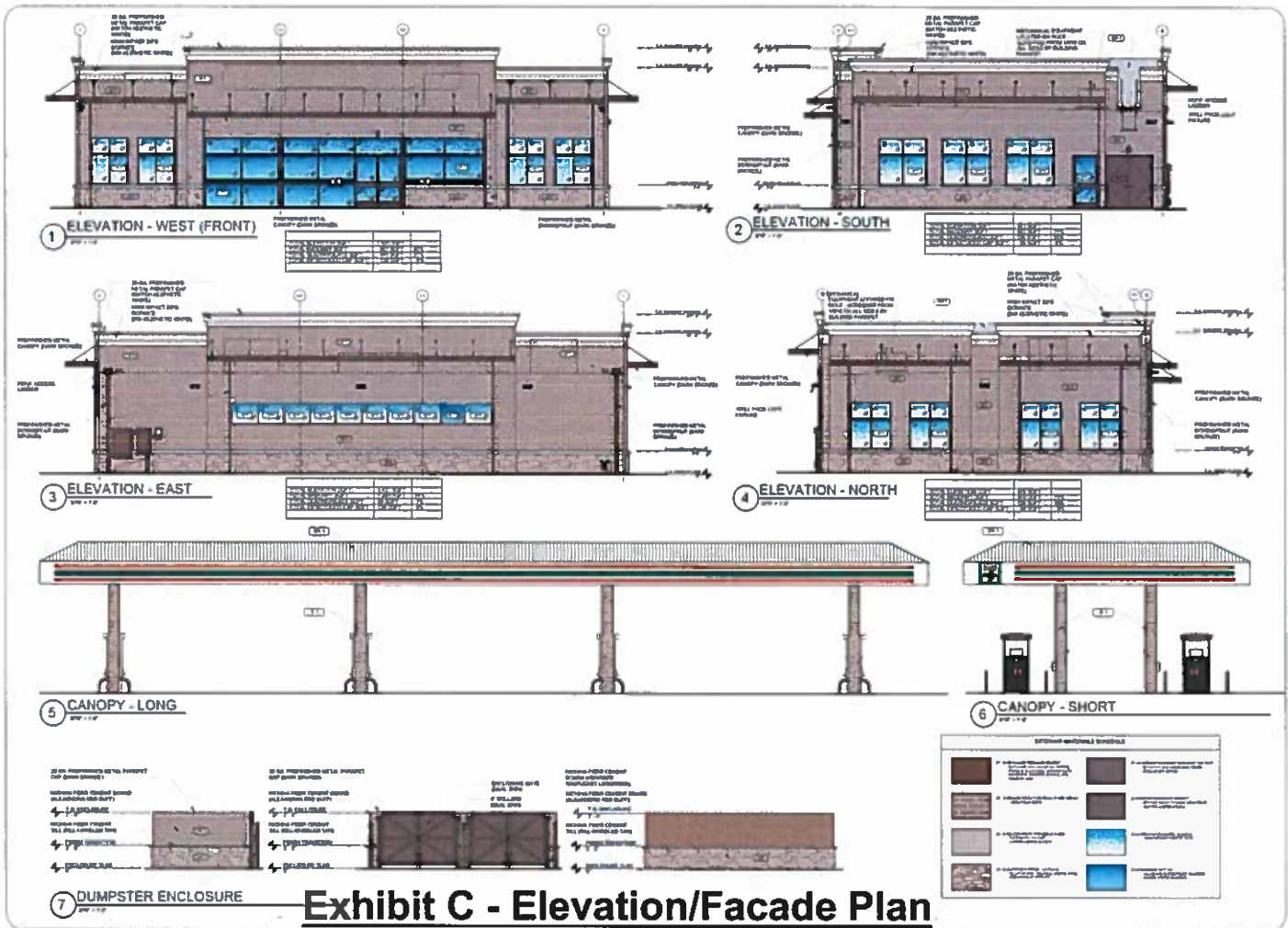
(13)



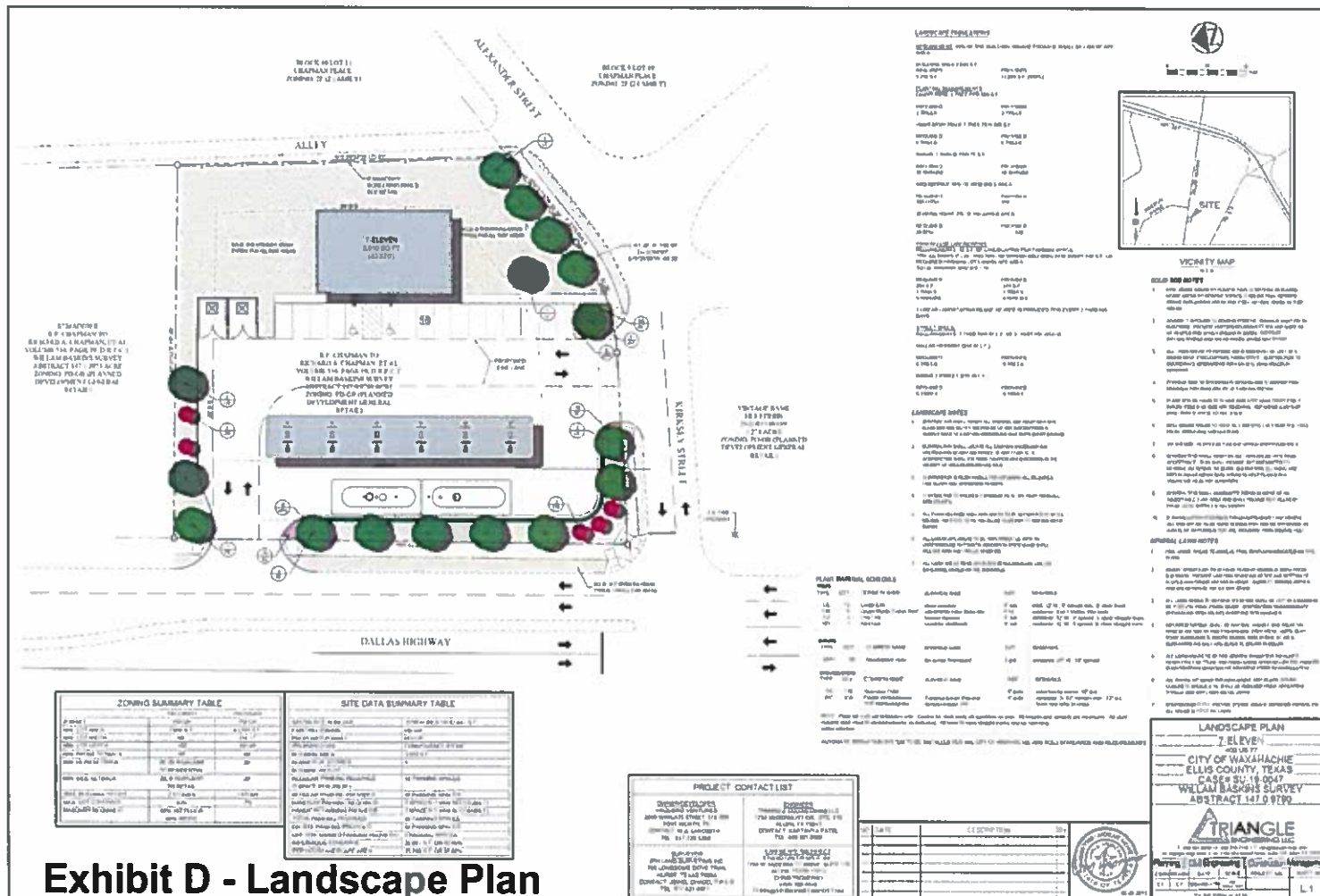
## Exhibit B - Site Plan



(13)



## Exhibit D - Landscape Plan





### **Operational Plan**

7 Eleven plans to operate a convenience store and gas station at 400 – 402 N. Highway 77 Waxahachie, TX 75165. The location will operate 24 hours a day, 7 days a week. There will be six gas pumps which allows for a maximum of 12 cars to fuel at any given time. The pumps will service both gasoline and diesel vehicles. There will be an average of three employees per shift throughout the day and night.



(13)

## **CASE SU-19-0047**

Request by Matthew Smith, Vaquero Ventures, for a Specific Use Permit (SUP) for **Convenience Store and Gasoline Sales** uses within a Planned Development-24-General Retail zoning district, located at 400 and 402 N Highway 77 (Property ID 180816 and 180826) – Owner: RICHARD A CHAPMAN & STEVEN F CHAPMAN (SU-19-0047)

### **INSIDE REQUIRED 200' NOTIFICATION AREA**

- 2 Support
- 0 Oppose

### **SUPPORT**

1. Sarah Williams, 1603 Alexander Drive, Waxahachie, TX 75165
2. Jeff Frazier, EVP, Interbank, 300 N Highway 77, Waxahachie, TX 75165

### **OPPOSE**

(13)

SU-19-0047

**Wright, Destiny**

---

**From:** Sarah Williams <sawilliams@wisd.org>  
**Sent:** Thursday, May 2, 2019 4:34 PM  
**To:** Wright, Destiny  
**Subject:** Re: Chapman Estates Information Request

Sarah Williams  
972-935-6048  
1603 Alexander Dr  
Waxahachie, TX, 75165

On May 2, 2019, at 4:25 PM, Wright, Destiny <[dwright@waxahachie.com](mailto:dwright@waxahachie.com)> wrote:

Thank you, Sarah. For public record, could you provide your address as well?

*Destiny Wright*  
City of Waxahachie  
Planning Technician

<image001.jpg>

**From:** Sarah Williams <[sawilliams@wisd.org](mailto:sawilliams@wisd.org)>  
**Sent:** Thursday, May 2, 2019 4:18 PM  
**To:** Planning and Zoning Department <[planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com)>  
**Subject:** Chapman Estates Information Request

We live at 1603 Alexander Drive and received the letter asking for our input on the 7/11 to go in behind -our home on Hwy 77.

We are absolutely FOR this change. I can't get the letter to upload, but wanted to make sure you heard from us.

Our property backs right up to the car wash and Furniture by Sleep Quarters. Noise has been a HUGE issue for us. I think the new plans sound wonderful and with the addition of the masonry fence all the way down the alley to Braums, this sounds like a dream come true.

I appreciate all of the work and effort you have put into this to make sure you do what is best for our neighborhood and community. If there is anything else you need from us, or any way we can help, please don't hesitate to ask.

Sincerely,  
Sarah Williams  
972-935-6048



(13)

RECEIVED  
5/3/19

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: SU-19-0047



VINTAGE BANK  
PO BOX 557  
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 14, 2019 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 20, 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 Matthew Smith, Vaquero Ventures, for a Specific Use Permit (SUP) for Convenience Store and Gasoline Sales uses within a Planned Development-24-General Retail zoning district, located at 400 and 402 N Highway 77 (Property ID 180816 and 180826) – Owner: RICHARD A CHAPMAN & STEVEN F CHAPMAN (SU-19-0047)

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](mailto:planningandzoning@waxahachie.com) for additional information on this request.

Case Number: SU-19-0047    X SUPPORT    \_\_\_\_\_ OPPOSE

Comments: Traffic access needs to be addressed & regulated  
on Kirksey Street.

Your response to this notification is **OPTIONAL**. If you choose to respond, please return this form by 5:00 P.M. on **WEDNESDAY, MAY 8, 2019** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

Jeff Frazier - Interbank  
Signature

Jeff Frazier - EUP  
Printed Name and Title

5-3-19  
Date

300 Hwy 77N. Waxahachie, TX  
Address  
75165

(14)

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

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A CONVENIENCE STORE WITH GASOLINE SALES USE WITHIN A PLANNED DEVELOPMENT-24-GENERAL RETAIL (PD-24-GR) ZONING DISTRICT, LOCATED AT 400 AND 402 N HIGHWAY 77, BEING PROPERTY ID 180816 AND 180826, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING ABSTRACT 148 WM BASKINS, 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-24-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-19-0047. 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-24-GR to PD-24-GR, with an SUP in order to permit a Convenience Store with Gasoline Sales use on the following property: Abstract 148 WM Baskins, which is shown on Exhibit A, the Site Layout Plan attached as Exhibit B, Elevation/Façade Plan shown in Exhibit C, Landscape Plan shown in Exhibit D, and the Operational Plan as 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.

### Specific Use Permit

**FOR OPERATION OF A SPECIFIC USE PERMIT FOR A CONVENIENCE STORE WITH GASOLINE SALES USE IN THE PLANNED DEVELOPMENT-24-GENERAL RETAIL (PD-24-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-19-0047.
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 – Elevations/Façade Plan, Exhibit D – Landscape Plan, and Exhibit E – Operational Plan.
4. A minimum 17% window glazing shall be allowed for the convenience store on the property.
5. The number of gasoline fuel pumps shall not exceed twelve (12). Four (4) of the gasoline pumps shall allow diesel fuel pumps.
6. Must be in compliance with TDSHS - Texas Food Establishment Rules and local ordinances regarding food service.
7. Signage shall comply with the City of Waxahachie Zoning Ordinance.

### 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.

(14)

**PASSED, APPROVED AND ADOPTED** on this 20<sup>th</sup> day of May, 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

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

(15)

# Planning & Zoning Department

## Plat Staff Report

Case: RP-19-0050



### MEETING DATE(S)

Planning & Zoning Commission: May 14, 2019

City Council: May 20, 2019

### CAPTION

**Consider** request by James Seymour for a **Replat** of Block 201 and East part of Block 194, Town Addition, to create Lot 1, Block 1, Marvin Seymour Addition, 0.45 acres (Property ID 234965) – Owner: JAMES SEYMOUR (RP-19-0050)

### ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting, held May 14, 2019, the Commission voted 5-0 to recommend approval of plat no. RP-19-0050, as presented.

