

# **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, September 17, 2018 at 7:00 p.m.***

Council Members: Kevin Strength, Mayor  
David Hill, Mayor Pro Tem  
Chuck Beatty, Councilmember  
Mary Lou Shipley, 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 September 4, 2018
  - b. Minutes of the City Council Work Session of September 4, 2018
  - c. City Manager's appointment of member to Civil Service Commission
  - d. 23rd Annual Texas Country Reporter Festival
  - e. Acceptance of 2017 SAFER Grant
5. ***Introduce*** Honorary Councilmember
6. ***Present*** Proclamation proclaiming September 16-22, 2018 as Constitution Week
7. ***First Public Hearing at 7:00 p.m. and second Public Hearing at 7:30 p.m.*** to consider requested annexation by R.B. Forman, President, Arbors Development LLC, for annexation of approximately 20.48 acres generally situated North of Marshall Road and West of FM 664
8. ***Consider*** request by Erik Barnard for a Preliminary Plat of The Ranch at Hidden Creek for 6 lots, being 11.462 acres situated in the J. Sterrett Survey, Abstract 1026 and J. Stroop Survey, Abstract 1043 (Property ID 191449 and 191271) in the Extra Territorial Jurisdiction – Owner: BUTCHER ROAD PARTNERS LTD (PP-18-0132)
9. ***Consider*** request by Erik Barnard for a Final Plat of The Ranch at Hidden Creek for 6 lots, being 11.462 acres situated in the J. Sterrett Survey, Abstract 1026 and J. Stroop Survey, Abstract 1043 (Property ID 191449 and 191271) in the Extra Territorial Jurisdiction – Owner: BUTCHER ROAD PARTNERS LTD (FP-18-0133)

10. **Public Hearing** on a request by Dalton Bradbury, Acker Construction, for a Zoning Change from a Light Industrial-1 zoning district to Commercial located at 2271 N Highway 77 (Property ID 235438) - Owner: ALL R&N HOLDINGS LLC (ZC-18-0135)
11. **Consider** proposed Ordinance approving ZC-18-0135
12. **Public Hearing** on a request by Marvin E. Singleton III, CNB of Texas, for a Replat of part of Lot 1A, Ferris Addition, to create Lot 1AR, Ferris Addition, 0.773 acres (Property ID 173282) – Owner: CITIZENS BANK OF TEXAS (RP-18-0136)
13. **Consider** approving RP-18-0136
14. **Public Hearing** on a request by Austin Blankenbeckler, Carlisle, for a Zoning Change from a Planned Development-14-Heavy Industrial zoning district to Planned Development-Heavy Industrial, with Concept Plan, located at 1701 W. Highway 287 (Property ID 269700) - Owner: ACFB LOYAL TRUST & FAB III SECURE TRUST (PD-18-0137)
15. **Consider** proposed Ordinance approving PD-18-0137
16. **Public Hearing** on a request by the City of Waxahachie to create a Historic Overlay District per the requirements of the Zoning Ordinance Number 3020, and as amended by Ordinance 2996 establishing Section 3.24, and ordering the changing of the Zoning Map thereof in accordance with said change. (TA-18-0145)
17. **Consider** proposed Ordinance approving TA-18-0145
18. **Public Comments:** Persons may address the City Council on any issues. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.
19. Comments by Mayor, City Council, City Attorney and City Manager
20. Adjourn

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

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

(40)

City Council  
September 4, 2018

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 Tuesday, September 4, 2018 at 7:00 p.m.

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

Others Present: Michael Scott, City Manager  
Albert Lawrence, 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 Mary Lou Shipley gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Public Comments**

Mr. Craig and Deborah Smith, 304 Cynisca Street, Waxahachie, and Mr. Roberto Rodriguez, 218 Cynisca Street, Waxahachie, spoke in opposition of a new house construction at the corner of Cynisca Street and Ross Street being a 2 story, 2,500 square foot home. Mrs. Smith stated the property was split into two (2) parcels without Planning and Zoning Commission approval and stated the surrounding neighbors were not notified of any changes to the neighborhood. She noted it is illegal because the address is described as two (2) lots noting 217 Cynisca has a driveway and back yard and now a two story 4 bedroom, 2,500 square foot house is being built on the side lot where the previous garage and half of the driveway existed. Mrs. Smith stated 219 Cynisca will take the garage and half of the driveway from 217 Cynisca. She stated the new construction is taking away from the quaint neighborhood houses on Cynisca Street are known for. She stated there will be no back yard on the new property and trees have been cut down and parking will become an issue for a house that size. Ms. Smith stated the neighborhood is losing its charm and asked City Council to protect their neighborhood.

Mr. Smith stated their street is currently under construction and the driveway for the two addresses is going to split onto two lots. He stated this project has gone through without much thought as to how it will affect parking and the driveway at 217 Cynisca is literally on two separate lots. Mr. Smith stated the idea is there was going to be some kind of joint parking agreement between these two properties and he doesn't see how that is going to happen.

Mr. Roberto Rodriguez, 218 Cynisca, Waxahachie, supported Mr. and Mrs. Smith's statements.

(4a)

Mr. Jason Shelby, 1439 Boyce Road, Waxahachie, spoke in opposition of item 14 noting his concern is turning 5 acres into 4 lots. He stated aerobic systems are required and the spray fields will spray over to neighboring tracts. Mr. Shelby stated the water system cannot supply fire protection noting their area has an ISO fire rating of 10 that affects their insurance. He stated the closest hydrant is a half a mile away.

Ms. Roberto King, 1409 Boyce Road, Waxahachie, spoke in opposition of item 14 noting she purchased her property in 1994 and when they were planning to build they discussed it with their neighbors and if agreed they signed a petition. She stated homes in this area are very nice and the neighborhood is not just valued in dollars but also what the neighbors have invested. Several residents in Whispering Meadows stood in support of her comments.

Mr. Chris Wright, 808 West Marvin, Waxahachie, responded to the comments pertaining to the lots on Cynisca Street. He stated he owns 5 of the 14 properties on Cynisca and does not plan to bring the value of the properties down. Mr. Wright stated when entering the project he and his contractor followed all rules and regulations with the city noting they are in compliance with the city's Infill Ordinance. He stated the new address will have a 2 car garage entering from Ross Street and have 2 more parking spaces in front of the garage on concrete. Mr. Wright stated 217 Cynisca will have a bib in the front and one car can park in the front of the house and 2 more vehicles can park in the back of that property. He stated most houses on Cynisca do not have garages and allows for one car parking with most parking on the street. Mr. Wright stated all regulations were followed.

Mr. Alan Fox, 327 University, Waxahachie, referenced the agenda item pertaining to the public hearing on the fiscal year budget noting the budget allows enhancing of public works and what builds a community. He stated at one point people thought the Sports Complex, Civic Center and hike and bike trail was a waste of money but what they have done is increased the quality of life in the city. Mr. Fox stated a councilmember proposed we reduce the tax rate by a penny noting for him that totals \$25.00. He proposed the city keep his money and put it towards street repairs and not reduce it for the sake of appearance. Mr. Fox asked council to pass the proposed budget as is.

Mr. Darren Jackson, 205 Clydesdale Street, Waxahachie, spoke in opposition of item 21 noting he has lived in Saddlebrook Estates 9 years. He stated the developer wants to increase their assessment taxes in order to fulfill the next phase of building noting homes range in many different prices. Mr. Jackson stated the developer needs to share the masterplan that was discussed in 2007 and why the development has not come to fruition.

Mr. Mike Lee, 245 Saddlebrook Lane, Waxahachie, spoke on the value of his property tax increasing noting in two years his appraisal value on his house increased \$30,000. He stated this is good for someone wanting to sell their house but difficult for property owners to come up with the extra money to accommodate the value of their homes. Mr. Lee ask council to reduce the tax rate in order to make it more economically for homeowners to save a little more each month. Mr. Lee stated when kids are walking to city parks, they are having to walk out into the street around vehicles that are parked blocking the sidewalks. He asked Council to review the parking Ordinance.

(4a)

Ms. India Thompson, 1558 Old Boyce Road, Waxahachie, spoke in opposition of item 14 noting she built her home 17 years ago. She expressed concern with no fire hydrant in the area and adding 4 more homes on 5 acres.

## 5. Consent Agenda

- a. Minutes of the City Council meeting of August 20, 2018
- b. Minutes of the City Council Special meeting of August 22, 2018
- c. Minutes of the City Council and Planning and Zoning Commission Joint Work Session of August 27, 2018
- d. Approve Veterans Day and WWII weekend events
- e. Approve 2018 WISD Legacy Run
- f. Consider authorization of interdepartmental budget transfer request for the Building and Community Services Department
- g. Authorization of budget amendment for Optimist Pool
- h. Authorization of budget amendment to increase appropriations in the Utilities Department water operating fund

Councilmember Melissa Olson requested to remove item a. and item h. for separate discussion.

### Action:

*Councilmember Melissa Olson moved to approve items b. through g. on the Consent Agenda. Mayor Pro Tem David Hill seconded, All Ayes.*

Councilmember Olson stated on item a., page 6, the amount referenced the city owes is \$1.2 million in bonds. She stated the correct number is \$120 million. City Secretary Lori Cartwright stated the minutes will be amended to reflect the correct amount.

Councilmember Olson referenced item h. and asked for clarification on the TCEQ storage requirements. Mr. Tommy Ludwig, Executive Director of Development Services, explained TCEQ requires a set amount of chemicals for creating water at that facility and there is a bare minimal of chemicals required to keep in reserve.

### Action:

*Councilmember Chuck Beatty moved to approve items a. and h. on the Consent Agenda. Councilmember Melissa Olson seconded, All Ayes.*

## 6. Introduce Honorary Councilmember

Councilmember Chuck Beatty introduced Ms. Tianyi Zhou as the Honorary Councilmember for the month of September. Tianyi is a senior at Waxahachie Global High School and ranked 15<sup>th</sup> in her class of 103. She has completed 20 hours at Navarro College and expects to graduate in 2019 with an Associates of Science. Since 2015 Tianyi has been taking courses at the University of Texas at Tyler. The organizations she currently participates in includes Interact Club, Technology Student Association, Yearbook Committee, Culture Club, 16.5 Minutes Study Group, and ProjectileX Program Lead. Her extracurricular activities include Hidden Miracles, Kids Against Hunger, Interact Leadership Summit, Trick or Treat So Kids Can Eat, and

D.E.A.R. Day. She placed third in TSA Regional for Fashion Design, third place in UIL Regional for Mathematics Team, Global Outstanding Performance in World History, and Rotary Student of the Month.

**7. Consider Street closures for Waxahachie Antique Alley event**

Ms. Amber Caverly, President, Waxahachie Downtown Merchants Association (WDMA), stated the Cleburne Antique Alley 30 mile garage sale invited Waxahachie to participate. She stated the event will be held September 27, 2018 from 9:00 a.m. to 4:00 p.m. and will be set up similar to the WDMA Junk in the Trunk events. Ms. Caverly requested permission to close Franklin Street from College Street to Jackson Street and to close College Street from Main Street to Franklin Street from 7:00 a.m. to 6:00 p.m.

**Action:**

*Councilmember Mary Lou Shipley moved to approve street closures for the Waxahachie Antique Alley event as presented. Councilmember Melissa Olson seconded, All Ayes.*

**8. Second Public Hearing on the proposed Tax Rate for fiscal year 2018-2019**

Mayor Strength opened the Second Public Hearing on the proposed Tax Rate for fiscal year 2018-2019.

Mr. Scott reported the proposed tax rate is to remain at .68 per 100 noting this keeps the city's debt rate at 0.170000 as it did last year.

Those who spoke against the proposed Tax Rate for fiscal year 2018-2019:

Ms. Amy Hedtke, 106 Vanderbilt, Waxahachie  
Ms. Qulaveshia Bowen, 107 Blue Moon, Waxahachie  
Ms. Sylvia Coulson, 1350 Dixie Lane, Waxahachie  
Ms. April Castle, 202 Hedgewood Drive, Waxahachie  
Ms. Natlie Torres, 201 Stardust, Waxahachie

Those who spoke for the proposed Tax Rate for fiscal year 2018-2019:

Mr. Alan Fox, 327 University, Waxahachie

There being no others to speak for or against the Public Hearing on the proposed Tax Rate for fiscal year 2018-2019, Mayor Strength closed the Second Public Hearing.

**9. Public Hearing on the City of Waxahachie Budget for fiscal year 2018-2019**

Mayor Strength opened the Public Hearing on the City of Waxahachie Budget for fiscal year 2018-2019.

City Manager Michael Scott reported the public hearing is required by City Charter and was published in the local paper. He reported the proposed budget totals \$40,328,882.

(H2)

There being no others to speak for or against the proposed budget for fiscal year 2018-2019, Mayor Strength closed the Public Hearing.

10. **Consider request by Andrew Garrett for a Preliminary Plat of City View Plaza for 6 lots, being 5.872 acres situated in the WC Calder Survey, Abstract 235 (Property ID 181707) – Owner: KARSEN HEIGHTS LLC (PP-18-0126)**

Mr. Shon Brooks, Director of Planning, stated an access easement will be at the rear of lots as well as at the front. He recommended approval as presented.

**Action:**

*Councilmember Chuck Beatty moved to approve a request by Andrew Garrett for a Preliminary Plat of City View Plaza for 6 lots, being 5.872 acres situated in the WC Calder Survey, Abstract 235 (Property ID 181707) – Owner: KARSEN HEIGHTS LLC (PP-18-0126). Councilmember Mary Lou Shipley seconded, All Ayes.*

11. **Consider request by Richard Webb, Tilson Home Corporation, for a Final Plat of Tilson Home Addition Phase 1 for 1 lot, being 2.148 acres situated in the John Fifer Survey, Abstract 351 (Property ID 183319) – Owner: TILSON HOME CORPORATION (FP-18-0128)**

Mr. Brooks reported the development is on City water and presently the development is on septic. He stated there is a note on the plat that states any further development of the property necessitates connection to City sanitary sewer. Additionally, when sewer becomes available, the development must convert from septic to City sewer regardless of whether further development occurs on the site. He recommended approval as presented.