### CASE INFORMATION

**Applicant:** James Seymour

**Property Owner(s):** James Seymour

**Site Acreage:** 0.45 acres

**Number of Lots:** 1 lot

**Number of Dwelling Units:** 0 units

**Park Land Dedication:** Exempt

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

### SUBJECT PROPERTY

**General Location:** 800 E. Marvin Avenue

**Parcel ID Number(s):** 234965

**Current Zoning:** Single Family-3

**Existing Use:** Currently Undeveloped

**Platting History:** BLK ALL 201 & EPT 194 TOWN

**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 comments:

**ATTACHED EXHIBITS**

1. Plat drawing.

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

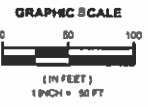
*Prepared by:*  
 Chris Webb  
 Planner  
[cwebb@waxahachie.com](mailto:cwebb@waxahachie.com)

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



(15)

LEGEND	
o 1/2"	IRON ROD SET
o 1/8"	IRON ROD FOUND
VOL.	VOLUME
PCL.	PAGE
R.O.W.	RIGHT-OF-WAY



BEARING BASED ON STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL TEXAS ZONE 4202, NORTH AMERICAN DATUM 1983, ADJUST REALIZATION 2011.

- NOTE:
1. ALL IRON PINS SET ARE 1/2" CAPTED IRON PINS STAMPED "INC 02804"
  2. ACCORDING TO FEMA MAP NO. 48129C0190F, ZONE X, DATED JUNE 3, 2013 THE ABOVE LOT DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN, AT THIS TIME.
  3. SELLING A PORTION OF ANY LOT WITHIN THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF STATE LAW AND CITY ORDINANCE AND IS SUBJECT TO FINES AND WITHHOLDINGS OF UTILITY SERVICES AND BUILDING PERMITS.

**UTILITY EASEMENTS**  
ANY PUBLIC UTILITY, INCLUDING THE CITY OF WAXAHACHE, SHALL HAVE THE RIGHT TO MOVE AND KEEP PROVIDED ALL OR PART OF ANY BUILDING, FENCE, TREE, SHRUBS, OTHER GROWTHS OR IMPROVEMENTS WHICH IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS ON ANY OF THE EASEMENTS SHOWN ON THE PLAT; AND ANY PUBLIC UTILITY, INCLUDING THE CITY OF WAXAHACHE, SHALL HAVE THE RIGHT AT ALL TIMES OF INCREASE AND DECREASE IN OR ADJACENT TO THE FROM AND UPON SAID EASEMENTS FOR THE PURPOSES OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING AND ADDING TO OR REMOVING ALL OR PART OF ITS RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMISSION OF ANYONE.  
NO EASEMENTS FOUND DURING DEED SEARCH.

**DRAINAGE EASEMENT NOTE**  
CONDITIONS OF ACCEPTANCE OF DRAINAGE AND FLOODWAY EASEMENTS  
THIS PLAT IS PROVIDED BY THE OWNERS OF PROPERTIES DESCRIBED HEREIN (HEREINAFTER REFERRED TO AS "PROPERTY OWNERS") AND IS APPROVED BY THE CITY OF WAXAHACHE SUBJECT TO THE FOLLOWING CONDITIONS WHICH SHALL BE BINDING UPON THE PROPERTY OWNERS, HEIRS, ESTATE, SUCCESSORS AND ASSIGNS.

NO OBSTRUCTION TO THE FLOW OF STORMWATER RUN-OFF SHALL BE PERMITTED BY FILLING OR BY CONSTRUCTION OF ANY TYPE OF DAM, BUILDING, BARRICADE, FENCE, OR ANY OTHER STRUCTURE WITHIN THE DRAINAGE EASEMENT SHOWN HEREIN ON THIS PLAT, UNLESS APPROVED BY THE CITY OF WAXAHACHE. PROVIDED, HOWEVER, IT IS UNDERSTOOD THAT IN THE EVENT IT BECOMES NECESSARY FOR THE CITY OF WAXAHACHE TO ERECT DRAINAGE FACILITIES IN ORDER TO IMPROVE THE STORM DRAINAGE THAT MAY BE OCCURRED BY THE STREETS AND ALLEYS IN OR ADJACENT TO THE SUBDIVISION, THEN IN SUCH EVENT, THE CITY OF WAXAHACHE SHALL HAVE THE RIGHT TO ENTER SAID DRAINAGE EASEMENT AT ANY POINT OR POINTS TO ERECT, CONSTRUCT AND MAINTAIN ANY FACILITY DEEMED NECESSARY FOR DRAINAGE PURPOSES.

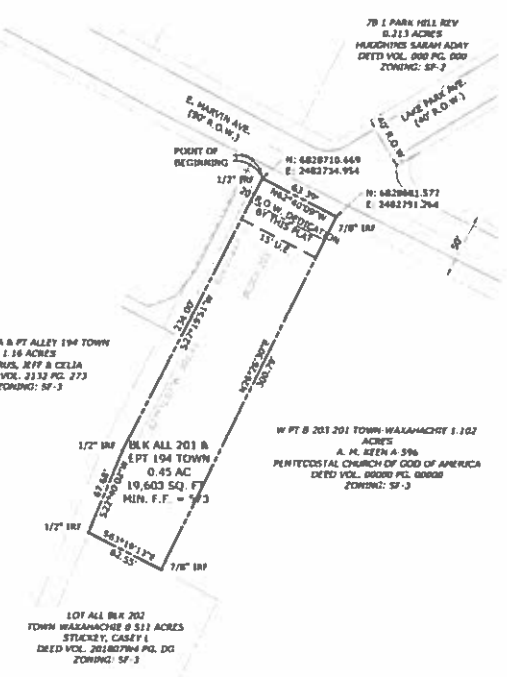
THE PROPERTY OWNERS WILL BE RESPONSIBLE FOR MAINTAINING SAID DRAINAGE EASEMENT. THE PROPERTY OWNERS SHALL KEEP SAID DRAINAGE EASEMENT CLEAR AND FREE OF DEBRIS, SILT, HIGH WEEDS, AND ANY SUBSTANCE WHICH WOULD RESULT IN UNDESIRABLE OR UNUSABLE CONDITIONS. THE CITY OF WAXAHACHE SHALL HAVE THE RIGHT OF INSPECTION AND ACCESS FOR THE PURPOSE OF INSPECTING AND SUPERVISING MAINTENANCE WORK DONE BY THE PROPERTY OWNERS. IF AT ANY TIME THE PROPERTY OWNERS FAIL TO SATISFY ANY OF THESE OBLIGATIONS OR RESPONSIBILITIES ON OBLIGATIONS, THE CITY OF WAXAHACHE, UPON TEN (10) DAYS PRIOR NOTICE TO THE OWNERS, MAY ENTER SAID DRAINAGE EASEMENT AT ANY POINT OR POINTS TO PERFORM MAINTENANCE OR CLEAN-UP, AND BILL THE PROPERTY OWNERS THE COST INCURRED, OR PLACE A LIEN ON SAID PROPERTIES IF THE BILL IS NOT PAID WITHIN THIRTY (30) DAYS OF ITS DUE DATE.

SAID DRAINAGE EASEMENT, AS IN THE CASE OF ALL DRAINAGE EASEMENTS, IS SUBJECT TO STORMWATER OVERFLOW AND EROSION TO AN EXTENT WHICH CANNOT BE SPECIFICALLY DEFINED. THE CITY OF WAXAHACHE SHALL NOT BE HELD LIABLE FOR ANY DAMAGES RESULTING FROM THE OCCURRENCE OF THESE NATURAL PHENOMENA OR THE FAILURE OF ANY FACILITIES WITHIN SAID DRAINAGE EASEMENT. FURTHER, THE CITY OF WAXAHACHE WILL NOT BE RESPONSIBLE FOR EROSION CONTROL, OR ANY DAMAGE TO PRIVATE PROPERTIES OR PERSONS RESULTING FROM THE FLOW OF WATER WITHIN SAID DRAINAGE EASEMENT AND VICINITIES.

**OWNERS/DEVELOPERS**  
JAMES SEYMOUR  
6408 S WALTON CIRCLE RD  
WAXAHACHE, TEXAS 76782

**ENGINEER**  
ERNEST E. BACCA, P.E.  
DRA FARRERES-BACCA &  
ASSOCIATES  
166 GOWENHILL CIRCLE  
ROCK HILL, TEXAS 73764  
(972) 319-8646

**SURVEYOR**  
ERNEST HEDGECOCK CONSULTING  
ENGINEERS, INC.  
8791-C MIDWAY ROAD  
HALFMOON CITY, TEXAS 76117  
(972) 691-0711  
ATTN: ERNEST HEDGECOCK, RPLS



THIS PLAT HAS BEEN SUBMITTED TO AND CONSIDERED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF WAXAHACHE, TEXAS AND IS HEREBY APPROVED BY SUCH COMMISSION.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019

BY \_\_\_\_\_  
CHAIRMAN

ATTEST: \_\_\_\_\_  
SECRETARY

CERTIFICATE OF SURVEYOR  
STATE OF TEXAS  
COUNTY OF TARRANT

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

*Ernest Hedgcock*  
ERNEST HEDGECOCK, RPLS NO. 2804  
DATE 4/9/2019



STATE OF TEXAS }  
COUNTY OF ELLIS }

OWNER'S ACKNOWLEDGMENT AND DEDICATION  
WE, THE UNDERSIGNED, OWNERS OF A TRACT OF LAND SITUATED IN WAXAHACHE, ELLIS COUNTY, TEXAS, AND BEING ALL OF BLOCK 201 AND A PART OF BLOCK 194, ACCORDING TO THE PHILLIPS & HANNAH OFFICIAL MAP OF WAXAHACHE, TEXAS AS DESCRIBED IN DEED RECORDED IN INSTRUMENT NO. 20181294, PAGE 10, DEED RECORDS, ELLIS COUNTY, TEXAS, AS SHOWN ON THIS PLAT WITHIN THE AREA DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND, AT THE NORTHWEST CORNER OF THE TRACT DESCRIBED HEREIN; SAID POINT BEING IN THE SOUTH RIGHT OF WAY OF E. MARVIN AVENUE, SAID POINT ALSO BEING ON THE NORTH LINE OF BLOCK 194 ACCORDING TO THE PHILLIPS & HANNAH OFFICIAL MAP OF WAXAHACHE, TEXAS, AS DESCRIBED IN DEED EXECUTED BY LOUISE H. OYNTON TO CELIA ANDRUS, MELBA JAFFE, DONALD BOYNTON AND KENT BOYNTON RECORDED IN VOLUME 2443, PAGE 41, OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS;  
THENCE SOUTH 27 DEGREES 19 MINUTES 11 SECONDS WEST ALONG THE WEST PROPERTY LINE, A DISTANCE OF 234.00 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;  
THENCE CONTINUING ALONG WEST PROPERTY LINE OF THE HEREIN DESCRIBED TRACT, SOUTH 22 DEGREES 40 MINUTES 02 SECONDS WEST A DISTANCE OF 67.64 FEET TO AN IRON ROD FOUND FOR CORNER, BY DEED CALL NORTH 62 DEGREES 30 MINUTES WEST, 1.5' FROM THE SOUTHWEST CORNER OF BLOCK 201;  
THENCE SOUTH 63 DEGREES 19 MINUTES 13 SECONDS EAST A DISTANCE OF 62.55 FEET TO A 7/8 INCH IRON ROD FOUND FOR CORNER;  
THENCE NORTH 26 DEGREES 26 MINUTES 30 SECONDS EAST, A DISTANCE OF 300.79 FEET TO A 7/8 INCH IRON ROD FOUND ON THE SOUTH LINE OF SAID MARVIN AVENUE;  
THENCE NORTH 62 DEGREES 40 MINUTES 02 SECONDS WEST WITH THE SOUTH LINE OF SAID MARVIN AVENUE, A DISTANCE OF 63.79 FEET TO POINT OF BEGINNING AND CONTAINING 0.45 ACRES OF LAND, MORE OR LESS, AN ADDITION TO THE CITY OF WAXAHACHE, ELLIS COUNTY TEXAS AND WHOSE NAME IS ARE SUPERSEDED HERETO, HEREBY DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, RIGHTS-OF-WAY AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

THIS PLAT DOES NOT ALTER OR REMOVE EXISTING DEED RESTRICTIONS OR COVENANTS, IF ANY, ON THIS PROPERTY.

JAMES SEYMOUR  
OWNER  
DATE: \_\_\_\_\_

STATE OF TEXAS }  
COUNTY OF ELLIS }

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED MR. JAMES SEYMOUR, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS. MY COMMISSION EXPIRES \_\_\_\_\_

## MARVIN SEYMOUR ADDITION BLOCK 1, LOT 1

BEING A REPLAT OF BLOCK 201 AND EAST PART OF 194, OF THE TOWN-WAXAHACHE ADDITION, AN ADDITION TO THE CITY OF WAXAHACHE, TEXAS, AS RECORDED IN VOLUME 2443, PAGE 41, OF THE PLAT RECORDS OF ELLIS COUNTY, TEXAS.

LOT 1  
19.603 SQ. FT.  
OR 0.45 ACRES

THIS PLAT FILED IN INSTRUMENT NO. \_\_\_\_\_ DATE \_\_\_\_\_

(15)

## **CASE RP-19-0050**

Request by James Seymour for a **Replat** of Block 201 and East part of Block 194, Town Addition, to create Lot 1, Block 1, Marvin Seymour Addition, 0.45 acres (Property ID 234965) – Owner: JAMES SEYMOUR (RP-19-0050)

### **INSIDE REQUIRED 200' NOTIFICATION AREA**

- 1 Support
- 0 Oppose

### **SUPPORT**

1. Chris Acker, 115 Dunlap, Waxahachie, TX 75165

### **OPPOSE**

(15)

RECEIVED  
4/29/19



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: RP-19-0050



SOUTHFORK LLC  
P.O. BOX 537  
WAXAHACHIE, TX 75168

The Waxahachie City Council will hold a Public Hearing on Monday, May 20, 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 James Seymour for a Replat of Block 201 and East part of Block 194, Town Addition, to create Lot 1, Block 1, Marvin Seymour Addition, 0.45 acres (Property ID 234965) – Owner: JAMES SEYMOUR (RP-19-0050)

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](mailto:planningandzoning@waxahachie.com) for additional information on this request.

Case Number: RP-19-0050

☒ SUPPORT

☐ OPPOSE

Comments: \_\_\_\_\_

Your response to this notification is OPTIONAL. If you choose to respond, please return this form by 5:00 P.M. on WEDNESDAY, MAY 8, 2019 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

Chris Allen  
Signature

4/29/19  
Date

Chris Allen  
Printed Name and Title

115 Dunlap  
Address

(17)



## Memorandum

To: Honorable Mayor and City Council  
From: Shon Brooks, Director of Planning  
Thru: Michael Scott, City Manager  
Date: May 14, 2019  
Re: RP-19-0051 West End

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On May 14, 2019, the applicant asked staff to continue case no. RP-19-0051 from the May 14, 2019 Planning and Zoning Commission agenda, as well as the May 20, 2019 City Council meeting agenda.

(19)

## Planning & Zoning Department

### Plat Staff Report

Case: PP-19-0053



#### MEETING DATE(S)

*Planning & Zoning Commission:* May 14, 2019

*City Council:* May 20, 2019

#### CAPTION

Consider request by Blain Vinson, SAP Properties LLC, for a Preliminary Plat of The Cottages on Cantrell for 73 lots, being 17.348 acres situated in the J. Armstrong Survey, Abstract 6 (Property ID 244351) – Owner: SAP PROPERTIES LLC (PP-19-0053)

#### ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting, held May 14, 2019, the Commission voted 3-2 to recommend approval of plat no. PP-19-0053, per staff comments.

#### CASE INFORMATION

*Applicant:* Blain Vinson, SAP Properties LLC

*Property Owner(s):* SAP Properties LLC

*Site Acreage:* 17.348 acres

*Number of Lots:* 73 lot

*Number of Dwelling Units:* 73 units

*Park Land Dedication:* To be calculated with final plat application.

*Adequate Public Facilities:* N/A (A letter of acceptance will be necessary for the final plat)

#### SUBJECT PROPERTY

*General Location:* South of 855 Cantrell Street

*Parcel ID Number(s):* 244351

*Current Zoning:* Planned Development-Single Family-3 – Ordinance 3043

*Existing Use:* Currently undeveloped

*Platting History:* 6 J C ARMSTRONG

**Site Aerial:**



**STAFF CONCERNS**

1. The applicant submitted a revised plat drawing that addressed most of staff's concerns. However, it has been determined that a 30' wide street needs to be used throughout the development instead of the 28' wide street that has been included in the cross section.

**APPLICANT RESPONSE TO CONCERNS**

1. The applicant has submitted updated plat drawings that addressed most of staff's concerns. The only exception to this is the above mentioned 28' wide roadway that is currently planned to be put in place.

**RECOMMENDATION**

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
  1. The applicant needs to change the roadway width to 30' from the current 28' that is shown.

**ATTACHED EXHIBITS**

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

1. Plat drawing
2. Landscape plan

**APPLICANT REQUIREMENTS**

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

- a. If comments were not satisfied, then applicant will be notified to make corrections.
- b. If all comments satisfied, applicant shall provide five signed, hard-copy plats.

**STAFF CONTACT INFORMATION**

*Prepared by:*

Chris Webb

Planner

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

*Reviewed by:*

Shon Brooks, AICP

Director of Planning

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





(20)

# Planning & Zoning Department

## Zoning Staff Report

Case: SU-19-0052



### MEETING DATE(S)

Planning & Zoning Commission: May 14, 2019

City Council: May 20, 2019

### CAPTION

**Public Hearing** on a request by Matthew Monteiro, B&M Assessment Services, for a Specific Use Permit (SUP) for **Rooftop Solar Panel System** use within a Single-Family Residential-3 zoning district, located at 208 Boardwalk (Property ID 239190) – Owner: LARRY & CAROL SKUZIE (SU-19-0052)

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held May 14, 2019, the Commission voted 5-0 to recommend approval of case no. SU-19-0052, as presented by staff.

### CASE INFORMATION

**Applicant:** Matthew Monteiro, B&M Assessment Services

**Property Owner(s):** Larry & Carol Skuzie

**Site Acreage:** .19 acres

**Current Zoning:** Single Family-3

**Requested Zoning:** SF3 with Specific Use Permit

### SUBJECT PROPERTY

**General Location:** 208 Boardwalk

**Parcel ID Number(s):** 239190

**Existing Use:** Single Family Residence

**Development History:** N/A

### Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF-2	Single Family Residence
East	SF-2	Single Family Residence
South	SF-3	Single Family Residence
West	SF-2	Single Family Residence

**Future Land Use Plan:** Low Density Residential

(20)

**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 site is accessible via Boardwalk Avenue.

**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, 26 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 04/24/2019.

**STAFF CONCERNS**

1. Staff has no outstanding concerns for the applicant.

**APPLICANT RESPONSE TO CONCERNS**

1. Staff has no outstanding concerns for the applicant.

(20)

### **RECOMMENDATION**

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

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

### **ATTACHED EXHIBITS**

1. Site Plan
2. Location Exhibit

### **APPLICANT REQUIREMENTS**

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

### **STAFF CONTACT INFORMATION**

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

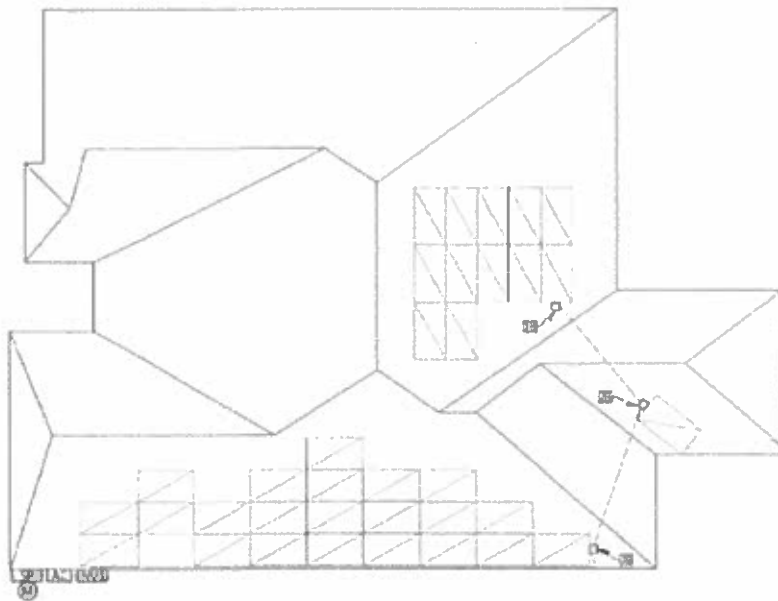
*Reviewed by:*  
Shon Brooks, AICP  
Director of Planning  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)

(20)



**Exhibit A -**  
**Location Exhibit**

(20)



**Exhibit B - Site Layout Plan**



EQUIPMENT GROUNDING	
1.	ALL EQUIPMENT SHALL BE GROUNDED TO THE SAME POINT OF GROUNDING AS THE BUILDING FRAMEWORK.
2.	ALL EQUIPMENT SHALL BE GROUNDED TO THE SAME POINT OF GROUNDING AS THE BUILDING FRAMEWORK.
3.	ALL EQUIPMENT SHALL BE GROUNDED TO THE SAME POINT OF GROUNDING AS THE BUILDING FRAMEWORK.
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9.	ALL EQUIPMENT SHALL BE GROUNDED TO THE SAME POINT OF GROUNDING AS THE BUILDING FRAMEWORK.
10.	ALL EQUIPMENT SHALL BE GROUNDED TO THE SAME POINT OF GROUNDING AS THE BUILDING FRAMEWORK.

ELECTRICAL SYMBOL LEGEND	
1.	POWER POLE
2.	TRANSFORMER
3.	GENERATOR
4.	MOTOR
5.	CONTROL PANEL
6.	SWITCH
7.	RELAY
8.	DIODE
9.	TRIAC
10.	SCR
11.	IGBT
12.	MOSFET
13.	BJT
14.	OP AMP
15.	IC
16.	RESISTOR
17.	CAPACITOR
18.	INDUCTOR
19.	DIODE BRIDGE
20.	RECTIFIER
21.	INVERTER
22.	SMPS
23.	UPS
24.	BATTERY
25.	SOLAR PANEL
26.	WIND TURBINE
27.	HYDRO TURBINE
28.	GEOTHERMAL
29.	BIOGAS
30.	BIOMASS
31.	WASTE TO ENERGY
32.	WIND PUMP
33.	SOLAR PUMP
34.	HYDRO PUMP
35.	GEOTHERMAL PUMP
36.	BIOGAS PUMP
37.	BIOMASS PUMP
38.	WASTE TO ENERGY PUMP
39.	WIND TURBINE PUMP
40.	SOLAR TURBINE PUMP
41.	HYDRO TURBINE PUMP
42.	GEOTHERMAL TURBINE PUMP
43.	BIOGAS TURBINE PUMP
44.	BIOMASS TURBINE PUMP
45.	WASTE TO ENERGY TURBINE PUMP
46.	WIND TURBINE TURBINE PUMP
47.	SOLAR TURBINE TURBINE PUMP
48.	HYDRO TURBINE TURBINE PUMP
49.	GEOTHERMAL TURBINE TURBINE PUMP
50.	BIOGAS TURBINE TURBINE PUMP

ELECTRICAL LAYOUT	
1.	POWER POLE
2.	TRANSFORMER
3.	GENERATOR
4.	MOTOR
5.	CONTROL PANEL
6.	SWITCH
7.	RELAY
8.	DIODE
9.	TRIAC
10.	SCR
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12.	MOSFET
13.	BJT
14.	OP AMP
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16.	RESISTOR
17.	CAPACITOR
18.	INDUCTOR
19.	DIODE BRIDGE
20.	RECTIFIER
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33.	SOLAR PUMP
34.	HYDRO PUMP
35.	GEOTHERMAL PUMP
36.	BIOGAS PUMP
37.	BIOMASS PUMP
38.	WASTE TO ENERGY PUMP
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41.	HYDRO TURBINE PUMP
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47.	SOLAR TURBINE TURBINE PUMP
48.	HYDRO TURBINE TURBINE PUMP
49.	GEOTHERMAL TURBINE TURBINE PUMP
50.	BIOGAS TURBINE TURBINE PUMP

PROJECT INFORMATION	
PROJECT NO.	123456789
CLIENT	ABC COMPANY
DATE	12/12/2023
DESIGNER	DEF DESIGN
REVIEWER	GHI REVIEW
APPROVED	JKL APPROVE
SCALE	1/8" = 1'-0"
SHEET NO.	100
TOTAL SHEETS	100

(20)

## **CASE SU-19-0052**

Request by Matthew Monteiro, B&M Assessment Services, for a Specific Use Permit (SUP) for **Rooftop Solar Panel System** use within a Single-Family Residential-3 zoning district, located at 208 Boardwalk (Property ID 239190) – Owner: LARRY & CAROL SKUZIE (SU-19-0052)

### **INSIDE REQUIRED 200' NOTIFICATION AREA**

- 0 Support
- 1 Oppose

### **SUPPORT**

### **OPPOSE**

1. Eddie Hall, 215 Boardwalk Avenue, Waxahachie, TX 75165



(20)



RECEIVED  
5/3/19

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: SU-19-0052



HALL EDWARD & ANDREA  
215 BOARDWALK AVE  
WAXAHACHIE, TX, 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 14, 2019 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 20, 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 Matthew Monteiro, B&M Assessment Services, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single-Family Residential-3 zoning district, located at 208 Boardwalk (Property ID 239190) – Owner: LARRY & CAROL SKUZIE (SU-19-0052)

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](mailto:planningandzoning@waxahachie.com) for additional information on this request.

Case Number: SU-19-0052

☐ SUPPORT

☒ OPPOSE

Comments: \_\_\_\_\_

Your response to this notification is **OPTIONAL**. If you choose to respond, please return this form by 5:00 P.M. on **WEDNESDAY, MAY 8, 2019** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

Eddie Hall  
Signature

Eddie Hall  
Printed Name and Title

5-1-2019  
Date

215 Boardwalk Ave  
Address

(21)

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

**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 208 BOARDWALK AVENUE, BEING PROPERTY ID 239190, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 4, BLOCK 3 IN THE PARK PLACE 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-3; 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-19-0052. 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-3 to SF-3, with an SUP in order to permit a Rooftop Solar Panel System use on the following property: Lot 4, Block 3 of the Park Place 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 20<sup>th</sup> day of May, 2019.



(21)

\_\_\_\_\_  
MAYOR

ATTEST:

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

(28)

## Planning & Zoning Department

### Zoning Staff Report

**Case: SU-19-0046**



**MEETING DATE(S)**

*Planning & Zoning Commission:* May 14, 2019

*City Council:* May 20, 2019

**CAPTION**

**Public Hearing** on a request by Kelli Coash, TriSmart Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single-Family Residential-1 zoning district, located at 243 Bent Creek Drive (Property ID 216561) – Owner: WESLEY & TAMARA SMALLWOOD (SU-19-0046)

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held May 14, 2019, the Commission voted 5-0 to recommend approval of case no. SU-19-0046, as presented by staff.

**CASE INFORMATION**

*Applicant:* Kelli Coash, TriSmart Solar

*Property Owner(s):* Wesley & Tamara Smallwood

*Site Acreage:* 0.902 acres

*Current Zoning:* Single Family-1

*Requested Zoning:* SF1 with Specific Use Permit

**SUBJECT PROPERTY**

*General Location:* 243 Bent Creek Drive

*Parcel ID Number(s):* 216561

*Existing Use:* Single Family Residence

*Development History:* The Final Plat for Bent Creek Estates Phase I, was approved by City Council on February 16, 2004.

**Adjoining Zoning & Uses:**

Direction	Zoning	Current Use
North	SF-1	Single Family Residence
East	SF-1	Single Family Residence
South	SF-1	Single Family Residence
West	SF-1	Single Family Residence

(28)

*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 site is accessible via Bent Creek Dr.

*Site Image:*



#### **PLANNING ANALYSIS**

The applicant seeks to install solar panels on the roof of the garage and 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, 12 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 04/24/2019.