**Action:**

*Councilmember Mary Lou Shipley moved to approve a request by Richard Webb, Tilson Home Corporation, for a Final Plat of Tilson Home Addition Phase 1 for 1 lot, being 2.148 acres situated in the John Fifer Survey, Abstract 351 (Property ID 183319) – Owner: TILSON HOME CORPORATION (FP-18-0128). Councilmember Chuck Beatty seconded, All Ayes.*

12. **Public Hearing on a request by Ann Sayegh for a Specific Use Permit (SUP) for Accessory Building (Residential), Greater than or Equal to 700 S.F. use within a Rural Residential zoning district, located at 3360 FM 877, 5 & 6 LINDMARK ESTS 4.072 ACRES (Property ID 231002) - Owner: SAYEGH WILLIAM & ANN (SU-18-0130)**

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the applicant seeks to erect a metal horse barn noting it is permitted with a SUP because barns on properties that are 2 or more acres are exempt from the masonry construction requirements provided said barns are used for agricultural purposes. He stated staff received 4 responses in support of the request. Mr. Brooks recommended approval.

(4a)

There being no others to speak for or against SU-18-0130, Mayor Strength closed the Public Hearing.

**13. Consider proposed Ordinance approving SU-18-0130**

**ORDINANCE NO. 3048**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ACCESSORY BUILDING (RESIDENTIAL), GREATER THAN OR EQUAL TO 700 S.F. USE WITHIN A RURAL RESIDENTIAL (RR) ZONING DISTRICT, LOCATED AT 3360 FM 877, BEING PROPERTY ID 231002, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOTS 5&6 IN THE LINDMARK ESTATES, REVISED, SUBDIVISION, 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. 3048 as presented. Councilmember Mary Lou Shipley seconded, All Ayes.*

**14. Public Hearing on a request by KDJ Investments LLC for a Replat of Tract 9A, Whispering Meadows Addition, to create Lots 1 through 4, Boyce Farms Addition, 4.997 acres (Property ID 210307) in the Extra Territorial Jurisdiction – Owner: A GARRETT REAL ESTATE VENTURES LLC & KDJ INVESTMENTS LLC (RP-18-0127)**

Mayor Strength opened the Public Hearing.

Mr. Brooks reported the request is to replat one lot into four lots located in the ETJ. He stated staff received 3 letters in opposition and one email today. Mr. Brooks stated the Planning and Zoning Commission had a tie vote and noted the applicant requested to continue to City Council for consideration. He stated the fire flow is not sufficient but council has approved previous request under these circumstances.

Mr. Andrew Garrett, applicant, 4345 Wilson Road, Waxahachie, provided a presentation for Boyce Farms Development to review the details. He stated neighboring properties depict several lots that owners purchased are from a cut out of a bigger tract. Mr. Garrett showed a slide of a recent development depicting farmhouse style homes. He stated the deed restrictions are in place and they will be met or exceeded for these homes.

Those who spoke against RP18-0127:

Mr. John Pierce, 995 Wilson Road, Waxahachie  
Ms. Roberta King, 1409 Boyce Road, Waxahachie  
Ms. Brandy Underwood, 2790 Wilson Road, Palmer  
Mr. Jimmy Green, 1422 Boyce Road, Waxahachie



(4a)

There being no others to speak for or against RP-18-0127, Mayor Strength closed the Public Hearing.

**15. Consider approving RP-18-0127**

**Action:**

*Councilmember Chuck Beatty moved to approve a request by KDJ Investments LLC for a Replat of Tract 9A, Whispering Meadows Addition, to create Lots 1 through 4, Boyce Farms Addition, 4.997 acres (Property ID 210307) in the Extra Territorial Jurisdiction – Owner: A GARRETT REAL ESTATE VENTURES LLC & KDJ INVESTMENTS LLC (RP-18-0127). The motion died do to a lack of second.*

**Action:**

*Councilmember Melissa Olson moved to deny a request by KDJ Investments LLC for a Replat of Tract 9A, Whispering Meadows Addition, to create Lots 1 through 4, Boyce Farms Addition, 4.997 acres (Property ID 210307) in the Extra Territorial Jurisdiction – Owner: A GARRETT REAL ESTATE VENTURES LLC & KDJ INVESTMENTS LLC (RP-18-0127). Councilmember Mary Lou Shipley seconded. The vote was as follows:*

*Ayes: Kevin Strength  
Mary Lou Shipley  
Melissa Olson*

*Noes: David Hill  
Chuck Beatty*

**The motion carried.**

**16. Consider request by Bryan Connally, CBG Surveying, LLC, for a Final Plat of Rodriguez-King Addition for 2 lots, being 2.00 acres situated in the Silas M. Durrett Survey, Abstract 272 (Property ID 182038) – Owner: CFLP INVESTMENTS LLC (FP-18-0124)**

Mr. Brooks reported the development fronts onto TxDOT right-of-way noting before building a residence on Lot 1, access to this lot will be determined by TxDOT. Because of the spacing, a variance from TxDOT is needed.

**Action:**

*Mayor Pro Tem David Hill moved to approve a request by Bryan Connally, CBG Surveying, LLC, for a Final Plat of Rodriguez-King Addition for 2 lots, being 2.00 acres situated in the Silas M. Durrett Survey, Abstract 272 (Property ID 182038) – Owner: CFLP INVESTMENTS LLC (FP-18-0124). Councilmember Chuck Beatty seconded, All Ayes.*

**17. Consider request by Shaun Whitaker for a Preliminary Plat of Abele/Whitaker Estates for 1 lot, being 4.999 acres situated in the C. White Survey, Abstract 1109 (Property ID 250610) in the Extra Territorial Jurisdiction – Owner: PATTY ABELE (PP-18-0122)**

(4a)

Mr. Brooks reported Nash-Forreston initially indicated that their existing system can furnish the requested service in conformity with the TCEQ standards for water distribution and the ISO fire flow requirements. He stated Nash-Forreston have since clarified that they cannot meet ISO fire flow requirements. Mr. Brooks explained had they initially indicated their inability to meet fire flow requirements, this application would have been deemed incomplete. He stated the request was denied by the Planning and Zoning Commission.

Councilmember Olson asked for a description of fire flow. Mr. James Gaertner, City Engineer, stated there are certain standards and timing of pressure that is determined by the size of a water tap to accommodate the fire flow. Councilmember Olson asked City Manager Michael Scott his comfort level with the request. Mr. Scott stated when fire flow is not adequate it does not meet the city's standards. He stated Council has offered relief in the past because some of the areas are so far out and bringing water lines to serve it is many years away. Mr. Scott stated, in this case, there is rural water that we don't have any jurisdiction over.

**Action:**

*Councilmember Mary Lou Shipley moved to approve a request by Shaun Whitaker for a Preliminary Plat of Abele/Whitaker Estates for 1 lot, being 4.999 acres situated in the C. White Survey, Abstract 1109 (Property ID 250610) in the Extra Territorial Jurisdiction – Owner: PATTY ABELE (PP-18-0122). Mayor Pro Tem David Hill seconded. The vote was as follows:*

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

*Noes: Melissa Olson*

**The motion carried.**

- 18. Consider request by Shaun Whitaker for a Final Plat of Abele/Whitaker Estates for 1 lot, being 4.999 acres situated in the C. White Survey, Abstract 1109 (Property ID 250610) in the Extra Territorial Jurisdiction Owner: PATTY ABELE (FP-18-0123)**

Mr. Brooks reported the Final Plat is a companion case to PP-18-0122 and recommended approval.

**Action:**

*Mayor Pro Tem David Hill moved to approve a request by Shaun Whitaker for a Final Plat of Abele/Whitaker Estates for 1 lot, being 4.999 acres situated in the C. White Survey, Abstract 1109 (Property ID 250610) in the Extra Territorial Jurisdiction Owner: PATTY ABELE (FP-18-0123). Councilmember Chuck Beatty seconded. The vote was as follows:*

*Ayes: Kevin Strength  
David Hill  
Chuck Beatty*

(4a)

*Mary Lou Shipley*

*Noes: Melissa Olson*

**The motion carried.**

**19. Consider proposed Resolution approving Rate Review Mechanism Tariff for Atmos Energy**

Mr. Doug Barnes, Director of Economic Development, reported on April 1, 2018, Atmos Energy Corporation, Mid-Tex Division, filed a rate request pursuant to the RRM Tariff adopted by ACSC members. The Company claimed that its cost-of-service in a test year ending December 31, 2017 entitled it to system-wide revenues of \$42.0 million. He stated, following further negotiations, ACSC Executive Committee agreed to recommend an increase of \$24.9 million, which was accepted by the Company.

Mr. Barnes stated the following rates will increase effective October 1, 2018:

- Residential 1.61%
- Commercial 1.27%
- Industrial 1.61%

Councilmember Olson asked why we would approve a rate increase. Mr. Barnes stated it reflects the service needed for more safer and reliable gas. Councilmember Olson asked what would happen if denied. Mr. Barnes explained Atmos will have to go back to the Railroad Commission noting the negotiated rate gives the citizens the least amount of increase.

**RESOLUTION NO. 1253**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2018 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL.**

(4a)

**Action:**

*Councilmember Chuck Beatty moved to approve Resolution No. 1253 as presented. Councilmember Mary Lou Shipley seconded, All Ayes.*

- 20. Consider award of a bid to Peachtree Construction, Ltd. for the 2018 Street Rehabilitation Program and authorize staff to increase the quantity of work provided within the bid up to 25%**

Mr. Jeff Chambers, Director of Public Works, reported four (4) bids were received on August 24, 2018 and Peachtree Construction, Ltd. was the lowest bidder with a submission of \$779,408.40 which was \$211,591.60 below the engineer's estimate. He explained the City has the ability to increase the quantity of work to be performed within the bid award by 25% and requested Council authorize staff to increase the quantity of work within the contract up to the maximum of 25% for a total of \$194,851.10. Mr. Chambers stated this is specifically for the 2018 Asphalt Street Rehabilitation Program.

**Action:**

*Councilmember Mary Lou Shipley moved to award the bid to Peachtree Construction, Ltd. in the amount of \$779,408.40 and authorize city staff to increase the quantity of work to be performed by 25%. Councilmember Melissa Olson seconded, All Ayes.*

- 21. Consider annual update to the Waxahachie Public Improvement District No. 1 Service and Assessment Plan and Assessment Roll**

Ms. Lindsey Banner, Vice President, Municap, presented the Annual Service Plan Update to the Waxahachie Public Improvement District No. 1 Service and Assessment Plan and Assessment Roll noting in 2011 the City issued \$1,340,000 in Special Assessment Bonds and subsequently a note in the amount of \$749,059. She stated the budget for the Phase One annual installments to be collected for 2018-2019 totals \$136,807. The budget for Phase Two annual installments to be collected for 2018-2019 totals \$65,927. Ms. Banner stated since the original service plan was proposed there have been no changes to the assessment methodology and all the parcels in the PID have been fully subdivided.

**Action:**

*After further discussion, Councilmember Chuck Beatty moved to adopt the Annual Service Plan Update to the Waxahachie Public Improvement District No. 1 Service and Assessment Plan and Assessment Roll as presented. Councilmember Mary Lou Shipley seconded, All Ayes.*

- 22. Consider annual update to the North Grove Public Improvement District Service and Assessment Plan and Assessment Roll**

Ms. Banner, presented the Annual Service Plan Update to the North Grove Public Improvement District Service and Assessment Plan and Assessment Roll noting in 2015 the City issued \$6,675,000 in Special Assessment Revenue Bonds to authorize improvements to the city in the amount of \$4,530,000. She explained there have been no updates to the public infrastructure financed with those bonds since the time the bonds were issued and the Service Enhancement

(4A)

Plan was adopted. Ms. Banner reported the budget for the annual installments to be collected for 2018-19 totals \$552,500. Since the last assessment, there have not been methodology updates. She stated there have been subdivisions noting last year there were 83 residential lot subdivisions and this year 75 residential lot subdivisions have been added. Ms. Banner noted there have been no Special Assessments prepayments as of the date of this report.

**Action:**

*Councilmember Chuck Beatty moved to adopt the Annual Service Plan Update to the North Grove Public Improvement District Service and Assessment Plan and Assessment Roll as presented. Mayor Pro Tem David Hill seconded, All Ayes.*

**23. Consider appointments to Boards and Commissions**

Mr. Scott reported appointments to Boards and Commissions were reviewed in a recent executive session and the following nominees have been compiled for consideration. He stated since that time, there is another opening on the Airport Board due to a resignation. Mr. Scott noted the Council can consider an applicant at this time or at a future meeting. Mayor Strength recommended consideration of Airport Board member at a later council meeting.

**BUILDING STANDARDS COMMISSION (2 year term)**

Joshua Atilano  
Lawrence Kollie

**CEMETERY BOARD (2 year term)**

Chad Hicks  
Peggy Crabtree

**ELECTRICAL ADVISORY BOARD (2 year term)**

Gary Estes  
Harold DeBorde

**ELLIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 1**

**(2 year term)**

Joe Rust  
Wayne Eiland  
Brian Ford

**HERITAGE PRESERVATION (2 year term)**

Becky Kauffman  
Jeff Smith  
Curtiss Thompson

**KEEP WAXAHACHIE BEAUTIFUL (3 year term)**

Jesse Gibson  
Ginger Cole  
Polly Williams  
Faustina Duvall

(4a)

**PARK BOARD (3 year term)**

Betsy Engelbrechtsen  
Byron Gibson

**PLANNING AND ZONING COMMISSION (2 year term)**

Bonney Ramsey  
Jim Phillips  
Erik Test

**SENIOR CENTER ADVISORY COMMITTEE (2 year term)**

Joe Jenkins  
R. Lee Johnson  
Peggy Loftis

**TAX INCREMENT REINVESTMENT ZONE (2 year term)**

Jason Smith  
Coy Sevier  
Brad Yates

**WAXAHACHIE COMMUNITY DEVELOPMENT CORPORATION (2 year term)**

Bob Lynn  
Daniel Morton

**WAXAHACHIE HOUSING AUTHORITY (2 year term)**

Sandra Hartman  
Johnny Rodriguez  
Don Nelson  
Jane Vineyard  
Cameron Gomez (fill unexpired term to 2019)

**ZONING BOARD OF ADJUSTMENTS (2 year term)**

Brad Yates  
Marion Reynolds  
Diane Johnson Collard

**Action:**

*Councilmember Chuck Beatty moved to approve the appointments to Boards and Commissions as presented. Councilmember Mary Lou Shipley seconded, All Ayes.*

- 24. 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**

Mayor Strength announced at 8:59 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.