#### **STAFF CONCERNS**

1. Staff has no outstanding concerns for the applicant.

#### **APPLICANT RESPONSE TO CONCERNS**

1. Staff has no outstanding concerns for the applicant.

(28)

**RECOMMENDATION**

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

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

**ATTACHED EXHIBITS**

1. Site Plan
2. Location Exhibit

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

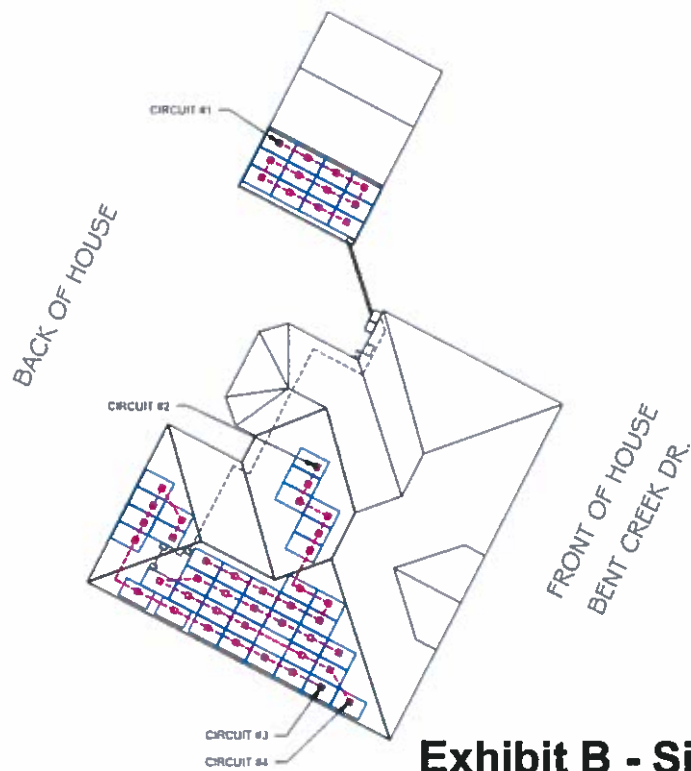
*Prepared by:*  
Colby Collins  
Senior Planner  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

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

(22)



(28)



**Exhibit B - Site Layout Plan**

1 | STRING LAYOUT  
PV-2A | SCALE 1/16" = 1'-0"



TRISMAST SOLAR LLC, C/P/W  
5000 DENTON HIGHWAY  
FALLS CHURCH, VA 22034  
800-440-8031  
LIC# 10000000000000000000

THIS DOCUMENT IS THE PROPERTY OF TRISMAST SOLAR. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR DISTRIBUTED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF TRISMAST SOLAR.

REVISIONS		
NO.	DATE	DESCRIPTION

Signature with Seal:

CUSTOMER INFORMATION

WESLEY SMALLWOOD  
SU-19-0045  
243 BENT CREEK DRIVE,  
WAXAHACHIE, TX 75165 USA  
EMAIL: ID#- lamismallwood@gmail.com  
APN# 90249290100400112

STRING LAYOUT

SHEET SIZE

ANSI B  
11" X 17"

SHEET NUMBER

PV-2A

(23)

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

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A SINGLE FAMILY-1 (SF-1) ZONING DISTRICT, LOCATED AT 243 BENT CREEK DRIVE, BEING PROPERTY ID 216561, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 4, BLOCK A IN THE BENT CREEK ESTATES PHASE I 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-3; 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-19-0046. 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-3 to SF-3, with an SUP in order to permit a Rooftop Solar Panel System use on the following property: Lot 4, Block A of the Bent Creek Estates 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 20<sup>th</sup> day of May, 2019.

(23)

\_\_\_\_\_  
MAYOR

ATTEST:

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



(24)

## Planning & Zoning Department

### Zoning Staff Report

Case: SU-19-0045



#### MEETING DATE(S)

Planning & Zoning Commission: May 14, 2019

City Council: May 20, 2019

#### CAPTION

**Public Hearing** on a request by Jacob A. Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for **Portable Storage Structure or Temporary Building** use within a Single-Family Residential-2 zoning district, located at 411 N. Gibson (Property ID 193942) – Owner: WAXAHACHIE ISD (SU-19-0045)

#### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held May 14, 2019, the Commission voted 5-0 to recommend approval of case no. SU-19-0045, subject to staff comments.

#### CASE INFORMATION

**Applicant:** Jacob A. Perry, Waxahachie ISD

**Property Owner(s):** Waxahachie ISD

**Site Acreage:** 5.365 acres

**Current Zoning:** Single Family-2

**Requested Zoning:** SF2 with Specific Use Permit

#### SUBJECT PROPERTY

**General Location:** 411 N Gibson

**Parcel ID Number(s):** 193942

**Existing Use:** Waxahachie ISD Administration

**Development History:** N/A

#### Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF-2	Single Family Residential
East	SF-2	Single Family Residential
South	LI-2	Undeveloped Land
West	P	Undeveloped Land

**Future Land Use Plan:** Public/Semi-Public

124)

**Comprehensive Plan:**

This land use category includes uses that are educational, governmental or institutional in nature. This type of land use is generally permitted within any area, therefore, only the current Public/Semi-Public uses are shown on the map.

**Thoroughfare Plan:**

The site is accessible via N. Gibson St.

**Site Image:**



**PLANNING ANALYSIS**

The Waxahachie Independent School District (WISD) is requesting a Specific Use Permit to allow a temporary building and provide signage to the property. Due to WISD expanding their Human Resources department, WISD is proposing to house Human Resource department employees in a temporary building (24' x64'x12= 1,536 sq. ft./7 office spaces) until the WISD Administration Building is able to move to a new property. *This case does not include site plan improvements.*

Note: Planning Department staff has informed the applicant that if the Specific Use Permit is approved, the SUP shall expire and the temporary building shall be removed once WISD leaves the property. Also, if the applicant is still occupying the building after two years, staff recommends that the applicant come back to City Council to renew the Specific Use Permit.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 21 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Daily Light and a sign was visibly posted at the property on 04/24/2019.

**STAFF CONCERNS**

1. At the time of this report (5/8/2019), staff has no outstanding concerns for the applicant.

**APPLICANT RESPONSE TO CONCERNS**

1. At the time of this report (5/8/2019), staff has no outstanding concerns from staff.

(24)

**RECOMMENDATION**

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
  1. Note: Planning Department staff has informed the applicant that if the Specific Use Permit is approved, the SUP shall expire and the temporary building shall be removed, once WISD leaves the property. Also, if the applicant is occupying the building after two years, staff recommends that the applicant come back to City Council to renew the Specific Use Permit.
  2. Note: This site plan does not include any site improvements.

**ATTACHED EXHIBITS**

1. Location exhibit
2. Site Layout Plan
3. Concept Plan Provisions
4. Concept Plan
5. Signage Plan

**APPLICANT REQUIREMENTS**

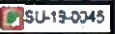
1. If approved by City Council, applicant can apply for building permits from the Building and Community Services Department.

**STAFF CONTACT INFORMATION**

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

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

## Exhibit A - Location Exhibit



(24)

## Waxahachie ISD Proposal for Temporary HR Office Building

### Building Size:

- Building will be 24' x 64' x 12'
- New build materials
  - New R-Panel exterior (stone color with green trim)
  - Sheetrock interior walls
  - Carpet
  - Drop Ceiling (2'x2' tiles)
  - 4 window on front side of building and 1 window in executive office
  - 1 main door entrance
- 7 total office spaces
  - (3) 11' x 10'
  - (2) 11.5' x 11.5'
  - (2) 16' x 11'
- 1 storage closet
  - 12' x 8'
- Building Signage
  - Wood composition
    - White paint
    - Black vinyl lettering
    - 4" x 4" posts painted green
    - Sealed
- Foreseen Duration of Temporary Office Building on Site
  - 3 years

## Exhibit B - Concept Plan Provisions

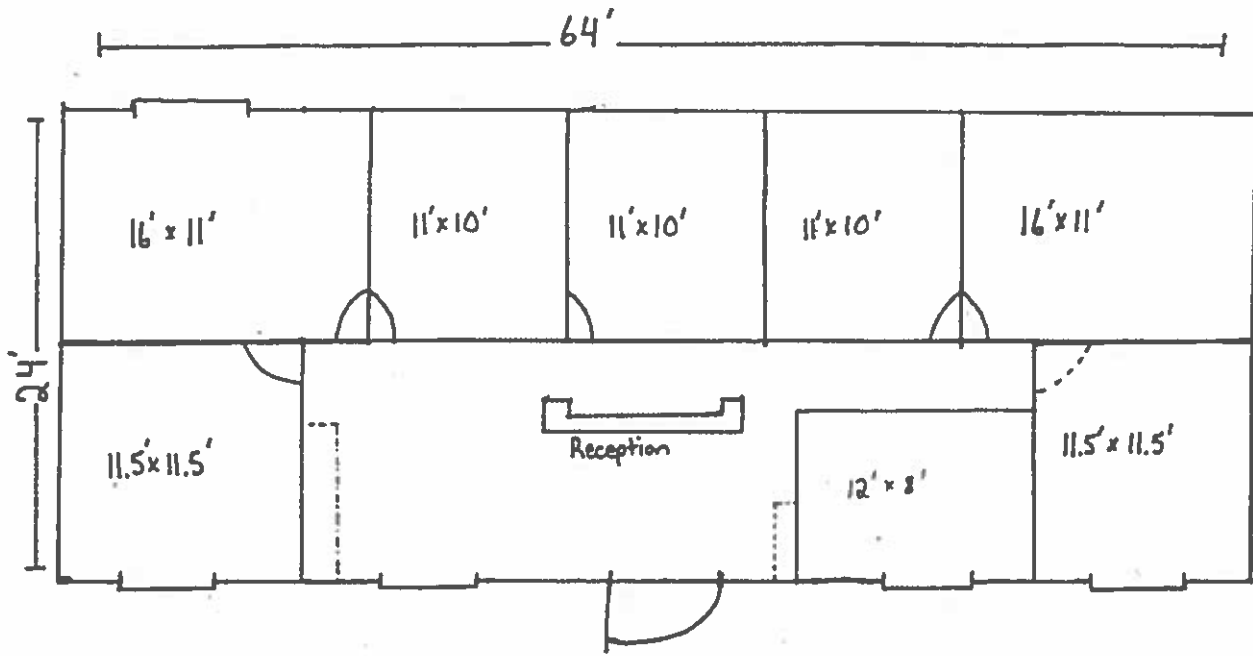


(24)



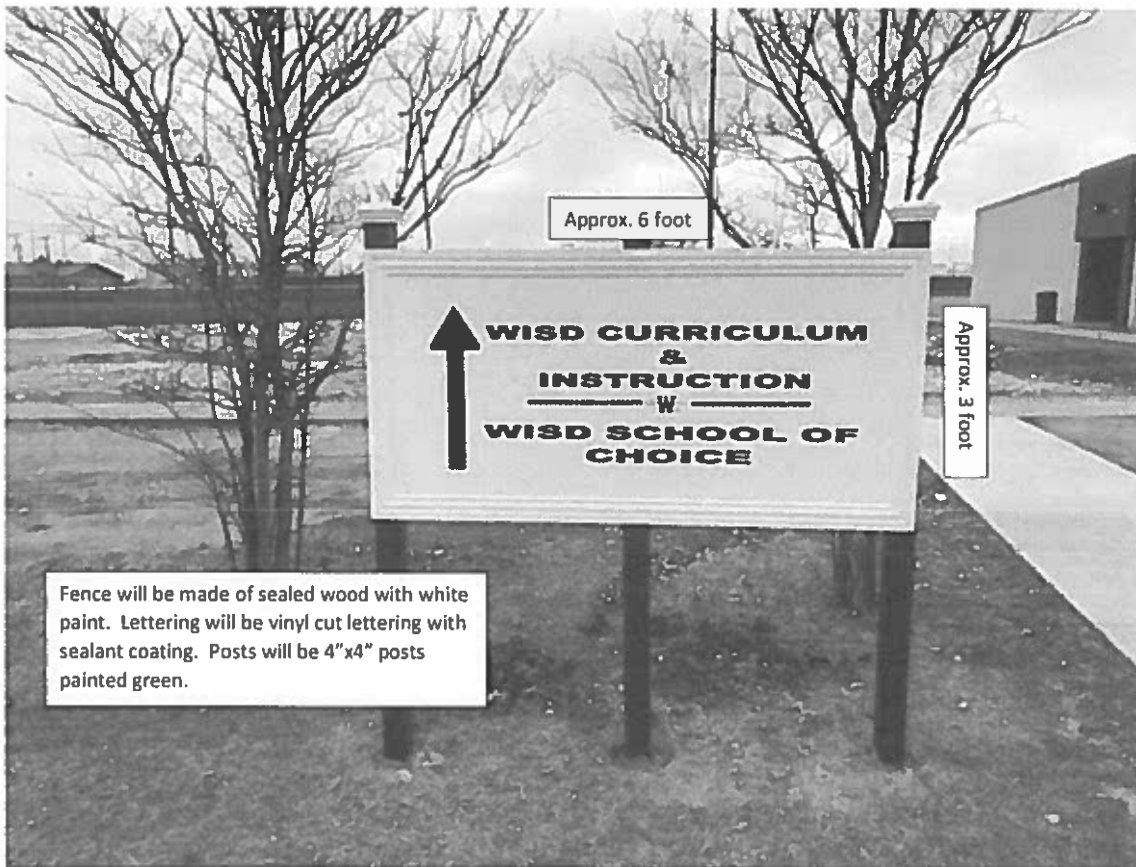
**Exhibit C - Concept Plan**

(24)



**Exhibit D - Site Layout Plan**

(24)



## Exhibit E - Sign Plan



(24)

## **CASE SU-19-0045**

Request by Jacob A. Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for **Portable Storage Structure or Temporary Building** use within a Single-Family Residential-2 zoning district, located at 411 N. Gibson (Property ID 193942) – Owner: WAXAHACHIE ISD (SU-19-0045)

### **INSIDE REQUIRED 200' NOTIFICATION AREA**

- 2 Support
- 0 Oppose

### **SUPPORT**

1. William G. Berry, 411 N Hawkins, Waxahachie, TX 75165
2. Tim Avery, 617 W Parks Avenue, Waxahachie, TX 75165

### **OPPOSE**



(24)

RECEIVED  
5/11/19

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: SU-19-0045



BERRY WILLIAM G  
411 N HAWKINS ST  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 14, 2019 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 20, 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 Jacob A. Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for Portable Storage Structure or Temporary Building use within a Single-Family Residential-2 zoning district, located at 411 N. Gibson (Property ID 193942) – Owner: WAXAHACHIE ISD (SU-19-0045)

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](mailto:planningandzoning@waxahachie.com) for additional information on this request.

Case Number: SU-19-0045

☒ SUPPORT

☐ OPPOSE

Comments: \_\_\_\_\_

Your response to this notification is OPTIONAL. If you choose to respond, please return this form by 5:00 P.M. on WEDNESDAY, MAY 8, 2019 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

  
Signature

4-28-19  
Date

WILLIAM G. BERRY  
Printed Name and Title

411 N. HAWKINS ST. WAXAHACHIE  
Address



(24)

RECEIVED  
5/3/19

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: SU-19-0045



AVERY TIMOTHY J & JACQUELYN  
617 W PARKS AVE  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 14, 2019 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 20, 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 Jacob A. Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for **Portable Storage Structure or Temporary Building** use within a Single-Family Residential-2 zoning district, located at 411 N. Gibson (Property ID 193942) – Owner: WAXAHACHIE ISD (SU-19-0045)

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](mailto:planningandzoning@waxahachie.com) for additional information on this request.

Case Number: SU-19-0045



SUPPORT

OPPOSE

Comments: \_\_\_\_\_

Your response to this notification is **OPTIONAL**. If you choose to respond, please return this form by 5:00 P.M. on **WEDNESDAY, MAY 8, 2019** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

Signature

Printed Name and Title

Date

Address

5-2-2019

617 W. PARKS AVE.  
WAXAHACHIE, TX.  
75165

(25)

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

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A PORTABLE STORAGE STRUCTURE/TEMPORARY BUILDING USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 411 N GIBSON STREET, BEING PROPERTY ID 193942, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING ABSTRACT 44-49 FERRIS ADMINISTRATION BUILDING, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, the described property is classified in said ordinance and any amendments thereto as SF-2; and

**WHEREAS**, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number SU-19-0045. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

**NOW, THEREFORE**, this property is rezoned from SF-2 to SF-2, with an SUP in order to permit a Portable Storage Structure/Temporary Building use on the following property: Abstract 44-49 Ferris Administration Building, which is shown on Exhibit A, in accordance with the Concept Plan Provisions in Exhibit B, Concept Plan as shown Exhibit C, Site Layout Plan in Exhibit D, and the Signage Plan as 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.

(25)

### Specific Use Permit

**FOR OPERATION OF A SPECIFIC USE PERMIT FOR A PORTABLE STORAGE STRUCTURE OR TEMPORARY BUILDING USE IN THE SINGLE FAMILY-2 (SF-2) DISTRICT;** the following standards and conditions are hereby established as part of this ordinance:

1. The site plan shall conform as approved by the City Council under case number SU-19-0045.
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 – Concept Plan Provisions, Exhibit C – Concept Plan, Exhibit D – Site Layout Plan, and Exhibit E – Signage Plan.
4. If approved, the City Council shall have the right to review the Specific Use Permit after 12-months if needed. If the applicant is still occupying the building after two years, the applicant shall come back to City Council to renew the Specific Use Permit.
5. If the Specific Use Permit is approved, the SUP shall expire and the temporary building shall be removed once WISD leaves the property.

### Compliance

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

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

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

**PASSED, APPROVED AND ADOPTED** on this 20<sup>th</sup> day of May, 2019.

(25)

\_\_\_\_\_  
MAYOR

ATTEST:

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

(26)

## Planning & Zoning Department

### Zoning Staff Report

**Case: PD-19-0044**



#### **MEETING DATE(S)**

*Planning & Zoning Commission:* May 14, 2019

*City Council:* May 20, 2019

#### **CAPTION**

**Public Hearing** on a request by Randy Roden, Hope Clinic, for a Zoning Change from a Single-Family Residential-3 zoning district to Planned Development, with Concept Plan, located at 428 E. Jefferson (Property ID 171252) - Owner: PHINIS & ELIZABETH J MORGAN (PD-19-0044)

#### **ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held May 14, 2019, the Commission voted 5-0 to recommend approval of case no. PD-19-0044, subject to staff comments.

#### **CASE INFORMATION**

*Applicant:* Randy Roden, Hope Clinic

*Property Owner(s):* Phinis & Elizabeth J Morgan

*Site Acreage:* 0.275 acres

*Current Zoning:* Single Family-3

*Requested Zoning:* Planned Development-Office

#### **SUBJECT PROPERTY**

*General Location:* 428 E Jefferson

*Parcel ID Number(s):* 171252

*Existing Use:* Existing Residential Structure

*Development History:* N/A

#### **Adjoining Zoning & Uses:**

Direction	Zoning	Current Use
North	SF-2	Single Family Residential
East	SF-3	Single Family Residential
South	LI-2	Industrial Office
West	SF-3	Undeveloped Land

(b6)

*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 E. Jefferson St.

*Site Image:*



#### **PLANNING ANALYSIS**

The purpose and intent of the proposed Planned Development (PD) is to provide additional administrative offices for Hope Clinic at 428 E Jefferson Street. Hope Clinic intends to move it's Call Center (currently located at 411 E. Jefferson St.) into this location immediately after obtaining the appropriate Certificate of Occupancy from City of Waxahachie. There will be no patient traffic occurring at this location. Hope Clinic intends to occupy this leased property until new facilities are built or otherwise obtained in a to-be-determined location in the City of Waxahachie. Hope Clinic intends to use public parking available on E Jefferson St for its employees who will be staffed at this location.

Note: If the Planned Development is approved, once Hope Clinic leaves the property the zoning shall continue to allow for Office and Single Family-3 uses.

#### **PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 10 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 04/24/2019.

#### **STAFF CONCERNS**

1. At the time of this report (4/30/2019), staff has no outstanding comments for the applicant.



(26)

#### **APPLICANT RESPONSE TO CONCERNS**

1. At the time of this report (4/30/2019), the applicant has no outstanding comments from staff.

#### **RECOMMENDATION**

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
  1. Note: If the Planned Development is approved, once Hope Clinic leaves the property the zoning shall continue to allow for Office and Single Family-3 uses.

#### **ATTACHED EXHIBITS**

1. Location Exhibit
2. Site Plan
3. Concept Plan Provisions

#### **APPLICANT REQUIREMENTS**

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

#### **STAFF CONTACT INFORMATION**

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

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

(b6)



(24)

## EXHIBIT B

### CONCEPT PLAN PROVISIONS

#### Purpose and Intent

The purpose and intent of this Planned Development (PD) at 428 E Jefferson St, Waxahachie, Texas, is to provide Admin Offices for Hope Clinic (Hope). Hope will move its Call Center into this location immediately after obtaining the appropriate Certificate of Occupancy from City of Waxahachie. Other admin only departments, i.e. Medical Records, Referrals, may occupy some of the space as needed. No public or patient traffic will occur at this location. Hope intends to occupy this leased property until new facilities are built or otherwise obtained in a to-be-determined location in the City of Waxahachie.

Hope intends to use public parking available on E Jefferson St for its employees who will be staffed at this location.

Any conditions found within the BASE ZONING DISTRICT (O) zoning district or Zoning Ordinance that are not written herein, shall default to the City of Waxahachie's Code of Ordinances, as amended.

#### Compliance with the City's Comprehensive Plan

Zoning District (O) is the intended base zoning classification underlying this PD. The BD zoning district is:

Office (O). (a) *General purpose and description:* The Office (O) Zoning District is established to accommodate a variety of office developments providing for professional, financial, medical and similar services for local residents; corporate offices for regional and national operations; and major employment centers for City, county and state governmental entities. Limited retail establishment's incidental to the main uses may be appropriate in association with large office complexes. Since this District is intended for more intensive non-residential uses, landscape treatment and other visual site treatments are anticipated. Multi-story buildings must also be buffered from nearby single-family areas through the use of setbacks, landscape buffers, and thoroughfares.

#### *(b) Special considerations:*

(i) Maximum Floor Area Ratio: 4.0:1 (See Article IX).

(ii) Outside storage is prohibited.

(iii) Adjacent to a Single-Family District: The side or rear setback, whichever is adjacent to the single-family zoning district, shall observe a sixty (60) feet setback if the office use is over one (1) story in height.

#### PD District Development Standards

##### ***Description of Request***

- Hope Clinic will occupy as is. Call Center and other office furniture, fixtures and equipment will be moved to this property from its current location in Bldg B at 431 E Jefferson St.

##### ***Proposed Use of Property***

- Hope will use for Admin Offices only. *Once Hope Clinic leaves the property, the zoning shall continue to allow for Office and Single Family-3 uses.*

##### ***General Development Requirements***

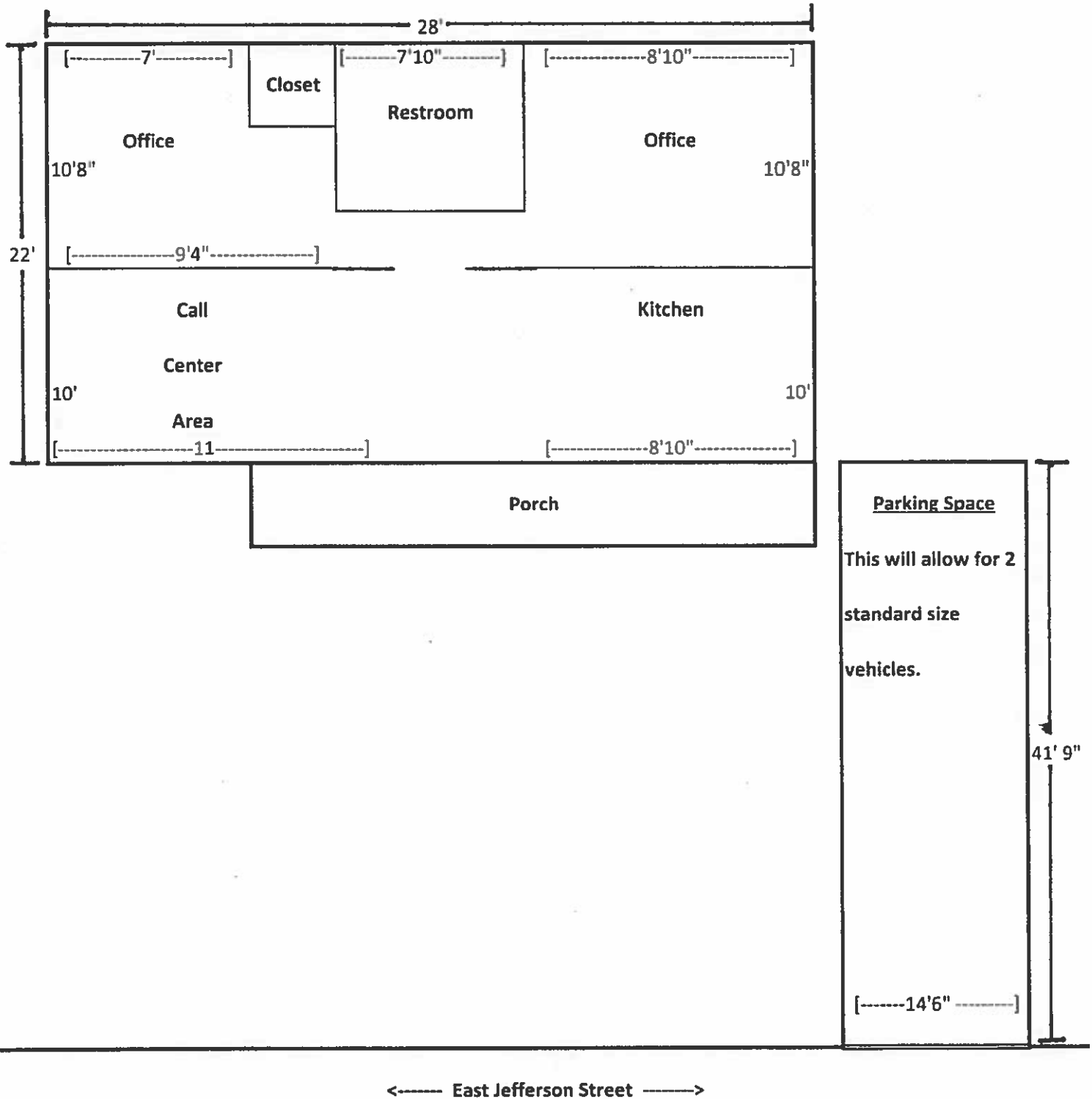
- The property width is 60 feet, whereas Zoning District (O) calls for a minimum width of 70 feet. Hope requests a variation of this to allow for the 60 feet as is.

Hope Clinic - Admin Offices  
428 E Jefferson St, Waxahachie, Texas 75165

(26)

## Exhibit C - Site Layout Plan

Planned Occupancy Floor Plan & Parking Space  
Total Square Feet of House = 616



(Drawing is not to scale. Measurements given are interior usable and exterior total.)

(27)

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-3 (SF-3) TO PLANNED DEVELOPMENT (PD), WITH CONCEPT PLAN LOCATED AT 428 E. JEFFERSON IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.275 ACRES KNOWN AS A PORTION OF PROPERTY ID 171252 OF THE TOWN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number PD-19-0044. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from SF-3 to PD, with Concept Plan; and

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

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

**NOW, THEREFORE**, this property is rezoned from SF-3 to PD, with Concept Plan in order to provide additional administrative offices for Hope Clinic on the following property: a portion of Property ID 171252 of the Town Addition, which is shown on Exhibit A, in accordance with the Concept Plan provisions attached as Exhibit B, and the Site Layout Plan attached as Exhibit C.

#### **PLANNED DEVELOPMENT**

The purpose of this Planned Development to provide additional administrative offices for Hope Clinic at 428 E Jefferson Street and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

#### **Development Standards**

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

1. The Planned Development shall allow for Office (O) and Single Family-3 (SF-3) zoning uses.

(27)

2. Any zoning, land use requirement or restriction not contained within this zoning ordinance shall conform to those requirements and/or standards prescribed in Exhibit C (Site Plan) and Exhibit B (Concept Plan Provisions). Where regulations are not specified in Exhibit C or in this ordinance, the regulations of the Office (O) or Single Family-3 zoning district of the City of Waxahachie Zoning Ordinance shall apply to this development.