- 25. Reconvene and take any necessary action**

The meeting reconvened at 9:10 p.m.

**Action:**

*Mayor Kevin Strength moved to purchase the Univar property located on Highway 287 and to pay \$750,000 from the Economic Development fund and the balance from the Waxahachie Community Development fund. Mayor Pro Tem David Hill seconded. The vote was as follows:*

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

*Noes: Melissa Olson*

**The motion carried.**

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

Ms. Amy Borders, Director of Communications and Marketing, stated the key lockert retainer wall art project located downtown is under construction and will be completed soon.

**27. Adjourn**

*There being no further business, Councilmember Mary Lou Shipley moved the meeting adjourned at 9:13 p.m. Councilmember Chuck Beatty seconded, All Ayes.*

Respectfully submitted,

Lori Cartwright  
City Secretary

City Council  
September 4, 2018

A work session of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Conference Room, City Hall, 401 S. Rogers, on Tuesday, September 4, 2018 at 6:00 p.m.

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

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

**1. Call to Order**

Mayor Kevin Strength called the meeting to order.

**2. Discuss staffing structure for the Fire Department**

City Manager Michael Scott stated in the past Council held a work session and discussed applying for a SAFER Grant for staffing of fire fighters. He noted it was discussed that when staff applied for the grant and awarded, they would come back and revisit with Council before accepting the SAFER Grant. Mr. Scott stated if it is Council's desire to consider the grant staff will bring it to the September 17, 2018 Council meeting for consideration.

Fire Chief Ricky Boyd stated on August 31, 2018 he received notification of award of the SAFER Grant. He stated the grant is for staffing of the future Fire Station 4 which is projected to open in fiscal year 2022 per the current 5-year Capital Improvement Plan. Chief Boyd stated their annual call volume has increased by 20.4% over the last 4 fiscal years which projects to an annual call volume of 5,400 calls by fiscal year 2022. He reviewed the ISO credit for distribution and company personnel and presented maps depicting locations of current fire stations and a map adding Station 4.

Chief Boyd recommended hiring 3 people over a period of 4 years. He stated the present SAFER Grant is for \$462,767 over 3 years as follows:

- Year 1 75% = \$187,608
- Year 2 75% = \$187,608
- Year 3 35% = \$ 87,551

Chief Boyd stated if we hire 3 firefighters each year for the next 4 fiscal years, the cost is projected to be \$1,330,904 for fiscal year 2022. He stated the City has 30 days to accept or reject the SAFER Grant.



(4b)

City Council  
September 4, 2018  
Page 2

**3. Adjourn**

*There being no further business, Councilmember Mary Lou Shipley moved the meeting adjourn at 6:34 p.m. Mayor Pro Tem David Hill seconded, All Ayes.*

Respectfully submitted,

Lori Cartwright  
City Secretary

(4C)



## Memorandum

To: City Council

From: Michael Scott, City Manager

Thru:

Date: September 17, 2018

Re: Civil Service Appointment – Bob Aday

As you know, per LGC 143, the Civil Service Commission is made up of three members from the community. These positions each serve a three year term with one term expiring each year. The City Manager is charged with making these appointments.

This year Bob Aday's position is up for consideration. Bob has served in this capacity and has done a fantastic job. As such, I am recommending his reappointment to the Commission.



## Memorandum

To: Honorable Mayor and City Council  
From: Laurie Mosley  
Thru: Michael Scott, City Manager  
Date: August 31, 2018  
Re: 23<sup>rd</sup> Annual Texas Country Reporter Festival

---

The City of Waxahachie, Waxahachie Convention & Visitors Bureau, Phillips Productions and the Waxahachie Chamber of Commerce are making plans for the *23<sup>rd</sup> Annual Texas Country Reporter Festival* in historic downtown Waxahachie.

The festival will take place on Saturday, October 27, 2018 with the set-up beginning on Friday, October 26, 2018. Just as in the years past, the main stage will arrive at 10 a.m. on Friday and the bulk of the vendor set-up to begin at 6 p.m. A layout of the festival has been included with this memo.

We invite everyone to join Kelli & Bob Phillips, hosts of the weekly TV show, *Texas Country Reporter*, for the largest one-day arts and music festival in the state of Texas!

Festival attendees will be entertained all day with live music on the mainstage, including a FREE concert by Shenandoah, best known for their hit singles "Two Dozen Roses," "I Want to be Loved Like That," "Next to You Next to Me," "Church on Cumberland Road," "Sunday in the South," "Ghost in this House," and many more.

Surrounding the courthouse square will be more than 250 booths set-up with artists, craftspeople, food, live entertainment and some of the people who have been featured on *Texas Country Reporter* over the years.

For more information on the festival, call the Waxahachie Convention & Visitors Bureau at 469-309-4040 or visit [www.waxahachiecvb.com](http://www.waxahachiecvb.com).

Thank you, Laurie Mosley

(4a)

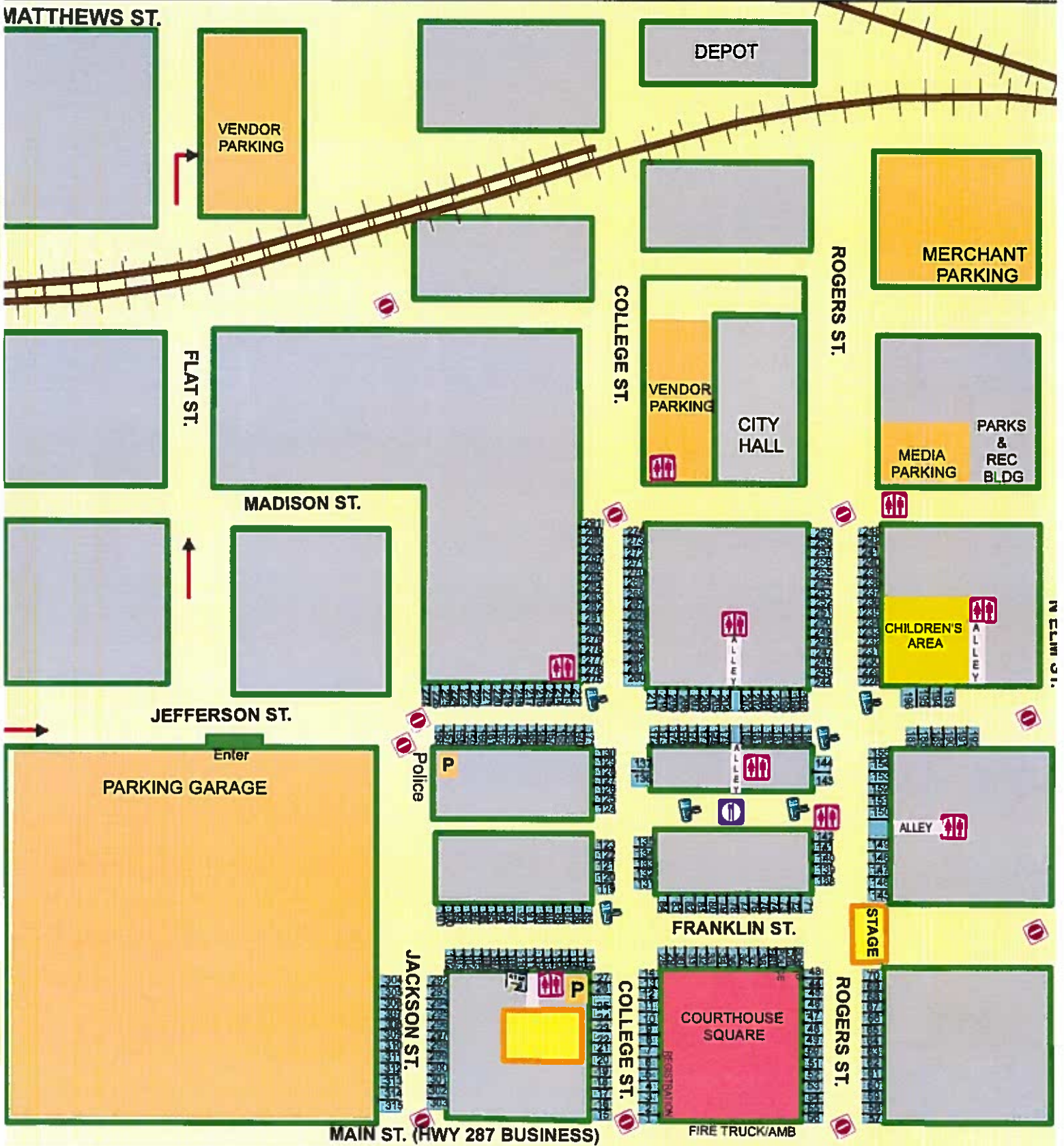
# TX COUNTRY REPORTER FESTIVAL

## 2018

### MAP LAYOUT



- FOOD COURT
- ATM
- NO ENTRANCE
- DRINK BOOTH
- RESTROOM
- RAILROAD





(4d)



23rd Annual



# TEXAS COUNTRY REPORTER FESTIVAL

Over 200 Artists & Craftspeople,  
Food & Family Fun,  
& Live Music with  
**SHENANDOAH**

30th Anniversary Tour Featuring Marty Raybon

Featuring **KELLI & BOB PHILLIPS**

*Saturday*

**OCT. 27**

**Free Admission  
9AM - 7PM**



[waxahachiecvb.com](http://waxahachiecvb.com)

**469-309-4040**





## Memorandum

To: Honorable Mayor and City Council  
From: Ricky Boyd, Fire Chief  
Thru: Michael Scott, City Manager  
Date: September 5, 2018  
Re: Request for Approval to Accept the 2017 SAFER Grant

---

Honorable Mayor and City Council,

I hereby request your approval to accept the 2017 SAFER Grant that we were awarded on August 31, 2018. As you know, this grant provides partial funding to add three (3) additional firefighters to our staff. Your support in this matter will greatly improve our capabilities as we continually strive to provide exceptional service to the community.

Respectfully submitted,

  
Ricky Boyd, Fire Chief

## ***PROCLAMATION***

***Whereas***, September 17, 2018 marks the two hundred and forty-second anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

***Whereas***, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

***Whereas***, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

***Whereas***, public law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as constitution week;

**NOW, THEREFORE**, I, Kevin Strength, Mayor of the City of Waxahachie do hereby proclaim September 17 through 23, 2018 to be

### ***“CONSTITUTION WEEK”***

in the City of Waxahachie, and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

Proclaimed this 17th day of September, 2018.

---

MAYOR

ATTEST:

---

CITY SECRETARY

(1)

**NOTICE OF PUBLIC HEARINGS**

The City Council of the City of Waxahachie will hold two (2) Public Hearings on **Monday, September 17, 2018** - first Public Hearing to be held at 7:00 p.m. and the second Public Hearing to be held at 7:30 p.m. in the Council Chamber at City Hall, 401 South Rogers, Waxahachie, Texas to consider the following:

A request by R.B. Forman, President, Arbors Development LLC, for annexation of approximately 20.48 acres generally situated North of Marshall Road and West of FM 664.

Any interested person may be heard at the Public Hearings.

Lori Cartwright, City Secretary



(7)

Arbors Development LLC  
6031 W I 20 Ste 226  
Arlington, Texas 76017

Lori Cartwright  
City Secretary  
City of Waxahachie  
401 S. Rogers  
PO Box 757  
Waxahachie, TX 75165

Dear Lori,

This is a request to annex the following acreage into the City of Waxahachie:

Tax ID 191103 recently purchased by Arbors Development LLC

Survey Attached

Thank you very much for your consideration of this request. If additional information is needed please contact me at the above address or e-mail address [tasanders1@yahoo.com](mailto:tasanders1@yahoo.com) or telephone Tony Sanders at 214-478-7396.

Sincerely,

R.B. Forman

R.B. Forman  
President of Arbors Development LLC





(8)

## Planning & Zoning Department Plat Staff Report

Case: PP-18-0132



### MEETING DATE(S)

*Planning & Zoning Commission:* September 11, 2018

*City Council:* September 17, 2018

### CAPTION

**Consider** request by Erik Barnard for a **Preliminary Plat** of The Ranch at Hidden Creek for 6 lots, being 11.462 acres situated in the J. Sterrett Survey, Abstract 1026 and J. Stroop Survey, Abstract 1043 (Property ID 191449 and 191271) in the Extra Territorial Jurisdiction – Owner: BUTCHER ROAD PARTNERS LTD (PP-18-0132)

### CASE INFORMATION

*Applicant:* Erik Barnard

*Property Owner(s):* Butcher Road Partners LTD

*Site Acreage:* 11.462 acres

*Number of Lots:* 6 lots

*Number of Dwelling Units:* 6 units

*Park Land Dedication:* N/A

*Adequate Public Facilities:* Rockett Special Utility District has indicated that their existing system can furnish the requested service in conformity with the Texas Commission on Environmental Quality standards for water distribution and the ISO fire flow requirements.

### SUBJECT PROPERTY

*General Location:* Near the intersection of Buchanan at Ring Road

*Parcel ID Number(s):* 191449 and 191271

*Current Zoning:* N/A (ETJ)

*Existing Use:* Currently undeveloped

*Platting History:* J. Sterrett Survey, Abstract 1026 and J. Stroop Survey, Abstract 1043

**Site Aerial:****STAFF CONCERNS**

1. None

**APPLICANT RESPONSE TO CONCERNS**

1. Revised drawings were submitted that cleared all comments.

**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
2. Drainage 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:  
 Kelly Dent, MPA  
 Planner  
[kdent@waxahachie.com](mailto:kdent@waxahachie.com)

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

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held September 11, 2018, the Commission voted 6-0 to recommend approval of plat no. PP -18-0132, subject to staff comments.