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

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

**PASSED, APPROVED, AND ADOPTED** on this 20<sup>th</sup> day of May, 2019.

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MAYOR

ATTEST:

---

City Secretary

(28)

## Planning & Zoning Department

### Zoning Staff Report

Case: SU-19-0048



#### MEETING DATE(S)

Planning & Zoning Commission: May 14, 2019

City Council: May 20, 2019

#### CAPTION

**Public Hearing** on a request by Terry Weaver, Sterling Development Co., 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 & M INVESTMENTS (SU-19-0048)

#### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held May 14, 2019, the Commission voted 5-0 to recommend denial of case no. SU-19-0048, subject to staff comments.

#### CASE INFORMATION

**Applicant:** Terry Weaver, Sterling Development Co.

**Property Owner(s):** M & M Investments

**Site Acreage:** 9.686 acres

**Current Zoning:** Commercial and Light Industrial-1

**Requested Zoning:** C and LI-1 with Specific Use Permit

#### SUBJECT PROPERTY

**General Location:** 100 W Sterrett

**Parcel ID Number(s):** 273754

**Existing Use:** Undeveloped Land

**Development History:** The Final Plat for Sterrett Industrial Addition, was approved by City Council on June 18, 2018.

#### Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	LI-1 and C	Undeveloped Land
East	FD	Undeveloped Land
South	LI-1	Industrial Building
West	C	Undeveloped Land

*Future Land Use Plan:*

Industrial

*Comprehensive Plan:*

Industrial applies to areas intended for a range of heavy commercial, assembly, warehousing, and manufacturing uses. Large tracts of land with easy access to major roadways and air transportation are becoming increasingly difficult to find for the industrial business community. However, these businesses can be advantageous for a municipality in terms of providing employment and an increased tax base. Examples of desirable uses within these areas include company headquarters, computer technology businesses, and other types of large businesses.

*Thoroughfare Plan:*

The subject property is accessible via W. Sterrett Rd.

*Site Image:***PLANNING ANALYSIS**

The applicant is seeking a Specific Use Permit on a 9.686 acre property to allow the use of outside storage. The applicant intends to store rock (river rock) as a wholesaler to retail landscaping firms. The applicant anticipates to store the rock material in concrete blocks before ultimately selling the rock material.

The applicant informed staff that a building is currently not in the plans to be constructed for the site. Due to the site being visible from Interstate 35, staff has concerns with approving the use of outside storage for the site. Staff also has a concern that no screening will be provided for the property. As the site plan is currently illustrated, staff cannot offer full support for the proposed outside storage use at 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 04/24/2019.

### **STAFF CONCERNS**

1. Due to the site being visible from Interstate 35, staff has concerns with approving the use of outside storage for the site without any screening, building or landscaping, being provided for the site.
2. The applicant shall show all setbacks for the property. The applicant shall also show the distance from the proposed storage concrete blocks to the nearest property line.
3. The applicant shall submit a Site Plan for review. The submitted plan is a survey.

### **APPLICANT RESPONSE TO CONCERNS**

1. The applicant is aware of staff's concerns regarding screening for the site. The applicant intends to state his case at the May 20, 2019 City Council meeting.
2. At the time of this report (5/16/2019), the applicant has yet to submit a Site Plan showing setbacks to staff.

### **RECOMMENDATION**

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

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

### **ATTACHED EXHIBITS**

1. Site Plan
2. Location Exhibit
3. Proposed Bin Locations

### **APPLICANT REQUIREMENTS**

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

### **STAFF CONTACT INFORMATION**

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

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

(28)



**Exhibit A - Location Exhibit**

SU-19-0048

## Exhibit B - Site Plan

[illegible]

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Franchise Association, Inc.  
Toll-free 800-451-1111 or 714/991-1111

[illegible]

**SITE PLAN**  
**Tract I - 2.383 Acres**  
Willson B. Raynor Survey, Abstract No. 486  
I. A. Chaplin Survey, Abstract No. 821  
City of Waco  
Frio County, Texas

Date \_\_\_\_\_  
 Page \_\_\_\_\_  
 Period \_\_\_\_\_  
 Last week's \_\_\_\_\_



## Exhibit C - Proposed Bin Locations



**CASE SU-19-0048**

Request by Terry Weaver, Sterling Development Co., 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 & M INVESTMENTS (SU-19-0048)

**INSIDE REQUIRED 200' NOTIFICATION AREA**

- 1 Support
- 0 Oppose

**SUPPORT**

1. Bart Moody, 3641 E Kiest Blvd, Dallas, TX 75203

**OPPOSE**



(28)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: SU-19-0048

RECEIVED  
5/3/19

M AND M INVESTMENTS  
3641 E Kiest Blvd  
DALLAS, TX 75203

Attn:

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, May 14, 2019 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, May 20, 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:

75165

1. Request by Terry Weaver, Sterling Development Co., 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 & M INVESTMENTS (SU-19-0048)

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](mailto:planningandzoning@waxahachie.com) for additional information on this request.

Case Number: SU-19-0048

☒ SUPPORT

☐ OPPOSE

Comments: Attached - letter

Your response to this notification is OPTIONAL. If you choose to respond, please return this form by 5:00 P.M. on WEDNESDAY, MAY 8, 2019 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

Bart Moody  
Signature

Bart Moody  
Printed Name and Title

May 3-2019  
Date

3641 E. Kiest Blvd.  
Address

(28)

**Subject: Cribley Enterprises SUP Request**

Waxahachie City Council,  
Planning & Zoning Commission and Staff

As owner of the subject property, I would like to **express my support** for this SUP request. As owner of the property, it was my goal to bring a **quality tenant** to the property that would **work in harmony** with neighboring property owners and tenants.

My real estate broker and I have received much interest in this property over the past 6 months and we finally agreed that this was the best use for the property. We have turned away several other potential tenants who's use would not have been conducive to this area. **Cribley's river rock landscaping products are clean** and will be used to help beautify landscaping projects throughout the DFW area. They will be a **good neighbor** and tenant and I ask for your support on this request.

Thank you for your consideration.

(29)

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

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT OUTSIDE STORAGE USE WITHIN A COMMERCIAL (C) AND LIGHT INDUSTRIAL (LI) ZONING DISTRICT, LOCATED AT 100 W STERRETT ROAD, BEING PROPERTY ID 273754, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1, BLOCK A IN THE STERRETT INDUSTRIAL ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, the described property is classified in said ordinance and any amendments thereto as C and LI; 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-19-0048. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for denial 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 C and LI to C and LI, with an SUP in order to permit an Outside Storage use on the following property: Lot 1, Block A of the Sterrett Industrial Addition, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B, and the Proposed Bin Locations as shown in Exhibit C.

#### **SPECIFIC USE PERMIT**

##### **Purpose and Intent**

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



(29)

Specific Use Permit

**FOR OPERATION OF A SPECIFIC USE PERMIT FOR AN OUTSIDE STORAGE USE IN THE COMMERCIAL (C) AND LIGHT INDUSTRIAL (LI) 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-19-0048.
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, and Exhibit C – Proposed Bin Locations.
4. If approved, the City Council shall have the right to review the Specific Use Permit after 12-months if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.
3. 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 20<sup>th</sup> day of May, 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

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

(20)

# Planning & Zoning Department

## Zoning Staff Report

Case: PD-19-0031



### MEETING DATE(S)

Planning & Zoning Commission: May 14, 2019 (continued from April 9, 2019)

City Council: May 20, 2019

### CAPTION

**Public Hearing** on a request by Josh Spoerl, Arrive Architecture Group, for a Zoning Change from a Planned Development-General Retail-Mixed Use Residential zoning district to Planned Development-Multiple Family Residential-2 and Planned Development-General Retail, with Concept Plan, located at the NE corner of US 287 Bypass Service Road at FM 813, being 911 R RUSSELL 7.121 ACRES and 911 R RUSSELL 10.6200 ACRES (Property ID 227073 and 138302) - Owner: LYONS AMERICAN SECURITIES INC (PD-19-0031)

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held May 14, 2019, the Commission voted 5-0 to recommend approval of case no. PD-19-0031 subject to staff comments. *It should be noted that this request is for a Planned Development (PD) Concept Plan. The second part of the PD process is the Detailed Site Plan. If the Concept Plan ordinance is adopted, then the applicant's Detailed Site Plan will be administratively reviewed and can be approved in accordance with the Concept Plan.*

### CASE INFORMATION

**Applicant:** Josh Spoerl, Arrive Architecture Group

**Property Owner(s):** Lyon's American Securities, Inc.

**Site Acreage:** 16.93 acres

**Current Zoning:** Planned Development-General Retail-Mixed Use Residential

**Requested Zoning:** Planned Development Amendment

### SUBJECT PROPERTY

**General Location:** NE corner of US 287 Bypass Service Road at FM 813

**Parcel ID Number(s):** 227073 and 138302

**Existing Use:** Undeveloped Land

**Development History:** N/A

(70)

**Adjoining Zoning & Uses:**

Direction	Zoning	Current Use
North	SF-1	Residential & Vacant Land
East	SF-2	Single Family Residential
South	PD-GR	Undeveloped Land
West	PD-GR	Undeveloped Land

**Future Land Use Plan:**

Retail and Office

**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).

Office is intended for businesses such as banks, insurance agencies, and accounting offices. Office land uses are generally compatible with residential area, with the exception of high-rise office buildings. Land designated for office is appropriate along U.S. Highway 287, at a close proximity to IH-35E within Mixed Use Nonresidential areas, as well as within the Medical District.

**Thoroughfare Plan:**

The subject site is accessible via Brown St., Palamino Dr., and Dean Box Dr.

**Site Image:**



**UPDATE SINCE April 9, 2019 PLANNING AND ZONING COMMISSION MEETING**

At the April 9, 2019 Planning and Zoning (P&Z) meeting, P&Z suggested that the case be continued to the May 14, 2019 P&Z meeting so that the applicant can address staff concerns. The applicant has made changes from the Site Plan presented at the April 9, 2019 P&Z meeting that include:

- Provided a 15 ft. landscape buffer adjacent to Mustang Creek Phase I
- Provided attached (45 tuck under) parking garages.

(20)

- Provided 30 detached garages away from the property.
- Removed the proposed Assisted Living Facility from Tract 6. The tract will remain vacant General Retail zoning.
- Added 5 additional units (225 total units) to the proposed Multi Family complex in Tract 1. The acreage was also increased from 6.45 acres to 7.16 acres.
- The total acreage for Tract 3 was decreased from 0.99 acres to 0.70 acres
- The total acreage for Tract 4 was decreased from 1.18 acres to .95 acres

#### **PLANNING ANALYSIS**

The applicant is requesting to amend an existing approved Planned Development (PD-18-0074). The applicant is proposing to revise the previously approved Master Plan to include 6 total tracts opposed to 4 tracts originally proposed. Items listed below also include revisions made from the original Planned Development.

- The acreage for all tracts have been revised
- Due to the addition of the new tracts the Village Parkway spine drive was slightly revised, but still acts as the main drive through the Master Plan.
- The Multi Family building layout located in tract 1 was revised.
- 2 additional tracts were added to the master plan (Tract 5 & Tract 6)
- The detention/amenity pond was removed from tract 1.

Information below describes more changes from the previously approved Planned Development.

#### **Tract 1:**

2018 – Tract 1 which is 8.645 acres will be a 220-unit Mixed Use Residential complex site. This tract will be zoned under the PD with a base zoning of Multiple Family District-2 (MF-2).

2019 – Tract 1 which is 7.16 acres will be a 225-unit Mixed Use Residential complex site. This tract will be zoned under the PD with a base zoning of Multiple Family District-2 (MF-2). Proposed 4:12 roof pitch.

#### **Tract 2:**

2018 – Tract 2 which is 3.097 acres will be a 100-bed (+/-), 4-story hotel site. This tract will keep the base zoning of General Retail (GR)

2019 – Tract 2 which is 2.19 acres will be a 16,000 sq. ft. (+/-) general retail/office space site. This tract will keep the base zoning of General Retail (GR)

#### **Tract 3:**

2018 – Tract 3 which is 2.537 acres will be a 12,000 sq. ft. (+/-) Multi-restaurant site. This tract will keep the base zoning of General Retail (GR)

2019 – Tract 3 which is 0.70 acres will be a 10,700 sq. ft. (+/-) general retail/office space site. This tract will keep the base zoning of General Retail (GR)

#### **Tract 4:**

2018 – Tract 4 which is 2.678 acres will be general retail/office space site. This tract will keep the base zoning of General Retail (GR)

2019 – Tract 4 which is 0.95 acres will be a 10,700 sq. ft. (+/-) general retail/office space site. This tract will keep the base zoning of General Retail (GR)

#### **Tract 5:**

2018 – N/A

2019 – Tract 5 which is 2.39 acres will be a 100-bed (+/-), 4-story hotel site. This tract will keep the base zoning of General Retail (GR)

#### **Tract 6:**

2018 – N/A

2019 – Tract 6 which is 3.66 acres will be a vacant tract that will maintain the base zoning of General Retail (GR)

(70)

## **AREAS OF CONCERN**

### **Conceptual Design:**

At the April 9, 2019 P&Z meeting, commissioners expressed concerns about the proposed conceptual design varying from the 2018 approved conceptual design.

## **PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 41 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 03/22/2019.

## **STAFF CONCERNS**

1. At the time of this report (4/30/2019), there are no outstanding staff concerns.

## **APPLICANT RESPONSE TO CONCERNS**

1. At the time of this report (4/30/2019), the applicant has addressed all comments made by staff.

## **RECOMMENDATION**

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
  1. Tract 5 shall only be used for construction of a hotel.
  2. Bollard lighting and street pavers shall be used along the street in front of retail and office buildings within the Planned Development. Street paving material shall be reviewed and approved by City Council before a building permit is issued by the City of Waxahachie Building Inspections department.

## **ATTACHED EXHIBITS**

1. Site Plan
2. Elevations Plan
3. Landscape Plan
4. Concept Plan Provisions
5. PON Responses

## **APPLICANT REQUIREMENTS**

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

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**STAFF CONTACT INFORMATION**

*Prepared by:*

Colby Collins

Senior Planner

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

*Reviewed by:*

Shon Brooks, AICP

Director of Planning

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



(30)



**Exhibit A - Location Exhibit**



**PD-19-0031 The Village at Waxahachie  
Location Exhibit**

**Legend**

 PD-19-0031

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by the City of Waxahachie for the sole purpose of geographic reference. No warranty is made by the City of Waxahachie regarding specific accuracy or completeness.