AUGUST 2012 PAGE 147





(9)

## Planning & Zoning Department Plat Staff Report

Case: FP-18-0133



### MEETING DATE(S)

*Planning & Zoning Commission:* September 11, 2018

*City Council:* September 17, 2018

### CAPTION

**Consider** request by Erik Barnard for a **Final Plat** of The Ranch at Hidden Creek for 6 lots, being 11.462 acres situated in the J. Sterrett Survey, Abstract 1026 and J. Stroop Survey, Abstract 1043 (Property ID 191449 and 191271) in the Extra Territorial Jurisdiction – Owner: BUTCHER ROAD PARTNERS LTD (FP-18-0133)

### CASE INFORMATION

*Applicant:* Erik Barnard

*Property Owner(s):* Butcher Road Partners LTD

*Site Acreage:* 11.462 acres

*Number of Lots:* 6 lots

*Number of Dwelling Units:* 6 units

*Park Land Dedication:* N/A

*Adequate Public Facilities:* Rockett Special Utility District has indicated that their existing system can furnish the requested service in conformity with the Texas Commission on Environmental Quality standards for water distribution and the ISO fire flow requirements.

### SUBJECT PROPERTY

*General Location:* Near the intersection of Buchanan at Ring Road

*Parcel ID Number(s):* 191449 and 191271

*Current Zoning:* N/A (ETJ)

*Existing Use:* Currently undeveloped

*Platting History:* Companion case no. PP-18-0132

**Site Aerial:**



**STAFF CONCERNS**

1. None

**APPLICANT RESPONSE TO CONCERNS**

1. Revised drawings were submitted that cleared all comments.

**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**

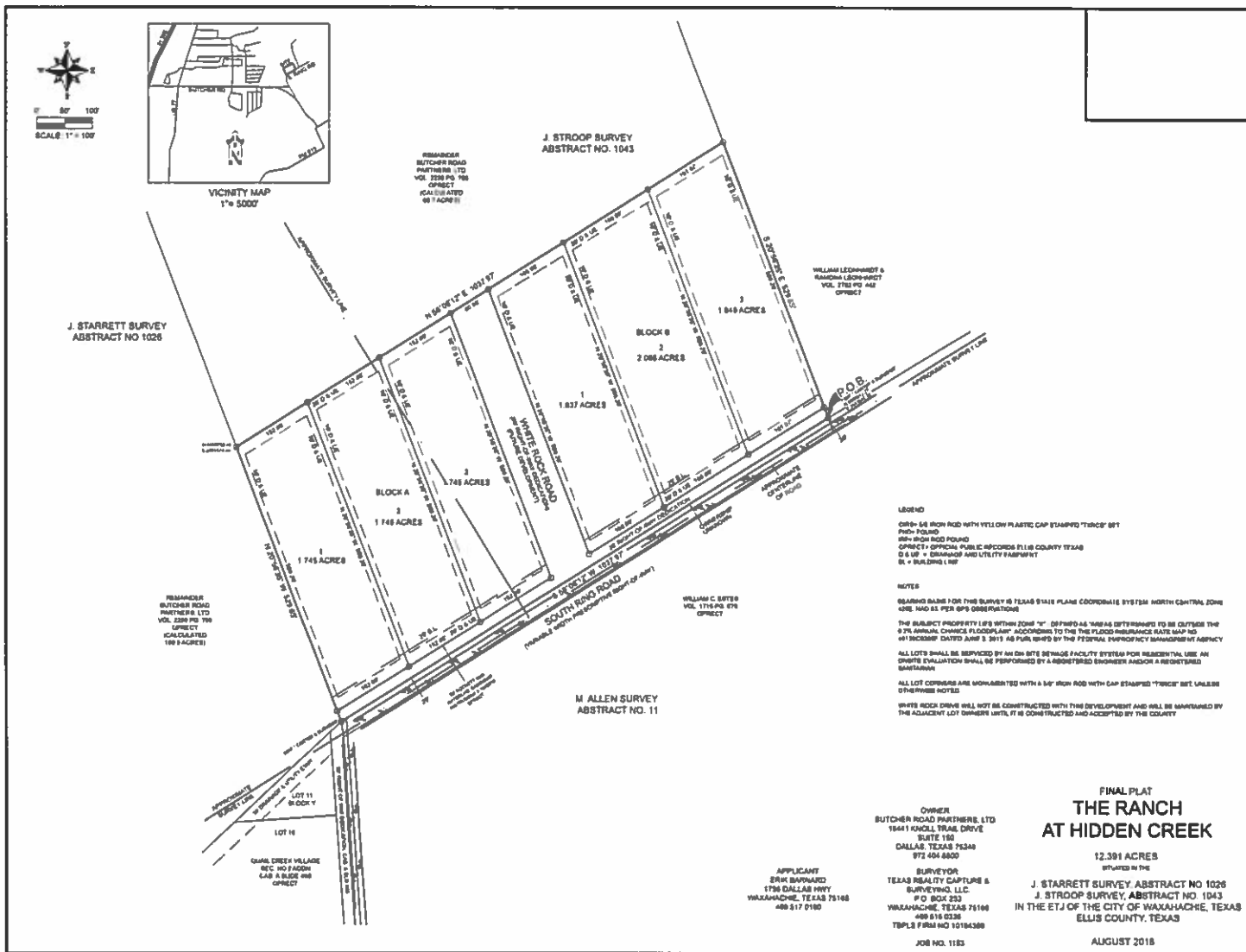
Prepared by:  
Kelly Dent, MPA  
Planner  
[kdent@waxahachie.com](mailto:kdent@waxahachie.com)

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

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held September 11, 2018, the Commission voted 6-0 to recommend approval of plat no. FP-18-0133, subject to staff comments.

(9)



(9)

STATE OF TEXAS  
COUNTY OF ELLIS

KNOW ALL MEN BY THESE PRESENTS

WHEREAS, BUTCHER ROAD PARTNERS, LTD. IS THE SOLE OWNER OF A TRACT OF LAND SITUATED IN THE J. STARRETT SURVEY, ABSTRACT NO. 1026 AND THE J. STROOP SURVEY, ABSTRACT NO. 1043, IN THE E.T.J. OF THE CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO BUTCHER ROAD PARTNERS, LTD., RECORDED IN VOLUME 2226, PAGE 786, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (HEREIN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 6" IRON ROD WITH CAP STAMPED "CARTER & BURGES" FOUND FOR THE SOUTHEAST CORNER OF SAID BUTCHER ROAD PARTNERS TRACT AND THE COMMON SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO WILLIAM LEONHARDT AND RAMONA LEONHARDT, RECORDED IN VOLUME 2782, PAGE 412, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (HEREIN, AND BEING IN THE NORTH RIGHT-OF-WAY (ROW) LINE OF SOUTH ROAD ROAD (A VARIABLE WIDTH PRESCRIPTIVE ROW);

THENCE S 89°01'12" W, ALONG THE SOUTH LINE OF SAID BUTCHER ROAD PARTNERS TRACT AND THE NORTH ROW LINE OF SAID ROAD ROAD, A DISTANCE OF 1037.87 FEET TO A 6" IRON ROD WITH CAP STAMPED "CARTER & BURGES" FOUND FOR CORNER;

THENCE, N 20°54'38" W OVER AND ACROSS SAID BUTCHER ROAD PARTNERS TRACT, A DISTANCE OF 329.66 FEET TO A 6" IRON ROD WITH CAP STAMPED "TERCE" SET FOR CORNER;

THENCE N 89°01'12" E OVER AND ACROSS SAID BUTCHER ROAD PARTNERS TRACT, A DISTANCE OF 1037.87 FEET TO A 6" IRON ROD WITH CAP STAMPED "TERCE" SET FOR CORNER IN THE EAST LINE OF SAID BUTCHER ROAD PARTNERS TRACT AND THE COMMON WEST LINE OF SAID LEONHARDT TRACT;

THENCE S 20°54'38" E, ALONG THE EAST LINE OF SAID BUTCHER ROAD PARTNERS TRACT AND THE COMMON WEST LINE OF SAID LEONHARDT TRACT, A DISTANCE OF 629.86 FEET TO THE POINT OF BEGINNING AND CONTAINING 12.381 ACRES OF LAND, MORE OR LESS.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS

THAT BUTCHER ROAD PARTNERS, LTD., DOES HEREBY ADOPT THIS PLAN DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS THE RANCH AT HIDDEN CREEK, AN ADDITION TO ELIAS COUNTY TEXAS AND JOHN HENRY BRIGGS, JR. IN F.V. SHIPS, TO ELLIS COUNTY AND THE CITY OF WAXAHACHE, TEXAS FOR THE PUBLIC USE FOR EVER, THE STREETS AND ALLEYS SHOWN THEREON, THE STREETS AND ALLEYS ARE DESIGNATED FOR THE PURPOSES OF THE EASEMENTS AND PUBLIC USES, AS SHOWN AND DESIGNATED FOR THE PUBLIC USE FOR EVER, FOR THE PURPOSES INDICATED ON THIS PLAN, NO BUILDINGS, FENCES, TREES, BUSHES OR OTHER IMPROVEMENTS OR STRUCTURES SHALL BE CONSTRUCTED OR PLACED UPON OR OVER OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY ELLIS COUNTY AND THE CITY OF WAXAHACHE. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE INSTALLATION AND ACCOMMODATION OF ALL PUBLIC UTILITIES OR BOUND TO USE OR USING THE SAME UNDER THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITY ENTITIES UNDER OF ELLIS COUNTY AND THE CITY OF WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REPAIR AND KEEP REPAIRS ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, BUSHES OR OTHER IMPROVEMENTS OR STRUCTURES WHICH MAY IN ANY WAY ENHANCE OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. ELLIS COUNTY AND THE CITY OF WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF REPAIR AND ACCESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, MAINTAINING, REPAIRING, REPLACING, READING METERS, AND ACCESS TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE.

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

GIVEN UNDER MY HAND AND SEAL THIS, \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018

BY \_\_\_\_\_

ERIC BARBARO

STATE OF TEXAS  
COUNTY OF ELLIS

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

GIVEN UNDER MY HAND AND SEAL THIS, \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018

NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS

I, THOMAS L. MESSON, WILL HEREBY CERTIFY THAT THIS PLAN WAS MADE ON THE ORIGINAL UNDER MY DIRECT SUPERVISION, ON THE DATE SHOWN, AND THAT ALL PROPERTY CORNERS HEREON HAVE BEEN FOUND OR SET AS SHOWN.

Notary Public, My Commission Expires \_\_\_\_\_  
I am qualified to perform notary services and  
I am not subject to removal or censure  
under the Notary Public Law.

THOMAS L. MESSON  
REGISTRATION NUMBER 83444

STATE OF TEXAS  
COUNTY OF ELLIS

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED THOMAS L. MESSON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THIS FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SH/HE SIGNED THE SAME FOR THE PURPOSES HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL THIS, \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018

NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS

APPROVED BY PLANNING AND ZONING COMMISSION CITY OF WAXAHACHE

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

APPROVED BY CITY COUNCIL,  
CITY OF WAXAHACHE

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

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

STATE OF TEXAS  
COUNTY OF ELLIS

CERTIFICATE OF APPROVAL BY THE COMMISSIONERS COURT OF ELLIS COUNTY TEXAS

APPROVED THIS, \_\_\_\_\_ DAY OF \_\_\_\_\_, 2018

ATTEST:

CAROL BUSH  
COUNTY CLERK

CHERYL POLLET  
COUNTY CLERK

ELIZABETH BROWN  
COMMISSIONER PRECINCT 1

LOUIE EMMERSON  
COMMISSIONER PRECINCT 2

PAUL PERRY  
COMMISSIONER PRECINCT 3

STUE BUTLER  
COMMISSIONER PRECINCT 4

THIS PLAN HAS BEEN APPROVED BY THE DEPARTMENT OF DEVELOPMENT FOR AN ON SITE SEWAGE FACILITY SYSTEM PROGRAM AND ALL INFORMATION AS MAY BE REQUIRED BY THE ELLIS COUNTY DEPARTMENT OF DEVELOPMENT

DEPARTMENT OF DEVELOPMENT DIRECTOR DATE

FINAL PLAT  
THE RANCH  
AT HIDDEN CREEK

12.381 ACRES  
SITUATED IN THE

J. STARRETT SURVEY ABSTRACT NO. 1026  
J. STROOP SURVEY ABSTRACT NO. 1043  
IN THE E.T.J. OF THE CITY OF WAXAHACHE, TEXAS  
ELLIS COUNTY, TEXAS

APPLICANT  
ERIC BARBARO  
1798 DALLAS HWY  
WAXAHACHE, TEXAS 75165  
409.517.5180

OWNER  
BUTCHER ROAD PARTNERS, LTD.  
18411 KNOLL TRAIL DRIVE  
SUITE 100  
DALLAS, TEXAS 75146  
972.404.8800

SURVEYOR  
TEXAS REALITY CAPTURE &  
SURVEYING, LLC  
P.O. BOX 252  
WAXAHACHE, TEXAS 75168  
409.616.0238  
TRPLS FROM NO. 101843009

JOB NO. 1183

AUGUST 2018 PAGE 2 OF 2

(110)

## Planning & Zoning Department

### Zoning Staff Report

Case: ZC-18-0135



#### MEETING DATE(S)

Planning & Zoning Commission: September 11, 2018

City Council: September 17, 2018

#### CAPTION

**Public Hearing** on a request by Dalton Bradbury, Acker Construction, for a Zoning Change from a Light Industrial-1 zoning district to **Commercial** located at 2271 N Highway 77 (Property ID 235438) - Owner: ALL R&N HOLDINGS LLC (ZC-18-0135)

#### CASE INFORMATION

Applicant: Dalton Bradbury, Acker Construction

Property Owner(s): All R&N Holdings LLC

Site Acreage: 0.864 acres

Current Zoning: Light Industrial-1

Requested Zoning: Commercial

#### SUBJECT PROPERTY

General Location: 2271 N Highway 77

Parcel ID Number(s): 235438

Existing Use: Currently undeveloped

Development History: The replat of the Revco Subdivision was approved by City Council May 1, 2006.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	LI1	Currently undeveloped
East	GR w SUP	Roland's Nursery & Landscaping
South	LI1	Retail businesses
West	LI1	Industrial warehouses

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 site is located between North Town Blvd (60' ROW) and US Highway 77, a Major Thoroughfare B (120' ROW).



*Site Image:*

**PLANNING ANALYSIS**

The site in question is currently zoned for industrial usage, but the City's most recent Future Land Use Plan shows a projection of retail usage. The applicant seeks to rezone the property in question to construct a medical office.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 5 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Daily Light and a sign was visibly posted at the property on 08/24/2018.

**STAFF CONCERNS**

1. None

**APPLICANT RESPONSE TO CONCERNS**

1. No comments to respond to

**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. Survey

**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:*  
Kelly Dent, MPA  
Planner  
[kdent@waxahachie.com](mailto:kdent@waxahachie.com)

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

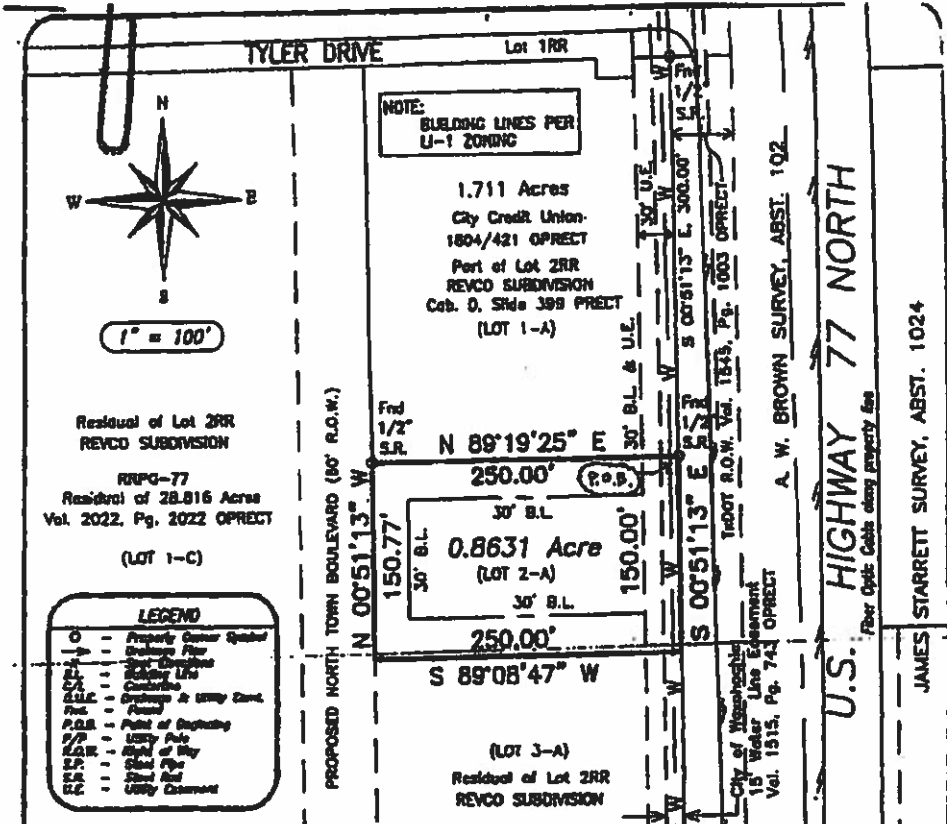
**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held September 11, 2018, the Commission voted 7-0 to recommend approval of zoning change ZC-18-0135, subject to staff comments.



(10)

H.B.T. "A"



The plat hereon reflects a survey made on the ground and is true, correct and accurate as to the boundaries and areas of the subject property and the size, location and type of buildings and improvements thereon, if any, and as to the other matters shown hereon, and correctly shows the location of all visible easements and rights-of-way. This survey reflects the above ground (visible) location of utilities. The surveyor makes no guarantee that the utilities shown compromise all such utilities in the area, either in service, or abandoned. Further, the surveyor does not warrant that the underground utilities shown are in the exact location indicated. Underground utilities which may affect this property were not located during the course of this survey. Except as shown on the survey, there are no encroachments upon the subject property by improvements on adjacent property, there are no encroachments on adjacent property, streets or alleys by any improvements on the subject property and there are no conflicts or protrusions. I further declare that no portion of the said tract lies within a Special Flood Hazard Boundary according to the Flood Insurance Rate Map for Ellis County, Texas. Map # 48139C0095 D, Zone X Unshaded. This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1B, Condition 2 Survey. This survey was prepared for title purposes in conjunction with Commitment for Title Insurance, G.F. No. \_\_\_\_\_ dated: \_\_\_\_\_ 2005. The easements, rights-of-way, or other exceptions noted hereon are according to the Schedule B provided. The surveyor has not obstructed the property. Based on the easements and/or deeds provided by the title company, the following do not appear to affect the subject property:

NO TITLE WORK AT THIS TIME

ENGINEERS  
**D & M**  
SURVEYORS

Walter Kevin Davis  
Registered Professional Land Surveyor #4488

**DAVIS & McDILL, Inc.**  
P.O. BOX 428, Waxahachie, Texas 75168  
Phone: Metro 972-938-1185 Fax: 972-937-0307

Description Survey Plat Client: RRPG-77 G.F. # ---  
Drawn by: Kevin Bohannon Scale: 1" = 100' Date: April 20, 2005 Job # 205-0249X-2A

STATE OF TEXAS  
REGISTERED  
WALTER KEVIN DAVIS  
4488  
PROFESSIONAL  
LAND SURVEYOR

(11)

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM LIGHT INDUSTRIAL-1 (LI1) TO COMMERCIAL (C) LOCATED AT 2271 N HIGHWAY 77 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.864 ACRES KNOWN AS LOT 2-A, BLOCK 18A OF THE REVCO SUBDIVISION-REVISED, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, a proper application for a Zoning Change has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZC-18-0135. 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 LI1 to C; 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 LI1 to C in order to facilitate development of the subject property in a manner that allows construction of a medical office on the following property: Lot 2-A, Block A of the Revco Subdivision-Revised, which is shown on Exhibit A.

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

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

**PASSED, APPROVED AND ADOPTED** on this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
MAYOR

ATTEST:

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

(11)



**ZC-18-0135 2271 N U.S. HWY 77 - LI1 TO C**  
**Location Exhibit**

 ZC-18-0135

**EXHIBIT A**

0 100 200 300 Feet



(12)

## Planning & Zoning Department

### Plat Staff Report

Case: RP-18-0136



#### MEETING DATE(S)

*Planning & Zoning Commission:* September 11, 2018

*City Council:* September 17, 2018

#### CAPTION

Request by Marvin E. Singleton III, CNB of Texas, for a **Replat** of part of Lot 1A, Ferris Addition, to create Lot 1AR, Ferris Addition, 0.773 acres (Property ID 173282) – Owner: CITIZENS BANK OF TEXAS (RP-18-0136)

#### CASE INFORMATION

*Applicant:* Marvin E. Singleton III, CNB of Texas

*Property Owner(s):* Citizens Bank of Texas

*Site Acreage:* 0.773 acres

*Number of Lots:* 1 lot

*Number of Dwelling Units:* 0 units

*Adequate Public Facilities:* Adequate Public Facilities are available

#### SUBJECT PROPERTY

*General Location:* 401 ½ Ferris Avenue

*Parcel ID Number(s):* 173282

*Current Zoning:* General Retail

*Existing Use:* Storage/Warehouse

*Platting History:* The lot is platted as Lot 1 of the Ferris Addition.

**Site Aerial:****STAFF CONCERNS**

1. Revise title block to indicate Replat rather than Final Plat as indicated.
2. Because this plat is multiple lots replatted from the original Lot One of the Ferris addition, all portions of the lot must be included in the application, or signatures included on the plat indicating surrounding property owner's acceptance of replatting of this land, as a portion of the overall Lot One.
3. A 15-foot utility easement must be included along street frontages.
4. Indicate if a drainage easement is required for the concrete flume.

**APPLICANT RESPONSE TO CONCERNS**

1. A resubmitted plat has not been received.
2. Applicant has submitted a Petition of Hardship Waiver, requesting the removal of the requirement of including the surrounding property owner's signatures on the plat. This is to be considered as an inclusion in the motion by City Council.

**RECOMMENDATION**

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

- ☐ Denial  
☒ Approval, per comments.  
     1. The approval of the submitted plat are dependent on revisions per staff concerns.  
☐ Additional consideration required

**ATTACHED EXHIBITS**

1. Plat Drawing
2. Petition for Hardship Waiver

**APPLICANT REQUIREMENTS**

(12)

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:*

Shon Brooks, AICP

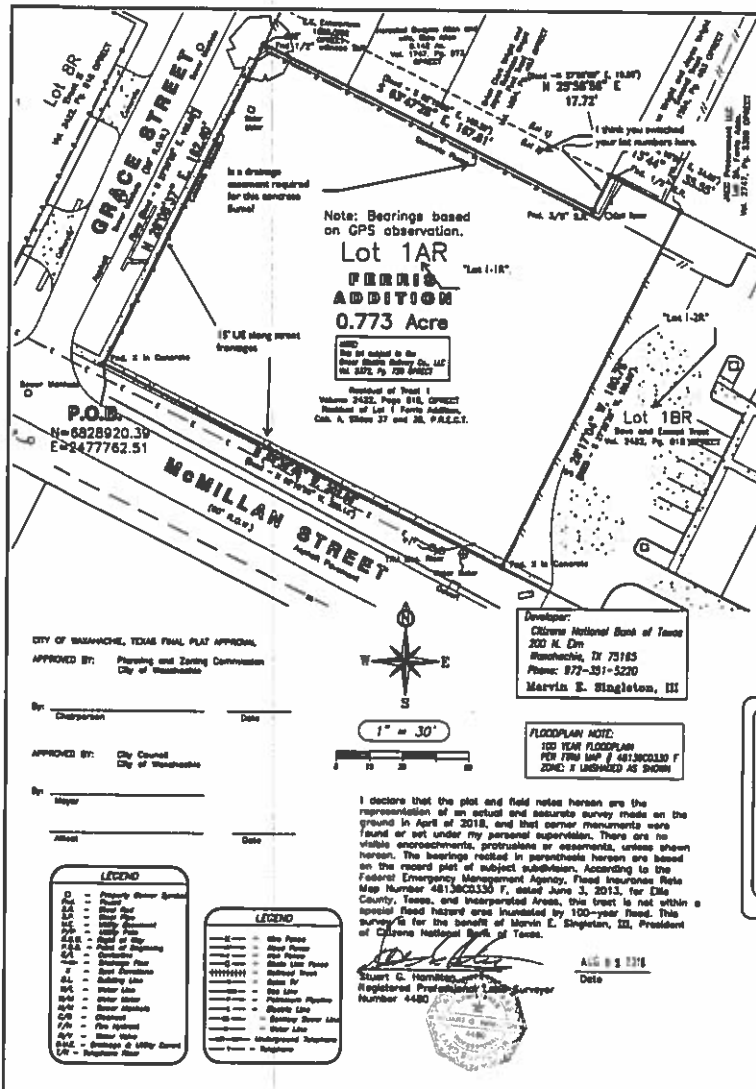
Director of Planning

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

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held September 11, 2018, the Commission voted 7-0 to recommend approval of plat no. RP-18-0136, subject to staff comments.

(12)



**FIELD NOTES**  
0.773 Acres

BEING all that certain lot, tract, or parcel of land being known and designated as the southeast of Lot 1 of Farm Addition, an addition to the City of Waxahachie, Ellis County, Texas, according to the plat thereof recorded in Deed A, Sheet 37 and 38 of the Plat Records, Ellis County, Texas, as referenced by Volume 2432, Page 616 of the Official Public Records, Ellis County, Texas (OPRECT), and being more particularly described as follows:

BEING all of an "X" found in a concrete curb for the west corner of this tract and same for said Lot 1, being on the northeast right of way of McMillan Street (a 60 foot R.O.W.) and in the southeast right of way of Grace Street (a 50 foot R.O.W.), the bearing being for this description from GPS observation, Texas North Central Zone 4302, NAD 83 Datum, and having a georeferenced co-ordinate of Northing = 6828835.36, Easting = 2477762.51

THENCE N 29°05'27" E, 182.40 feet (Doubt - N 27°30'00" E, 180.00 feet) along the northeast line of this tract and same for said Lot 1, and along the southeast line of Grace Street to a point for corner under a wood fence and in a concrete fence support which bears N 67°47'28" E, 182.40 feet from a 1/4" steel rod found for witness to this corner, and being the southeast corner of a parcel created in E.T. Enterprises in Volume 1804, Page 832, OPRECT;

THENCE S 67°47'28" E, 182.40 feet (Doubt - S 67°15'00" E, 180.00 feet) along the northeast line of this tract, same for said Lot 1, and along the northeast line of Grace Street to a point for corner as described in Volume 1747, Page 875 OPRECT, to a 3/8" steel rod found for on east corner of this tract and same for said Lot 1, and being the south corner of a parcel created in Brian and Joyce Wright in Volume 1804, Page 403, OPRECT;

THENCE N 29°05'27" E, 17.72 feet (Doubt - N 27°30'00" E, 18.00 feet) along the northeast line of this tract, Lot 1, and the southeast line of said Wright tract to a 1/4" steel rod found for a north corner of this tract, and being an east corner of said Lot 1;

THENCE S 67°47'28" E, 35.56 feet (Doubt - S 67°15'00" E, 34.88 feet) along a northeast line of this tract, Lot 1, and along the southeast line of said Wright tract, passing the recognized easterly south corner of said Wright tract and the recognized east corner of Lot 1A as created in JACB Presurmount LLC in Volume 2747, Page 2388, OPRECT to a 1/4" steel rod found for the east corner of this tract, and being the north corner of the Sene and Conner tract described on Lot 1BR in Volume 2432, Page 616, OPRECT;

THENCE S 29°17'04" W, 180.79 feet (Doubt - S 27°30'00" W, 180.56 feet) along the southeast line of this tract, through said Lot 1, and along the northeast line of said Lot 1BR to an "X" found in a concrete curb for the south corner of this tract, the east corner of Lot 1BR, being on the southeast line of Lot 1, and being on the northeast line of McMillan Street, said point bears N 67°30'00" W, 194.88 feet (Doubt - N 67°15'00" W, 194.88 feet) from an "X" found in concrete for the south corner of said Lot 1BR;

THENCE N 67°30'00" W, 203.86 feet (Doubt - N 67°15'00" W, 205.14 feet) along the southeast line of this tract, same for Lot 1, and along the northeast line of said Lot 1 to the POINT OF BEGINNING, and containing approximately 0.773 acre of land.