**EXHIBIT B (Revised 5-3-19)**  
**CONCEPT PLAN PROVISIONS**

**Purpose and Intent**

The purpose and intent of this Planned Development (PD) is to permit the construction of The Village at Waxahachie Master Planned Community. This Master Plan, of 16.93 acres will contain four (6) tracts:

- Tract 1 which is 7.17 acres will be a 225-unit Mixed Use Residential complex site. This tract will be zoned under the PD with a base zoning of Multiple Family District-2 (MF-2)
- Tract 2 which is 2.18 acres will be a 16,000 sqft. (+/-) general retail/office space site. This tract will keep the base zoning of General Retail (GR)
- Tract 3 which is .70 acres will be a 10,700 sqft. (+/-) general retail/office space site. This tract will keep the base zoning of General Retail (GR)
- Tract 4 which is .95 acres will be a 10,700 sqft. (+/-) general retail/office space site. This tract will keep the base zoning of General Retail (GR)
- Tract 5 which is 2.39 acres will be a 100-bed (+/-), 4-story hotel site. This tract will keep the base zoning of General Retail (GR)
- Tract 6 which is 3.51 acres will be general retail/office space site.

Any conditions found within the Multiple Family District-2 (MF-2) zoning district or the General Retail District (GR) zoning district or Zoning Ordinance that are not written herein, shall default to the City of Waxahachie's Code of Ordinances, as amended.

**Compliance with the City's Comprehensive Plan**

Zoning District (MF-2) is the intended base zoning classification for Tract 1 underlying this PD. The MF-2 zoning district is an attached residential district intended to provide the highest residential density of eighteen (18) dwelling units per acres. The principle permitted land uses will include low-rise multiple family dwellings, and apartments. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this District. This District should be located adjacent to a major thoroughfare and serve as a buffer between retail/commercial development or heavy automobile traffic, and medium or low density residential development.



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## PD District Development Standards

### ***Description of Request***

- The intent of this Master Plan PD is to have a mixed-use residential complex, Tract 1 surrounded by general retail, Tracts 2,3,4, 5 and 6. The mixed-use residential complex would set the standards to be used on the exterior surfaces of the surrounding structures.

### ***Proposed Use of Property***

- The intent of Tract 1 of the Master Plan is to construct a 225-unit, 4-story Mixed Use Residential complex
- The intent of Tract 2 of the Master Plan is to construct 16,000 square feet (+/-) of general retail/office space.
- The intent of Tract 3 of the Master Plan is to construct 10,700 sqft. of general retail/office space.
- The intent of Tract 4 of the Master Plan is to construct 10,700 sqft. of general retail/office space
- The intent of Tract 5 of the Master Plan is to construct a 100 bed (+/-), 4-story hotel.
- The intent of Tract 6 of the Master Plan is to construct general retail/office space.
- The construction of the 6 tracts would be phased. Tract 1 would be constructed first, followed by tracts 2,3,4,5 and 6 in no particular order would conclude the construction of this master planned community.

### ***General Development Requirements***

#### **•Overall Development**

- The internal street shown as Village Parkway must be constructed in its entirety at the time that the first tract is platted.
- All of the landscaping along Village Parkway will be installed throughout the whole of the development at the time that the first tract is platted. All other landscaping to be installed at the time of each tract being platted.

#### **•Tract 1**

- Sec. 3.09 Height Regulations: The MUR structure will be 4-story's
- Sec. 5.05 (a) Parking Regulations: Tuck under and detached garages included.
- Sec. 5.05 (b) Refuse Facilities: Compactor is approximately 400'-0" from furthest unit, also a valet of sorts will be used for resident trash pick-up.
- Sec. 5.05 (c) Special Considerations (vi): Building length exceeds 200'-0
- Sec. 5.05 (c) Special Considerations (vii): Roof pitch will be a minimum 4:12 slope
- Sec. 5.05 (c) Special Considerations (xvi): 85% of building exterior surface along street and fire lanes is masonry (brick, stucco) as defined by the city and 15% Berridge Metal panels. The courtyard elevations are 40% masonry (brick, stucco) as defined by the city and 60% is Hardi siding/panel.

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- Tract 2

- Tract 2 can only be used for general retail or office uses, but drive-through establishments are expressly prohibited.
- The exterior will have the same exterior materials as that of the MUR. The color palette will be compatible with the multi-family complex

- Tract 3

- Tract 3 can only be used for general retail or office uses, but drive-through establishments are expressly prohibited.
- The exterior will have the same exterior materials as that of the MUR. The color palette will be compatible with the multi-family complex.

- Tract 4

- Tract 4 can only be used for general retail or office uses, but drive-through establishments are expressly prohibited.
- The exterior will have the same exterior materials as that of the MUR. The color palette will be compatible with the multi-family complex..

- Tract 5

- Tract 5 can only be used to construct a hotel. This hotel must meet the construction standards set forth in the City's 2018 Zoning Ordinance, but can be up to four (4) stories in height. Mr. Lyons committed to constructing the hotel.
- The hotel will have all 4 sides with the same exterior materials as that of the MUR complex. The color palette will be compatible with the multi-family complex
- The hotel will have a porte-cochere
- The hotel will have a food/cafe option within
- The hotel will have a conference room, office and business center
- The hotel will be 4-story

- Tract 6

- Tract 6 can only be used for general retail or office uses, but drive-through establishments are expressly prohibited.
- The exterior will have the same exterior materials as that of the MUR. The color palette will be compatible with the multi-family complex..

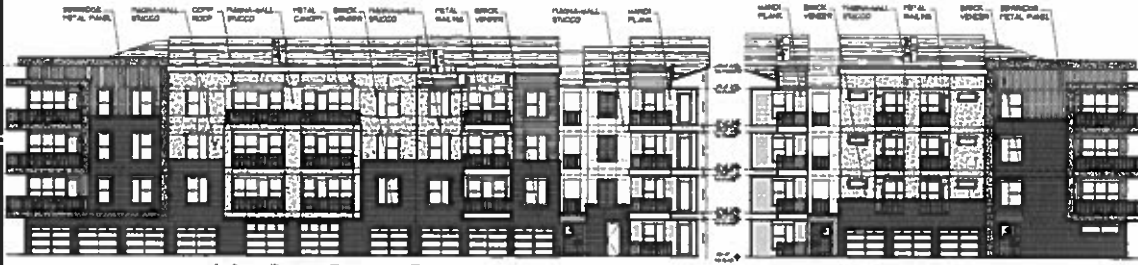
# Exhibit C - Elevations Plan

### Exhibit C - Elevations Plan

Table A.10					
Variable	Unit	Value	Lagrange multiplier		p-value
			Statistic	df	
Constant		0.000			
Age	years	0.000			
Age squared	years squared	0.000			
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Age septic	years septic	0.000			
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© **WATERON ELEVATION**  
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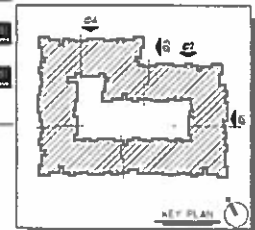


**(5) FATHOM ELEVATION**  
100-1000

Table 1. The effect of the growth of <i>C. parvum</i> on the milk yield					
Experimental group	Experimental group	Before infection		After infection	
		1st 10 days	2nd 10 days	1st 10 days	2nd 10 days
Experimental group 1 (control group) No infection	1st 10 days	1.00	1.00	1.00	1.00
	2nd 10 days	1.00	1.00	1.00	1.00
	3rd 10 days	1.00	1.00	1.00	1.00
	4th 10 days	1.00	1.00	1.00	1.00
Experimental group 2 (infection group) Infection	1st 10 days	1.00	1.00	1.00	1.00
	2nd 10 days	1.00	1.00	1.00	1.00
	3rd 10 days	1.00	1.00	1.00	1.00
	4th 10 days	1.00	1.00	1.00	1.00
Experimental group 3 (infection group) Infection	1st 10 days	1.00	1.00	1.00	1.00
	2nd 10 days	1.00	1.00	1.00	1.00
	3rd 10 days	1.00	1.00	1.00	1.00
	4th 10 days	1.00	1.00	1.00	1.00
Experimental group 4 (infection group) Infection	1st 10 days	1.00	1.00	1.00	1.00
	2nd 10 days	1.00	1.00	1.00	1.00
	3rd 10 days	1.00	1.00	1.00	1.00
	4th 10 days	1.00	1.00	1.00	1.00



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1979

[illegible]

PD - 19-0031	
TYPE OF FLAM	PLANNED DEVELOPMENT
NAME OF PROJECT	THE VILLAGE APARTMENTS
LOT BLK & DESIGNATION	TRACT 1 - SHELBY FAMILY 1/40
	TRACT 2 - SHELBY FAMILY 1/40
	TRACT 3 - SHELBY FAMILY 1/40
	TRACT 4 - SHELBY FAMILY 1/40
	TRACT 5 - SHELBY FAMILY 1/40
	TRACT 6 - SHELBY FAMILY 1/40
NUMBER OF LOTS	SEE TRACTS
TOTAL ACRES	19.9 ACRES
CITY, STATE, COUNTY	WAGGAMAN, TEXAS, EL PASO
<b><u>OWNER/DEVELOPER INFORMATION</u></b>	
NAME	Joe Ann Chubb, Information Manager
ADDRESS	Crestal Living Holdings, LLC 1821 Comanche Drive Dallas, TX 75246-2030
PHONE NUMBER	714-342-3838
SEE ALSO EXTERIOR ELEVATIONS	

**THE VILLAGE APARTMENTS**  
Waxahachie, Texas

**ARRIVE**

FD-19-0031

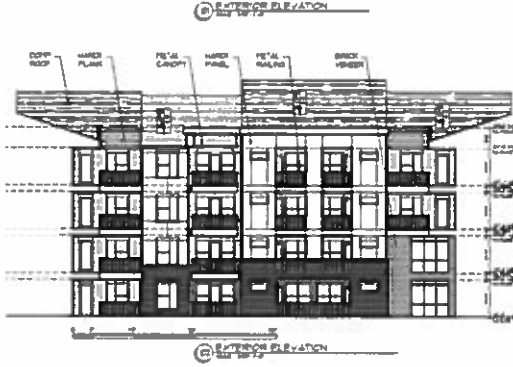
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(30)

## Exhibit C - Elevations Plan





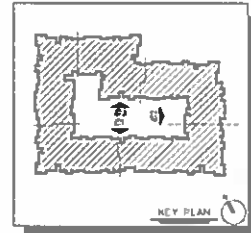
on Month 1 & 10 year period					
Material and equipment, quantity of					
	Material	Qty	Unit	Material	Qty
	10 yr	10 yr	10 yr	10 yr	10 yr
Total Quantity	10 yr	10 yr	10 yr	10 yr	10 yr
1. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
2. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
3. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
4. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
5. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
6. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
7. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
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11. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
12. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
13. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
14. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
15. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
16. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
17. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
18. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
19. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
20. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
21. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
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62. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
63. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
64. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
65. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
66. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
67. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
68. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
69. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
70. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
71. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
72. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
73. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
74. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
75. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
76. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
77. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
78. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
79. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
80. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
81. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
82. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
83. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
84. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
85. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
86. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
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89. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
90. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
91. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
92. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
93. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
94. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
95. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
96. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
97. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
98. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
99. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr
100. Material 1 & 10 yr	10 yr	10 yr	10 yr	10 yr	10 yr



Material Legend					
BRICK					
WOOD PANEL					
METAL CANOPY					
METAL RAILING					
WOOD PLANK					
WOOD VENEER					
NOTES:					
1. All materials, finishes and colors to be approved by the City of Waxahatchie.					
2. All materials, finishes and colors to be approved by the City of Waxahatchie.					
3. All materials, finishes and colors to be approved by the City of Waxahatchie.					



MATERIAL LEGEND	
	<b>BRICK VENEER</b> solid red or weathered red cut solid red solid red
	<b>WOOD PANEL VENEER</b> horizontal solid wood panel veneer solid red 



PD - 10-0011	
TYPE OF FLAM IMAGE OF PROJECT	PLANNED DEVELOPMENT THE VILLAGE APARTMENTS
LOT BLOCK & DESIGNATION	TRACT 1 - MELODY PARK 1 (7.00)
	TRACT 2 - MELODY PARK 2 (7.00)
	TRACT 3 - MELODY PARK 3 (7.00)
	TRACT 4 - MELODY PARK 4 (7.00)
	TRACT 5 - MELODY PARK 5 (7.00)
	TRACT 6 - MELODY PARK 6 (7.00)
	TRACT 7 - MELODY PARK 7 (7.00)
NUMBER OF LOTS	SIX TRACTS
TOTAL ACRES	42.00 ACRES
CITY, STATE, COUNTY	WAXAHATCHIE, TEXAS, DALLAS
<b>OWNER/DEVELOPER INFORMATION</b>	
NAME:	Mrs. Ann Clifton, Managing Director
ADDRESS:	Central Texas College, 11.5 C 1181 Compadres Drive Dallas, TX 75242
PHONE NUMBER:	214-346-2525
44-00110011 ELEVATIONS	

## THE VILLAGE APARTMENTS

Waxahatchie, Texas

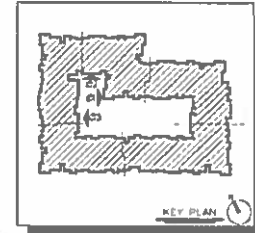


D-19-0031	

## Exhibit C - Elevations Plan

[illegible]

UNIVERSITY OF LAGOS				
LAGOS STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY				
LAGOS STATE				
DEPARTMENT OF CHEMISTRY				
PHYSICAL CHEMISTRY				
Sl. No.	Ques. Number	Ans. (Marked off)	Obtained Marks	Max. Marks
1	1	10	10	10
2	2	10	10	10
3	3	10	10	10
4	4	10	10	10
5	5	10	10	10
6	6	10	10	10
7	7	10	10	10
8	8	10	10	10
9	9	10	10	10
10	10	10	10	10
11	11	10	10	10
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76	76	10	10	10
77	77	10	10	10
78	78	10	10	10
79	79	10	10	10
80	80	10	10	10
81	81	10	10	10
82	82	10	10	10
83	83	10	10	10
8				

[illegible][illegible]

**THE VILLAGE APARTMENTS**  
Waxahachie, Texas

## ARRIVE

FD-19-0031

A3.04

(30)



SOUTH EXTERIOR ELEVATION



EAST EXTERIOR ELEVATION

## Exhibit C - Elevations Plan

**THE VILLAGE APARTMENTS**  
Waxahachie, Texas

**ARRIVE**  
ARCHITECTURE  
10000 W. 10th St., Suite 100, Dallas, TX 75244  
(214) 343-1111  
www.arrivearchitect.com

PD-19-0031

NO.	DATE	DESCRIPTION
1	01.15.19	ISSUED FOR PERMIT
2	02.15.19	REVISED
3	03.15.19	REVISED
4	04.15.19	REVISED
5	05.15.19	REVISED
6	06.15.19	REVISED
7	07.15.19	REVISED
8	08.15.19	REVISED
9	09.15.19	REVISED
10	10.15.19	REVISED
11	11.15.19	REVISED
12	12.15.19	REVISED

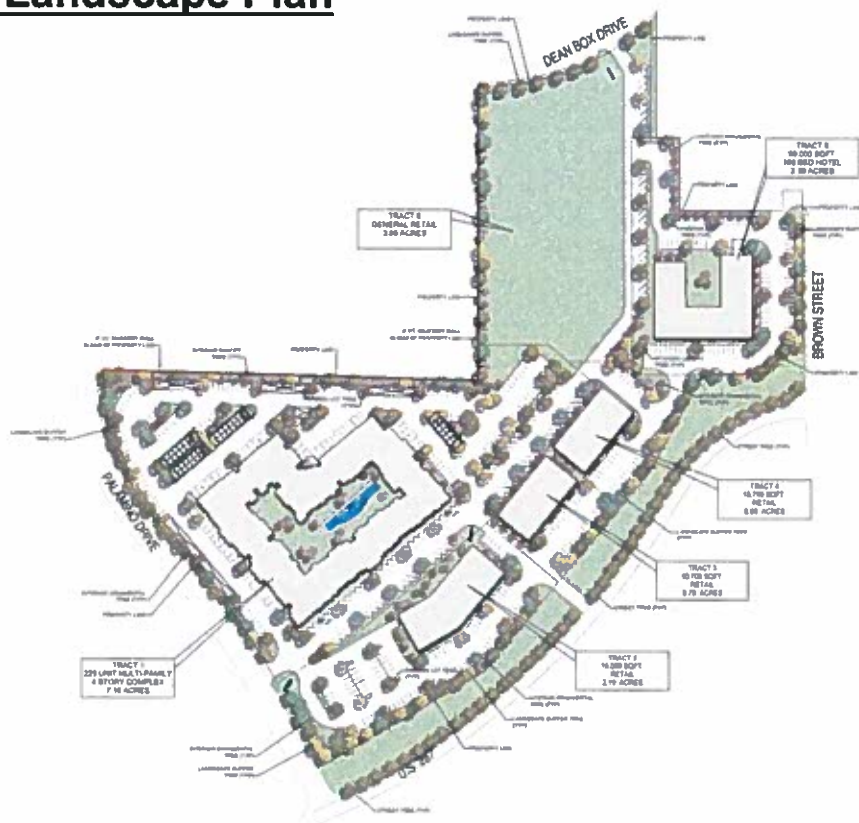


[illegible]

## Exhibit D - Site Plan



## Exhibit E - Landscape Plan

[illegible]

# 1 CONCEPTUAL LANDSCAPE PLAN



**QUESTION**

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---

**ANSWER**

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**CLIENT:**  
 Jovani Architecture Group  
 2nd Floor, 1275  
 Suite 100  
 Building 11, Ridge

**THE VILLAGE APARTMENTS**  
WAXAHACHIE, TEXAS

## Exhibit E - Landscape Plan

[illegible]

(70)

## **CASE PD-19-0031**

Request by Josh Spoerl, Arrive Architecture Group, for a Zoning Change from a Planned Development-General Retail-Mixed Use Residential zoning district to Planned Development-Multiple Family Residential-2 and Planned Development-General Retail, with Concept Plan, located at the NE corner of US 287 Bypass Service Road at FM 813, being 911 R RUSSELL 7.121 ACRES and 911 R RUSSELL 10.6200 ACRES (Property ID 227073 and 138302) - Owner: LYONS AMERICAN SECURITIES INC (PD-19-0031)

### **INSIDE REQUIRED 200' NOTIFICATION AREA**

- 0 Support
- 2 Oppose
- 1 Incomplete Form (received by mail)

### **SUPPORT**

### **OPPOSE**

1. Carolyn Duncan, 204 Cheyenne Drive
2. Tom Kowatch, 211 Cheyenne Drive

### **INCOMPLETE FORM**

1. Donald F. Williams, 222 Cheyenne Drive

(30)

ID 227073 and 138302) - Owner: LYONS AMERICAN SECURITIES INC (PD-19-0031)

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. **03/28/2019**  
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](mailto:planningandzoning@waxahachie.com) for additional information on this request.

Case Number: **PD-19-0031**

☐ SUPPORT

☒ OPPOSE

Comments: There needs to be more of a buffer  
between the houses and the properties this  
development would back up too. Also  
Your response to this notification is **OPTIONAL**. If you choose to respond, please return this form by 5:00 P.M. on **WEDNESDAY, APRIL 3, 2019** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

Carolyn Duncan

Signature

3-28-19

Date

CAROLYN DUNCAN

Printed Name and Title

204 Chayenne Dr. Waxahachie  
TX

Address

This is not that large of an area and y'all  
are shoving a lot into it. Also, remember there

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

is a school right down the street and it's very  
congested and dangerous at times for kids on  
bikes, cars, etc. I oppose this plan.

(30)

RECEIVED  
4/3/19



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: PD-19-0031



KOWATCH THOMAS & CASEY  
211 CHEYENNE DR  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, April 9, 2019 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 15, 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 Josh Spoerl, Arrive Architecture Group, for a Zoning Change from a Planned Development-General Retail-Mixed Use Residential zoning district to Planned Development-Multiple Family Residential-2 and Planned Development-General Retail, with Concept Plan, located at the NE corner of US 287 Bypass Service Road at FM 813, being 911 R RUSSELL 7.121 ACRES and 911 R RUSSELL 10.6200 ACRES (Property ID 227073 and 138302) - Owner: LYONS AMERICAN SECURITIES INC (PD-19-0031)

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Case Number: PD-19-0031

       SUPPORT

  X   OPPOSE

Comments: I do not believe the affect on property values, property tax or traffic has been researched to satisfaction. I do not see any positives to the hotels, apartments or senior living being put at this location. I do not want this  
Your response to this notification is OPTIONAL. If you choose to respond, please return this form by 5:00 P.M. on WEDNESDAY, APRIL 3, 2019 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com). in my neighborhood

[Signature]  
Signature

Tom Kowatch  
Printed Name and Title

02 Apr 2019  
Date

211 Cheyenne Dr. Waxahachie, TX 75165  
Address

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



(30)

RECEIVED  
4/11/19



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **PD-19-0031**



**WILLIAMS DONALD F & WRIGHT LYNDAL**  
**222 CHEYENNE DR**  
**WAXAHACHIE, TX 75165**

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Case Number: **PD-19-0031**      ☐ SUPPORT      ☐ OPPOSE

Comments: \_\_\_\_\_

Your response to this notification is **OPTIONAL**. If you choose to respond, please return this form by 5:00 P.M. on **WEDNESDAY, APRIL 3, 2019** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

Donald F. Williams  
Signature

March 31, 2019  
Date

Donald F. Williams  
Printed Name and Title

222 Cheyenne Dr  
Address

(71)

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-GENERAL RETAIL-MIXED USE RESIDENTIAL (PD-GR-MUR) TO PLANNED DEVELOPMENT AMENDMENT (PD), LOCATED AT THE NORTHEAST CORNER OF US 287 BYPASS SERVICE ROAD AT FM 813 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 16.93 ACRES KNOWN AS A PORTION OF PROPERTY ID 227073 AND 138302 OF THE 911 R RUSSELL ABSTRACT, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, a proper application for a PD Amendment has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number PD-19-0031. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from PD-GR-MUR to PD; and

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

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

**NOW, THEREFORE**, this property is rezoned from PD-GR-MUR to PD in order to amend Ordinance 3044 to allow hotel, restaurant, mixed use residential, general retail, and office uses on the following property: a portion of Property ID 227073 AND 138302 of the 911 R Russell Abstract, which is shown on Exhibit A, in accordance with the Concept Plan provisions attached as Exhibit B, Elevations/Façade Plan shown in Exhibit C, Site Plan shown in Exhibit D, and the Landscape Plan attached as Exhibit E.

### **PLANNED DEVELOPMENT**

#### **Purpose and Intent**

The purpose of this planned development to create a mixed-use development and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

(71)

### Development Standards

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

### Base Zoning

1. Any zoning, land use requirement or restriction not contained within this zoning ordinance shall conform to those requirements and/or standards prescribed in Exhibits B through E. Where regulations are not specified in Exhibit B or in this ordinance, the regulations of Multi Family-2 zoning district of the City of Waxahachie Zoning Ordinance shall apply to this development.
2. The development shall allow for a maximum of six (6) tracts.
3. Tract 5 shall only be allowed for the construction of a hotel.
4. Bollard lighting and street pavers shall be used along the street in front of retail and office buildings within the Planned Development. Street paving material shall be reviewed and approved by City Council before a building permit is issued by the City of Waxahachie Building Inspections department.

### Use of Property

Tract 1: 225-unit, 4-story Mixed Use Residential complex

Tract 2: 16,000 square feet (+/-) of general retail/office space.

Tract 3: 10,700 sq. ft. of general retail/office space.

Tract 4: 10,700 sq. ft. of general retail/office space

Tract 5: 100 bed (+/-), 4-story hotel.

Tract 6: The intent of Tract 6 of the Master Plan is to construct general retail/office space.

The construction of the 6 tracts will be phased. Tract 1 shall be constructed first, followed by tracts 2,3,4,5 and 6 in no particular order would conclude the construction of this master planned community.

### Tract 1: Multi Family

- The mixed use residential structure shall be 4 story's
- 50 tuck under garages shall be provided (5 ADA accessible)
- 53 carports shall be provided (1 ADA accessible)
- 30 detached garages shall be provided (1 ADA accessible)
- 85% of building exterior surface along street and fire lanes shall be masonry (brick, stucco) as defined by the city, and 15% Berridge Metal panels. The courtyard elevations shall be 40% masonry (brick, stucco) as defined by the city and 60% is Hardi siding/panel.
- Compactor shall be approximately 400'-0" from furthest unit, also a valet of sorts shall be used for resident trash pick-up.
- Minimum roof pitch of 4:12 is allowed
- The length of the building can exceed 200 ft.



(31)

Tracts 2-4: General Retail/Office

- Tract 2 can only be used for general retail or office uses, but drive-through establishments are expressly prohibited.
- The exterior shall have the same exterior materials as that of the MUR (Tract 1). The color palette will be compatible with the multi-family complex

Tract 5: Hotel

- Tract 5 shall only be used to construct a hotel. This hotel must meet the construction standards set forth in the City of Waxahachie Zoning Ordinance. The hotel can be a maximum of four (4) stories in height.
- The hotel shall have all 4 sides with the same exterior materials as that of the MUR (Tract 1) complex. The color palette will be compatible with the multi-family complex
- The hotel will have a porte-cochere
- The hotel shall provide a food/cafe option
- The hotel shall provide a conference room, office and business center

Tract 6: Retail/Office

- Tract 6 shall only be used for general retail or office uses. Drive-through establishments are expressly prohibited.
- The exterior shall have the same exterior materials as that of the MUR (Tract 1). The color palette will be compatible with the multi-family complex.

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 20<sup>th</sup> day of May, 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

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



## Memorandum

To: Honorable Mayor and City Council  
From: Chelsey Gordon, Assistant to the City Manager  
Thru: Michael Scott, City Manager  
Date: May 17, 2019  
Re: Streaming Agreement with Swagit

---

In early 2018, Council directed staff to begin streaming City Council Meetings as well as Planning & Zoning meetings.

Since that time, staff has been streaming meetings via YouTube and Facebook using an iPad, tripod, and external mic. There has been countless issues with this setup including the streaming platform, sound, and connectivity.

As residents begin to lean more towards digital communications, it is necessary to make sure that we are providing relevant and quality communications.

Moving forward, it is staff's recommendation to utilize the third party company Swagit, to operate, broadcast, and stream City Council and Planning & Zoning meetings. Swagit will also handle the initial installation of new streaming equipment including 3 mounted cameras in the Council Chambers. They will also tie into the City's preexisting audio system to deliver enhanced sound quality during the live stream.

Swagit will direct the live stream remotely from their offices in Dallas. They will be able to zoom in to speakers and also capture any presentations that

(32)

are made during the meeting. Approximately 3-4 hours after the meeting, the indexed video would be available to view on the City's webpage alongside a linked agenda. Residents will be able to click on a specific agenda item and the video will cut to that segment of the meeting. Previous meeting videos with the accompanying agenda, will be archived on the City's webpage for easy access. This would all be handled by Swagit, providing for a quality live stream while allowing staff to concentrate on other critical services.

The initial one-time equipment and installation costs amount to \$44,896.00. Annual service cost amount to \$18,420.00. This annual cost would include up to 50 live streamed meetings throughout the year and up to 120 hours of additional specialty content per year. This would cover the standard amount of City Council and Planning & Zoning meetings held throughout the year.

Initial funding of \$49,501.00, which includes the initial setup cost and 3 months of service, will come from savings associated with the life cycle management software. The annual cost of \$18,420.00 would then be budgeted each year beginning with the FY19-20 budget.

Due to scheduling and equipment purchase lead times, it is estimated that installation of equipment will take place in mid to late June, with the first meeting live stream to begin in July.

Swagit has a proven track record of providing this streaming solution in a number of municipalities across the country, with a heavy concentration in North Texas, including Ellis County, Johnson County, Burleson, Cleburne, Lancaster, Desoto, Glenn Heights, and Forney. The City Attorney has reviewed the agreement for services with Swagit and offers no objections.

Again, this is a proven hands free solution to the streaming of City Council and Planning & Zoning meetings and as such, staff recommends the approval of the Agreement for Video Streaming Services with Swagit and the associated funding transfer.