If this land is being placed out of a larger piece of land, it's going to be a right, and we'll need to see the larger piece of land included. Additionally, the owners of the rest of the land must be included on the plat, since, legally, it's also placing their land. This would mean including the ET Enterprises, Allen, and Wright properties, as well as the parking lot.

**NOTE: BEARINGS BASED ON GPS OBSERVATION.**  
**Lot 1AR**  
**FERRIS ADDITION**  
**0.773 Acres**

By or subject to the  
Best South Survey Co., LLC  
N.E. 5275, P.O. Box 890221

Resurvey of Tract 1  
Volume 2432, Page 616, OPRECT  
Resurvey of Lot 1 Ferris Addition,  
Cibola, Sheet 37 and 38, P.A.L.L.T.

Now, therefore, know all men by these presents:  
That the Citizens National Bank of Texas, do hereby certify this plat depicting the herein above described property as a FINAL PLAT of LOT 1AR, of the FERRIS ADDITION, an addition to the City of Waxahachie, Texas, and does hereby declare, in two parts, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever. For the purposes indicated on this plat, no buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Waxahachie. In addition, utility easements may also be used for the mutual use and convenience of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public's and City of Waxahachie's use thereof. The City of Waxahachie and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way encumber or interfere with the easements, maintenance, or efficiency of their respective systems in said easements. The City of Waxahachie and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, improving, maintaining, remodeling, repairing, renewing, and adding to or removing all or parts of their respective systems without the necessity of any time procuring permission from anyone.

This plat is subject to all pending easements, rules, regulations and resolutions of the City of Waxahachie, Texas.

WITNESS, my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

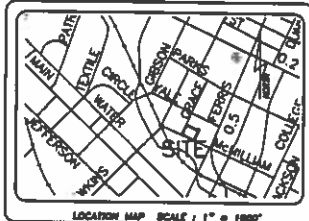
By: \_\_\_\_\_  
Mervin E. Singleton, III

STATE OF TEXAS  
COUNTY OF ELLIS

I, \_\_\_\_\_, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Mervin E. Singleton, III, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Notary Public in and for the State of Texas  
My Commission Expires On \_\_\_\_\_



**FINAL PLAT**  
**Lot 1AR**  
**FERRIS ADDITION**  
City of Waxahachie,  
Ellis County, Texas

<b>ELLIS ASSOCIATES</b> <b>SURVEYORS</b> 212 North College Waxahachie, Texas 75116 TSPS License No. 11087700	Date: 8/1/2018 Scale: 1" = 30' Drawn: DWH Job: 18105
--	---



**Citizens  
National Bank  
Of Texas**

Your Bank Since 1868

August 22, 2018

RE: Replat Application Case: RP-18-0136  
Hardship Waiver Request

To Whom It May Concern:

Please consider this formal request to grant a Hardship Waiver regarding replat application case RP-18-0136. This request to only replat our property is due to the difficulty in acquiring all property owners' signatures.

For additional information please contact me directly at [REDACTED] or via email at [REDACTED]. Thank you for your consideration.

Sincerely,

Marvin E. Singleton III  
President/CEO





(12)

**CASE RP-18-0136**

**SUPPORT 2**

**OPPOSE 2**

Request by Marvin E. Singleton III, CNB of Texas, for a **Replat** of part of Lot 1A, Ferris Addition, to create Lot 1AR, Ferris Addition, 0.773 acres (Property ID 173282) – Owner: CITIZENS BANK OF TEXAS (RP-18-0136)

**SUPPORT**

1. Brad Yates, 211 N. Gibson, Waxahachie, TX 75168
  - a. "Please approve."
2. Craig Rudolph, 411 Ferris Avenue, Waxahachie, TX 75165

**OPPOSE**

1. Candi Hunt, 401 Ferris Avenue, Waxahachie, TX 75165
  3. Richard Wilson, 413 W. Royal, Waxahachie, TX 75165
    - a. "Concerns with additional noise, from equipment and race car engine noise."
-

(12)

RECEIVED  
8/28/18



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: RP-18-0136



PROSPERITY BANK ATTN: ACCOUNTING  
80 SUGAR CREEK CENTER BLVD  
SUGAR LAND, TX 77478

The Waxahachie City Council will hold a Public Hearing on Monday, September 17, 2018 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

*Request by Marvin E. Singleton III, CNB of Texas, for a Replat of part of Lot 1A, Ferris Addition, to create Lot 1AR, Ferris Addition, 0.773 acres (Property ID 173282) - Owner: CITIZENS BANK OF TEXAS (RP-18-0136)*

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-18-0136      ☐ 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, SEPTEMBER 5, 2018** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

Caroli Hunt LmAp  
Signature

8-27-18  
Date

Caroli Hunt LmAp  
Printed Name and Title

401 Ferris Ave. Waxahachie 75165  
Address

(12)

RECEIVED  
9/5/18



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: RP-18-0136



ALLEN HERSCHEL DWAYNE & ELDA  
411 ROYAL ST  
WAXAHACHIE, TX 75165

The Waxahachie City Council will hold a Public Hearing on Monday, September 17, 2018 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

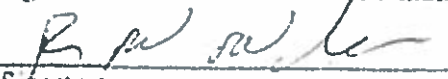
*Request by Marvin E. Singleton III, CNB of Texas, for a Replat of part of Lot 1A, Ferris Addition, to create Lot 1AR, Ferris Addition, 0.773 acres (Property ID 173282) - Owner: CITIZENS BANK OF TEXAS (RP-18-0136)*

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-18-0136             SUPPORT        X   OPPOSE

Comments: Concerns with additional noise, from equipment and race car engine noise

Your response to this notification is **OPTIONAL**. If you choose to respond, please return this form by 5:00 P.M. on **WEDNESDAY, SEPTEMBER 5, 2018** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

  
Signature

September 5, 2018  
Date

Richard Wilson Facilities Manager  
Printed Name and Title

413 W. Royal, Waxahachie, TX 75165  
Address



(18)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **RP-18-0136**



LOREN GRAY INVESTMENTS LLC  
PO BOX 2868  
WAXAHACHIE, TX 75168

The Waxahachie City Council will hold a Public Hearing on Monday, September 17, 2018 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

*Request by Marvin E. Singleton III, CNB of Texas, for a Replat of part of Lot 1A, Ferris Addition, to create Lot 1AR, Ferris Addition, 0.773 acres (Property ID 173282) – Owner: CITIZENS BANK OF TEXAS (RP-18-0136)*

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-18-0136** ☒ SUPPORT ☐ OPPOSE

Comments: please approve

Your response to this notification is **OPTIONAL**. If you choose to respond, please return this form by 5:00 P.M. on **WEDNESDAY, SEPTEMBER 5, 2018** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

Signature Bred Yates

Printed Name and Title

Date 8/29/18

Address 211 N. Gibson Wax. Tx.  
75168



(12)

**City of Waxahachie, Texas**  
**Notice of Public Hearing**  
**Case Number: RP-18-0136**

**RECEIVED**  
9/10/18

**JACC PROCUREMENT LLC**  
**100 SHORT PUTT DR**  
**WAXAHACHIE, TX 75165**

The Waxahachie City Council will hold a Public Hearing on Monday, September 17, 2018 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

*Request by Marvin E. Singleton III, CNB of Texas, for a Replat of part of Lot 1A, Ferris Addition, to create Lot 1AR, Ferris Addition, 0.773 acres (Property ID 173282) – Owner: CITIZENS BANK OF TEXAS (RP-18-0136)*

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-18-0136

☒ 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, SEPTEMBER 5, 2018** to ensure inclusion in the Agenda Packet. Forms can be emailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

Signature

Printed Name and Title

*Craig Rudolph, Owner*

Date

Address

*9-6-18*

*411 Ferris Ave. Waxa TX 75165*

(14)

## Planning & Zoning Department Zoning Staff Report

Case: PD-18-0137



### MEETING DATE(S)

Planning & Zoning Commission: September 11, 2018

City Council: September 17, 2018

### CAPTION

**Public Hearing** on a request by Austin Blankenbeckler, Carlisle, for a Zoning Change from a Planned Development-14-Heavy Industrial zoning district to **Planned Development-Heavy Industrial, with Concept Plan**, located at 1701 W. Highway 287 (Property ID 269700) - Owner: ACFB LOYAL TRUST & FAB III SECURE TRUST (PD-18-0137)

### CASE INFORMATION

Applicant: Austin Blankenbeckler, Carlisle

Property Owner(s): ACFB Loyal Trust & Fab III Secure Trust

Site Acreage: 9.358 acres

Current Zoning: Planned Development-14-Heavy Industrial

Requested Zoning: Planned Development-Heavy Industrial

### SUBJECT PROPERTY

General Location: 1701 W Highway 287

Parcel ID Number(s): 269700

Existing Use: Auto dealership

Development History: The final plat for the Carlisle Addition was approved by City Council on October 17, 2016.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	N/A	I35
East	N/A	Highway 287
South	PD-15-LI1	Oncor
West	PD-MF-GR	Civic Center development

Future Land Use Plan: Mixed Use Non-Residential



(14)

***Comprehensive Plan:***

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

***Thoroughfare Plan:***

The site is surrounded by Highway 287's frontage road, Sam George Drive (60' Row), and John Arden Drive (80' ROW).

***Site Images:***



**PLANNING ANALYSIS**

The applicant has submitted plans request to alter the existing Planned Development to erect a third pole sign at this property. The site currently has three signs existing on site, with the submitted drawing being inconsistent to the signage currently on site. With this request, a fourth sign is proposed.

Pole signs are required to be a minimum of 350 feet apart. The proposed fourth sign would meet the 350 foot distance requirement from the nearest pole sign, however, the existing pole signs do not meet the 350 foot distance requirement. To have a total of four pole signs at the property with the required distance separation, the site requires a minimum of 1400 feet in street frontage. The site has a total of approximately 870 feet of frontage along US Highway 287.

The placement of the existing and proposed pole signs, are directly on the property lines. Not in compliance with the 25 foot setback, plus one foot setback for every additional foot in sign height.

**PD DEVELOPMENT STANDARDS**

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

Base Zoning Requirement	Proposed Development Standard
All pole signs greater than twenty-five (25) feet in height shall be set back a minimum of twenty-five (25) feet, plus one (1) foot for each foot the sign exceeds twenty-five (25) feet.	Setback of zero (0) feet from the property line.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 5 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Daily Light and a sign was visibly posted at the property on 08/24/2018.

**STAFF CONCERNS**

1. Per the Zoning Ordinance, Section 5.08(d)(ii)15), all pole signs greater than twenty-five (25) feet in height shall be set back a minimum of twenty-five (25) feet, plus one (1) foot for each foot the sign exceeds twenty-five (25) feet. Your proposed sign is thirty-six (36) feet in height, and therefore must be set back at least thirty-six (36) feet from the property line. Staff must recommend a denial of your request to place the pole sign on the property line.
2. Pole signs must be 350 feet from any other pole or pylon sign on the same property, measured along the street frontage. Requested signage is not in compliance.
3. Site plan submitted is inconsistent with signage currently in place.

**APPLICANT RESPONSE TO CONCERNS**

1. No formal response received. Staff discussed the setback and separation distance requirements for pole signs with the applicant. Applicant was made aware that staff could not support a request to waive the setback or distance requirements.



**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. Proposed pole sign
2. Site 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 a set of drawings that incorporate all comments.

**STAFF CONTACT INFORMATION**

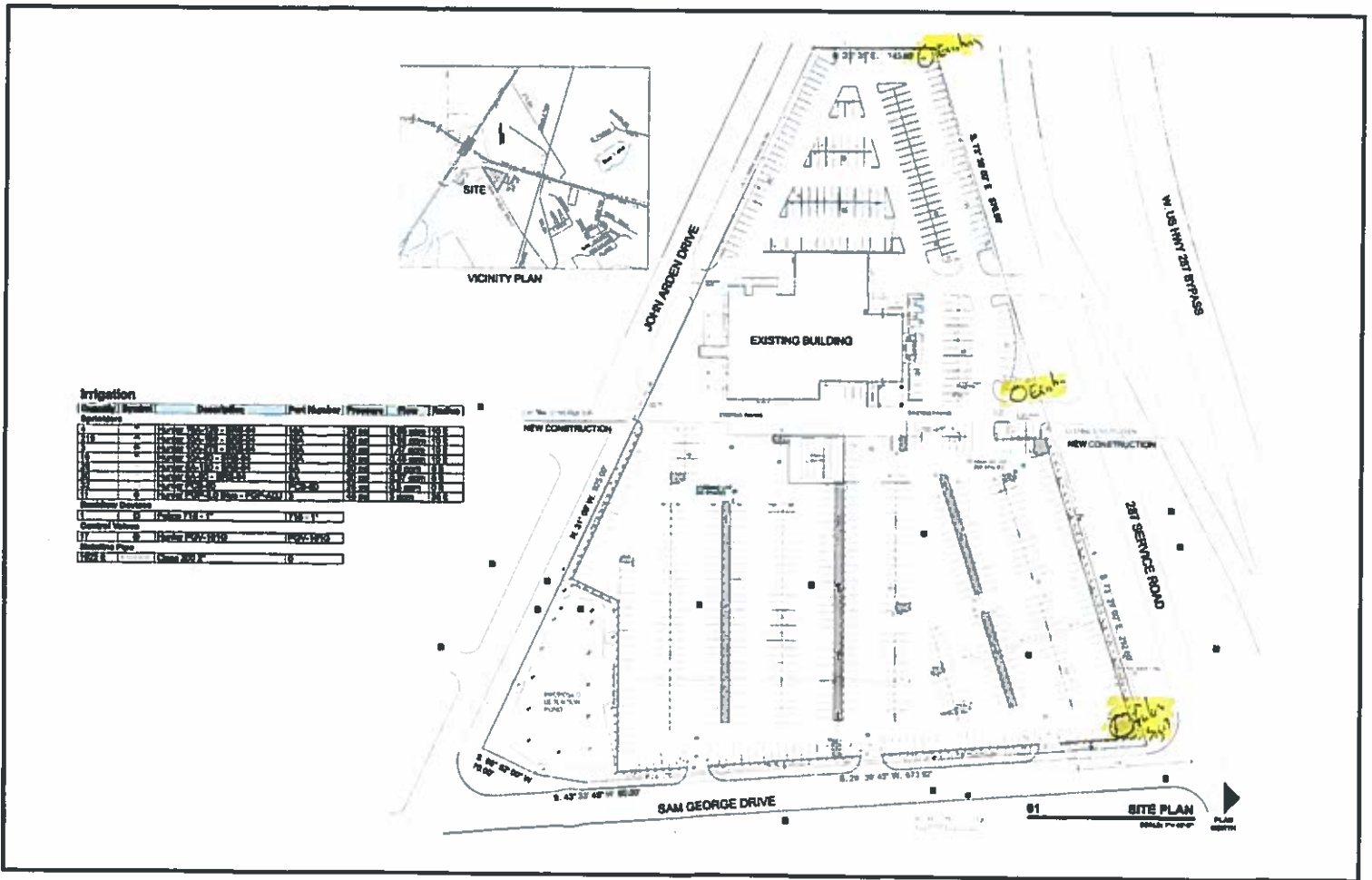
*Prepared by:*  
 Kelly Dent, MPA  
 Planner  
[kdent@waxahachie.com](mailto:kdent@waxahachie.com)

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

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held September 11, 2018, the Commission voted 4-3 to recommend approval of zoning change PD-18-0137.

(14)



(14)

11'-3 1/4"

11'-3 1/4"



36'-0"

GM

**AGI** YOUR IMAGE.  
OUR PRIORITY.  
ARCHITECTURAL GRAPHICS INC.

2655 International Parkway  
Virginia Beach, VA 23452

Drawn By: MAK  
P.M. DeMarius  
Sign Type: P137 / 36'-6"  
Date: 12/21/2016  
Location: Waxahchie, TX  
Scale: 1: 64 (3/16th)

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(14)

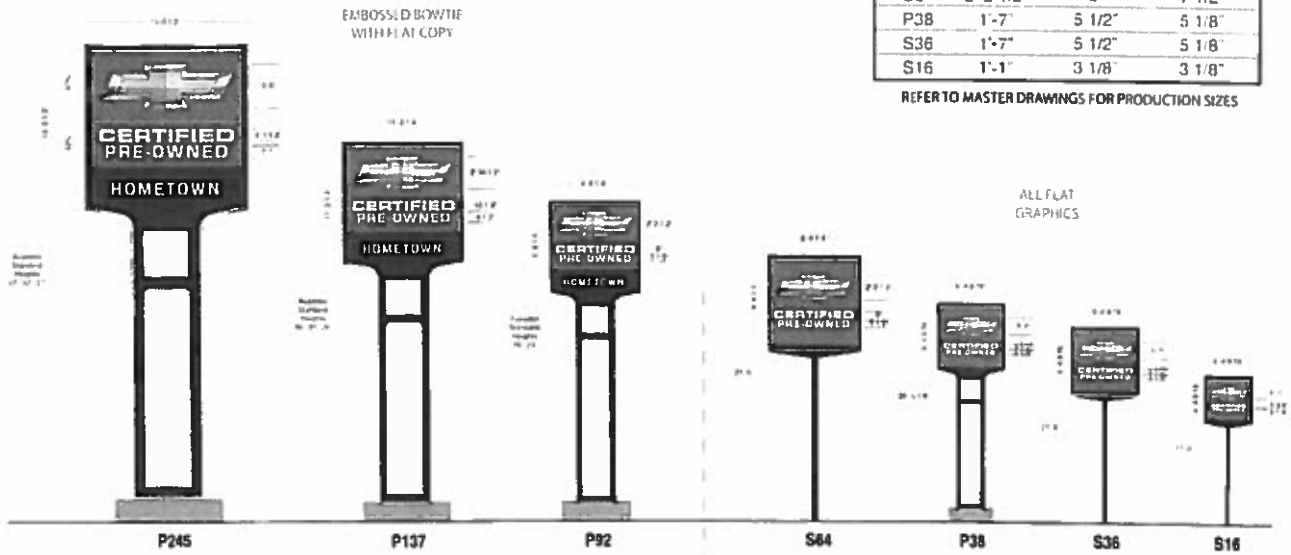
## Chevrolet Certified Pre-Owned Sign Family

RED INDICATES FLAT GRAPHICS

### Graphic Size by Sign

SIGN	CHEVROLET	CERTIFIED PRE-OWNED	PRE-OWNED
P245	5'-0"	1'-1 1/2"	1'-1"
P137	2'-10 1/2"	10 1/4"	9 1/2"
P92	2'-2 1/2"	8"	7 1/2"
S64	2'-2 1/2"	8"	7 1/2"
P38	1'-7"	5 1/2"	5 1/8"
S36	1'-7"	5 1/2"	5 1/8"
S16	1'-1"	3 1/8"	3 1/8"

REFER TO MASTER DRAWINGS FOR PRODUCTION SIZES



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(15)

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-14-HEAVY INDUSTRIAL (PD-14-HI) TO PLANNED DEVELOPMENT-HEAVY INDUSTRIAL (PD-HI), WITH CONCEPT PLAN LOCATED AT 1701 W HIGHWAY 287 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.414 ACRES KNOWN AS LOT 1, BLOCK A OF THE CARLISLE ADDITION, PROPERTY ID 269700, 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 has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number PD-18-0137. 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-14-HI to PD-HI; 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-14-HI to PD-HI in order to facilitate development of the subject property in a manner that allows construction of a fourth pole sign with a zero (0) foot setback on the following property: Property ID 269700, Lot 1, Block A of the Carlisle Addition subdivision, which is shown on Exhibit A, in accordance with the Pole Sign 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 \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
MAYOR

ATTEST:

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



**PD-18-0137 1701 W Hwy 287 - Carlisle Sign  
Location Exhibit**

**EXHIBIT A**

 PD-18-0137



(15)

## EXHIBIT B



**AGI** YOUR IMAGE.  
OUR PRIORITY.  
ARCHITECTURAL GRAPHICS INC.

2655 International Parkway  
Virginia Beach, VA 23452

Drawn By: MAK  
P.M.: DeMarius  
Sign Type: P137 / 36'-6"  
Date: 12/21/2016  
Location: Waxahchie, TX  
Scale: 1: 64 (3/16th)

This document is the sole property of Architectural Graphics, Inc., and all design, manufacturing, reproduction, use and sale rights regarding the same are expressly forbidden. It is submitted under a confidential relationship, for a special purpose, and the recipient, by accepting this document assumes custody and agrees that this document will not be copied or reproduced in whole or in part, nor its contents revealed in any manner or to any person except for the purpose for which it was tendered, nor any special features peculiar to this design be incorporated in other projects.

**GM**

(15)

## EXHIBIT B, CONT.

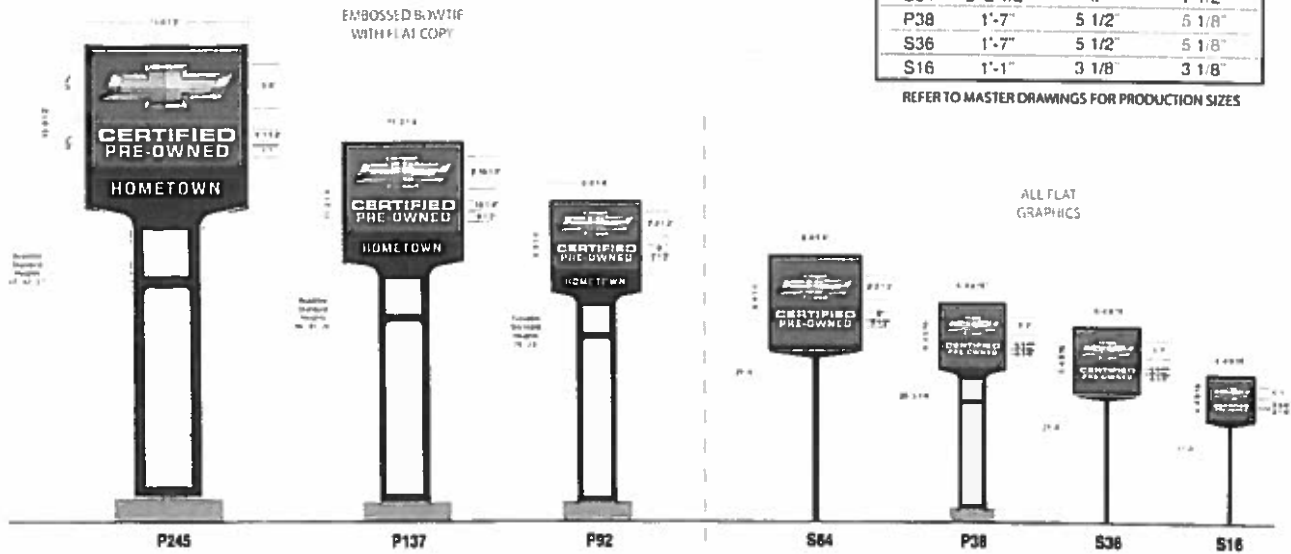
### Chevrolet Certified Pre-Owned Sign Family

RED INDICATES FLAT GRAPHICS

#### Graphic Size by Sign

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S36	1'-7"	5 1/2"	5 1/8"
S16	1'-1"	3 1/8"	3 1/8"

REFER TO MASTER DRAWINGS FOR PRODUCTION SIZES



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General Motors Company





RECEIVED  
9/5/18

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: TA-18-0145



YOUNGBLOOD JOE W  
PO BOX 404  
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, September 11, 2018 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, September 17, 2018 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

*Request by the City of Waxahachie to create a Historic Overlay District per the requirements of the Zoning Ordinance Number 3020 establishing Section 3.24 and ordering the changing of the Zoning Map thereof in accordance with said change. (TA-18-0145)*

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: TA-18-0145           SUPPORT      X OPPOSE

Comments: THIS SOUNDS SUSPICIOUSLY LIKE AN ELABORATE  
"HOME OWNERS ASSASSINATION"

Your response to this notification is OPTIONAL. If you choose to respond, please return this form by 5:00 P.M. on WEDNESDAY, SEPTEMBER 5, 2018 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

Joe W. Youngblood  
Signature

9-5-18  
Date

HOME OWNERS  
Printed Name and Title

113 WILLIAMS  
Address

(16)

**Wright, Destiny**

---

**From:** Brown, Anita  
**Sent:** Thursday, September 6, 2018 8:56 AM  
**To:** Brooks, Shon; Dent, Kelly; Wright, Destiny  
**Cc:** Lawrence, Albert; Scott, Michael  
**Subject:** Oldham Avenue Support  
**Attachments:** IMG\_0500.PNG; ATT00001.txt; IMG\_0501.PNG; ATT00002.txt

Attached are screenshots of text messages between myself and Amanda Moreno Lake. In this exchange she confirms her support of the creation of the Oldham Overlay district for all of her properties. With this inclusion, we now have documentation (from our previous notifications) of support from 14 of the 23 properties in the proposed area--or just under 61%, which is double what our ordinance calls for.

Anita

-----Original Message-----

**From:** Brown, Anita  
**Sent:** Thursday, September 6, 2018 8:49 AM  
**To:** Brown, Anita <abrown@waxahachie.com>  
**Subject:** Amanda



Amanda

iMessage  
Tuesday 2:21 PM

Hi! Amanda,  
I hope all is well with you. 😊  
Back in January you returned a card in support of the creation of an Overlay District for the Oldham Avenue NRD. You only wrote the 500 Oldham address on the card. I know you are also part owner of 501-503 Oldham. Does this support cover those properties as well?

Oldham Avenue National Register District

Name Amanda M Lake

Address 500 Oldham Street

Own ☒

Rent/Lease ☐

Length of time in the neighborhood \_\_\_\_\_

Please check ONE

☒ I support the creation of an Overlay District for the Oldham Avenue National Register District.

☐ I do not support the creation of an Overlay District for the Oldham Avenue National Register District.

Contact me when a public hearing is scheduled by: Phone 214-435-2664

c. carter@yahoo.com

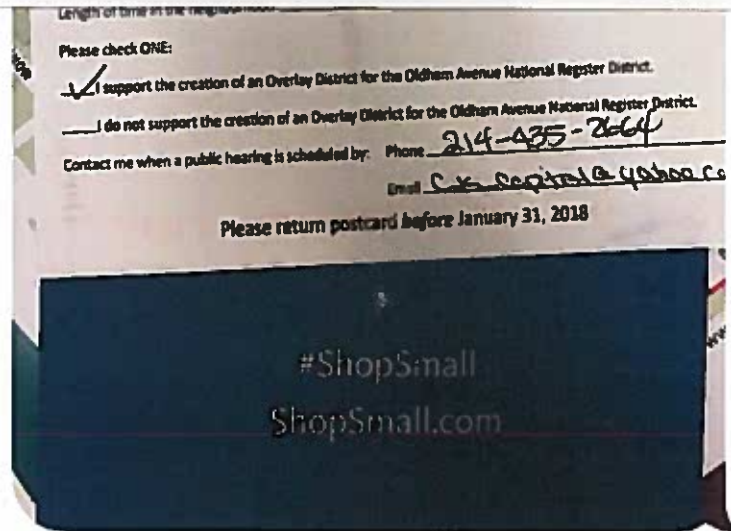


iMessage





Amanda



The meetings for this district are set for next week so I am following up on all of our data. Thanks in advance for getting back to me. Have a great day!  
Anita

Read Tuesday

Today 8:44 AM

Thank you for reaching out..  
yes we are in support ..  
including 501 and 503  
Oldham..have a bless day



iMessage



(16)

RECEIVED  
9/4/18

September 4, 2018

City of Waxahachie  
Planning and Zoning Commission  
P.O. Box 757  
Waxahachie TX 75168

***Re: Request by the City of Waxahachie to create a Historic Overlay District per the requirements of the Zoning Ordinance Number 3020 establishing Section 3.24 and ordering the changing of the Zoning Map thereof in accordance with said change.***

TA-18-0145

To The Members of the Planning and Zoning Commission:

I am unable to attend the P&Z meeting on September 11, 2018, so I am writing this letter.

As a historic homeowner, concerned resident, and President of Historic Waxahachie, Inc., I urge The City of Waxahachie Planning and Zoning Commission to vote "YES" to create a historic overlay district for Oldham Street.

A Historic District is nothing to fear. Rather it is something that should be embraced, especially in a city like Waxahachie which is so full of rich history and that relies heavily on historic tourism as a source of revenue.

A home is an investment and should be protected. Historic districts offer homeowners protection and security for their investment. The investment is not simply in that single house, but for the entire neighborhood as well as the entire community. A house is only as good as the one next to it. If one house is not maintained or the design is out of character, the entire neighborhood suffers.

The most common reason I hear from people to not create a historic district is "You can't tell me what to do with my property". Should a homeowner hire an unscrupulous contractor to work on their home without any type of permit? After you buy a home, should you not do any further maintenance on it and let it fall into neglect? Of course not. There are obligations (rules) that a homeowner should follow. A home must always be looked after and cared for. To have some regulation in how that care and maintenance to a home are done provides consistency and continuity to a neighborhood.

Historic districts ensure that neighbors don't make bad improvements (either knowingly or unknowingly) or hire contractors who give bad advice and make repairs in a style that is easiest for them.

Studies show that homes in a protected neighborhood increase in value by 5-35% per decade over homes not in a historic district. (\*)

(16)

We need to think about the future, not just the present. What happens to a beautiful historic neighborhood in 5 years when, without having historic district protection, a resident dies, their former house is sold, it is torn down and a 3 story modern eyesore is built in its place? Or the house is left to neglect? Or turned into rental apartments?

The other trend happening now is taking one lot and converting it into two lots. I recognize this higher density building is appealing in the short term because it brings in more tax revenue. However, the long term effects of this trend also cause neighborhoods to lose their continuity and character and ultimately hurts the community.

Neighbors change and sometimes not always for the better. When a neighborhood deteriorates and your investment is not as appealing as a private residence, it becomes appealing to investors as rental property. This is the beginning of the end of an era. This has happened before in Waxahachie starting in the 1960s when many of our beautiful homes were converted into apartments. Home prices go down. Tax rates go up. The entire community suffers.

Please vote "YES" to the creation of the Oldham Street Historic Overlay District. I am looking forward to more districts being created so that more of Waxahachie's beautiful historic neighborhoods are not lost.

Our obligation as citizens of Waxahachie is to be sure what we do positively impacts Waxahachie's future. We need to be careful of short term and short sighted gains. We must take steps to protect the future of our city which is perhaps the greatest benefit that will arise from the creation of these new historic districts.

Thank you for your thoughtful consideration and for your service to our city.

Regards,

*Kathleen Bowen*

Kathleen Bowen  
527 W. Jefferson St.  
Waxahachie TX 75165

(\*) Benefits of Residential Historic District Designations for Property Owners by Jonathan Mabry, PhD.  
06/07/07

(1/6)

## Wright, Destiny

---

**From:** deborah.smith07@charter.net  
**Sent:** Tuesday, September 11, 2018 4:04 PM  
**To:** Wright, Destiny  
**Subject:** Re: Comments on Historic Overlay

304 Cynisca St. Waxahachie, TX 75165  
Sent on the Sprint® Now Network from my BlackBerry®

-----Original Message-----

**From:** "Wright, Destiny" <dwright@waxahachie.com>  
**Date:** Tue, 11 Sep 2018 20:54:28  
**To:** deborah.smith07@charter.net <deborah.smith07@charter.net>  
**Subject:** RE: Comments on Historic Overlay

Hi Deborah,

For inclusion in the Public Hearing, could you please provide your address?

Destiny Wright  
City of Waxahachie  
Planning Technician

-----Original Message-----

**From:** deborah.smith07@charter.net <deborah.smith07@charter.net>  
**Sent:** Tuesday, September 11, 2018 3:24 PM  
**To:** Wright, Destiny <dwright@waxahachie.com>  
**Subject:** Comments on Historic Overlay

I love the historic overlay and wish we could get one for Cynisca St. Why? Because the infill ordinances are being interpreted in the favor of builders versus the neighborhood on Cynisca. 4 house bedroom house is being allowed on newly created last week 219 Cynisca to displace a driveway and garage that belonged to 217 Cynisca. 219 Cynisca will not even have a back yard. This can therefore happen to all of Cynisca and the neighborhood will be dense with people and cars and no more backyards. No more quiet tree lined street. The city is not protecting us. A historic overlay would protect us. Its like a homeowners association. Has anyone seen the beautiful neighborhoods around the main drag in Fredericksburg? They are gorgeous and a small 1,300 square foot home has ample parking behind the front wall of the house and sells for \$700,000

Sent on the Sprint(r) Now Network from my BlackBerry(r)



(16)

RECEIVED  
9/7/18



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **TA-18-0145**



BEATTY CHARLES  
300 OLDHAM ST  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, September 11, 2018 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, September 17, 2018 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

*Request by the City of Waxahachie to create a Historic Overlay District per the requirements of the Zoning Ordinance Number 3020 establishing Section 3.24 and ordering the changing of the Zoning Map thereof in accordance with said change. (TA-18-0145)*

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Case Number: **TA-18-0145**

☒ 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, SEPTEMBER 5, 2018** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

Signature

*Charles Beatty*  
Printed Name and Title

Date

*8-30-18*  
Address

*300 Oldham*  
*Waxahachie, TX 75165*





RECEIVED  
9/5/18

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: TA-18-0145



REISNER RALPH  
102 WILLIAMS ST  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, September 11, 2018 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, September 17, 2018 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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Case Number: TA-18-0145      ☐ 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, SEPTEMBER 5, 2018** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [planningandzoning@waxahachie.com](mailto:planningandzoning@waxahachie.com).

Signature

Ralph Reisner  
Printed Name and Title

Date

9-4-18  
102 Williams St  
Address

(16)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: **TA-18-0145**



LOREN GRAY INVESTMENTS LLC  
PO BOX 2868  
WAXAHACHIE, TX 75168

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Case Number: **TA-18-0145** \_\_\_\_\_ SUPPORT

X OPPOSE

Comments: see attached

Your response to this notification is OPTIONAL. If you choose to respond, please return this form by 5:00 P.M. on **WEDNESDAY, SEPTEMBER 5, 2018** 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

Brad Yates

Date

Address

8/28/18

211 N. Gibson St.

Waxahachie, TX 75165

Received in  
City Secretary's Office  
8-29-18  
City of Waxahachie, Texas

(116)

Colonial Restoration Group Inc.

PO Box 2868

Waxahachie, TX. 75168

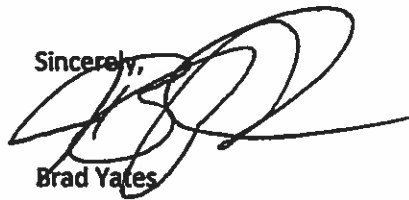
972-938-3383

To whom it may concern:

8/28/18

I am writing in reference to the proposed historic overlay. This letter is to confirm my opposition to said overlay and I feel it is only helpful to describe my reasonings. I have worked all over the state under similar guidelines and in most, if not all cases, the property owner is the one that suffers from such a district. The intent of the overlay district is noble and is definitely something that I hold dear to my heart, but my experience in dealing with these districts is that the contractor and owner become handcuffed and subject to the interpretation of the presiding board that governs the district. With this in mind the end result unfortunately means that projects and maintenance costs become significantly more expensive for the owner and in some cases hinders sale of properties due to increased restrictions. I think you can drive through the area and see that the current owners do a wonderful job keeping their properties up and have spent thousands of dollars preserving the homes that have drawn people to Waxahachie for decades. I have found that the more restrictions imposed, the less owners are willing to do to preserve the history of these amazing homes. It should be their choice in how they choose to maintain or improve their property considering they are the ones funding the project and paying the taxes. I believe it is important to educate owners and provide input to guide them in their restoration endeavors, but not strong arm based on views of those in place on the board. I am asking that this historic overlay not be approved so that our historic community can continue to thrive.

Sincerely,

A handwritten signature in black ink, appearing to be 'Brad Yates', written over the word 'Sincerely,'.

Brad Yates

(17)

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

**AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS CREATING A HISTORIC OVERLAY DISTRICT PER THE REQUIREMENTS OF THE ZONING ORDINANCE NUMBER 3020 ESTABLISHING SECTION 3.24, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

WHEREAS, the Oldham Avenue Historic District is recognized as a unique neighborhood in Waxahachie; and

WHEREAS, the Oldham Avenue Historic District was designated a National Register Historic District in 1985; and

WHEREAS, the Oldham Avenue Historic District contains structures of historic significance that enhance the quality of life as well as the economy of the community; and

WHEREAS, historic preservation and economic development are partners in the success of Waxahachie; and

WHEREAS, the Oldham Avenue Historic District therefore deserves special consideration in preserving its authenticity; and

WHEREAS, the Zoning Ordinance does not currently contain a designated Oldham Avenue Historic Overlay District; and

WHEREAS, the City Council of the City of Waxahachie finds it to be in the best interest of the citizens of Waxahachie to adopt the attached Historic Overlay District.

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

**Section 1. Purpose and Intent:** This district provides for the protection of the aesthetic and visual character of the Oldham Avenue Historic District through the establishment of the Historic Overlay District. All development, except for ordinary maintenance and repair (as defined by the Zoning Ordinance) within the Overlay District shall be reviewed by the Heritage Preservation Commission, which shall review the location, character and appearance of proposed development, renovation, or redevelopment activity. It is the purpose of such review to determine, in a cooperative fashion with the applicant, whether a proposed plan meets the guidelines and other standards of this Overlay District.

**Section 2. Delineation of District:** The Historic Overlay District shall include all land within the boundary of this district shown on the Official Zoning Map. The boundary is illustrated

(17)

on Attachment 1. Within the delineated Historic Overlay District, any lot or parcel of land located at least partially within the District shall follow these requirements for the entire lot or parcel.

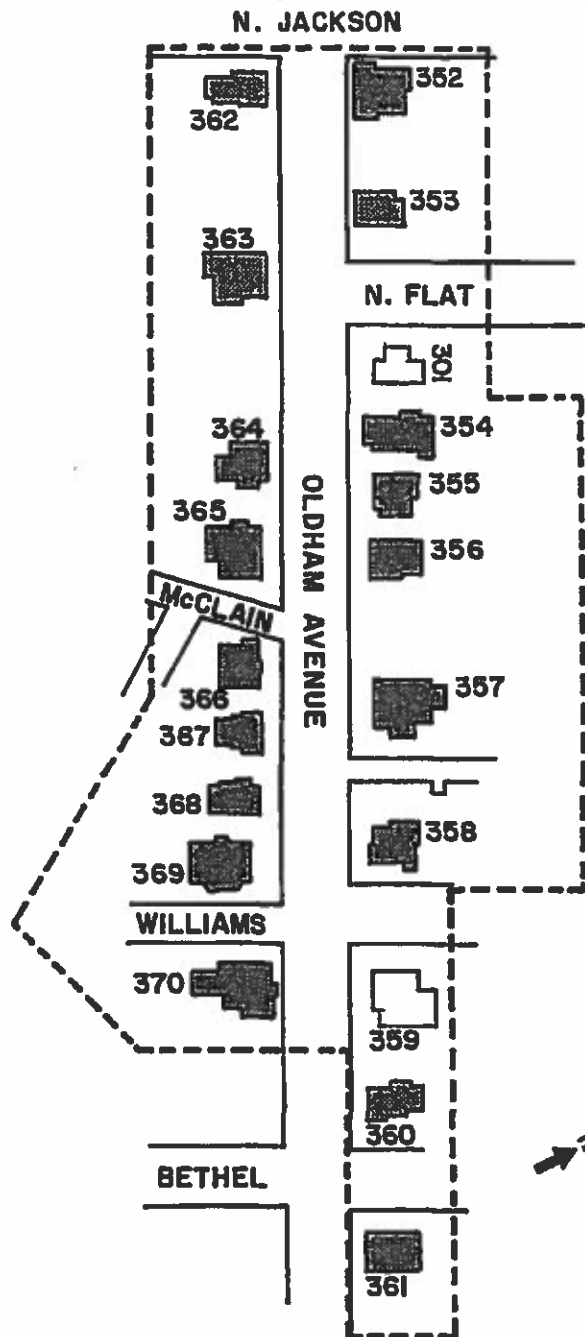
The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS** on this the \_\_\_\_ day of \_\_\_\_\_, 2018.




\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_, **City Secretary**

171  
**ATTACHMENT 1**



**OLDHAM AVENUE HISTORIC DISTRICT**

-  CONTRIBUTING STRUCTURES
-  NON-CONTRIBUTING STRUCTURES
-  DISTRICT BOUNDARY

0 400 ft.