

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, June 4, 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
4. Texas Pledge of Allegiance *Honor the Texas Flag;
I pledge allegiance to thee;
Texas, one state under God, one and indivisible*
5. ***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 551.071, Texas Government Code.
6. ***Consent Agenda***

All matters listed under Item 6, 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 regular City Council meeting of May 21, 2018
- b. Minutes of the regular Planning and Zoning Commission meeting of May 22, 2018
- c. Minutes of the Planning and Zoning Commission Briefing Session of May 22, 2018
- d. Minutes of Mid-Way Regional Airport Board meeting of May 10, 2018
- e. Minutes of Tax Increment Reinvestment Zone No. 1 meeting of May 21, 2018
- f. Approve event application for CNB of Texas 150th Birthday Bash
- g. Approve event application for Juneteenth Parade and Celebration
- h. Request by David Hargrove for a Final Plat of Garden Valley Meadows for 86 lots, being 27.545 acres situated in the JB and Ann Adams Survey, Abstract 5 (Property ID 263468) – Owner: LEGACY GROVE DEVELOPMENT LLC (FP-18-0051)
- i. Authorization of a budget amendment to fund fully reimbursable repairs for a City vehicle involved in a traffic accident

j. Resolution authorizing reimbursement of the Wastewater Funds' Working Capital from proceeds for future debt for the sanitary sewer rehabilitation project on Ennis, Elder and East Marvin Streets

7. **Introduce** Honorary Councilmember
8. **Present** Proclamation proclaiming June 4, 2018 – July 4, 2018 as “Crape Myrtle Month”
9. **Consider** Waxahachie Community Development Corporation Financial Report for year ended September 30, 2017
10. **Consider** Robert W. Sokoll Treatment Plant Financial Report for year ended September 30, 2017
11. **Public Hearing** on a request by Chris Acker, Acker Construction, for a Zoning Change from a Planned Development-44-General Retail and Single Family-2 zoning district to General Retail, located on the Southwest corner of Indian Drive at Brown Street, being 393 148 J GOOCH WM BASKINS 2.1698 ACRES (Property ID 184243) - Owner: INDIAN DRIVE HOLDINGS LLC (ZC-18-0056)
12. **Consider** proposed Ordinance approving Zoning Change No. ZC-18-0056
13. **Consider** request by Chris Acker, Acker Construction, for a Preliminary Plat of Dental Place Addition for 2 lots, being 2.081 acres situated in the John Gooch Survey, Abstract 393 (Property ID 184243) – Owner: Owner: INDIAN DRIVE HOLDINGS LLC (PP-18-0057)
14. **Consider** Landscape Plan for Dental Place Addition as a companion to PP-18-0057 – Owner INDIAN DRIVE HOLDINGS LLC
15. **Consider** request by Cole Morgan, Americase Fabrication and Construction, for a Preliminary Plat of Americase Business Park for 4 lots, being 21.09 acres situated in the John Estes Survey, Abstract 335, and the WC Moody Survey, Abstract 747 (Property ID 209253) – Owner: R&R AMERICASE HOLDINGS LTD (PP-18-0052)
16. **Consider** request by Cole Morgan, Americase Fabrication and Construction, for a Final Plat of Americase Business Park for 4 lots, being 21.09 acres in the John Estes Survey, Abstract 335, and the WC Moody Survey, Abstract 747 (Property ID 209253) – Owner: R&R AMERICASE HOLDINGS LTD (FP-18-0053)
17. **Consider** request by Cody Cockerham for a Preliminary Plat of Laguna Vista Place Phase 2 for 1 lot, being 2.18 acres situated in the W. Stewart Survey, Abstract 956 (Property ID 190519) – Owner: CODY L COCKERHAM and A. GARRETT REAL ESTATE VENTURES, LLC (PP-18-0046)
18. **Consider** request by Cody Cockerham for a Final Plat of Laguna Vista Place Phase 2 for 1 lot, being 2.18 acres situated in the W. Stewart Survey, Abstract 956 (Property ID 190519) – Owner: CODY L COCKERHAM and A. GARRETT REAL ESTATE VENTURES, LLC (FP-18-0047)

19. **Public Hearing** on a request by Richard Kampen, LRE Group, Inc. for a Zoning Change from a Light Industrial-1 and Light Industrial-2 zoning district to Light Industrial-2, located at 201 Cardinal Road, being LOT PT 1 BLK A CARDINAL IG ADDN 29.0 AC and LOT PT 1 BLK A CARDINAL IG ADDN 19.721 AC (Property ID 226867 and 209418) - Owner: CARDINAL IG COMPANY (ZC-18-0041)
20. **Consider** proposed Ordinance approving Zoning Change No. ZC-18-0041
21. **Public Hearing** on a request by the City of Waxahachie for a Specific Use Permit (SUP) to allow a Home for Aged, Residence (Assisted Living) use within a General Retail (GR) zoning district, located at 401 Solon Road, being 1 COVENANT ADDN 4.43 ACRES (Property ID 204441) Owner: TEXAS HCP AL LP (SU-18-0070)
22. **Consider** proposed Ordinance approving Zoning Change No. SU-18-0070
23. **Public Hearing** on a request by Aaron Duncan, MESA, for a Zoning Change from a Future Development zoning district to Commercial, Single Family-3, and Light Industrial-2, located at 604 FM 879, being 557 J JOHNSON 298.296 ACRES, 5 JB & A ADAMS, 557 J JOHNSON, 1249 SC WHITE 65.746 ACRES, and 5 JB & A ADAMS 134.9 ACRES (Property ID 209774, 179013, and 178975) - Owner: KAREN S ANDERSON IRREVOCABLE TRUST (ZC-18-0042)
24. **Consider** proposed Ordinance approving Zoning Change No. ZC-18-0042
25. **Public Hearing** on a request by Joseph Willrich, BEFCO Engineering Inc, for a Zoning Change from a Commercial zoning district to Light Industrial-1, located at 100 W Sterrett, 6820 N Interstate 35, and 6800 N Interstate 35, being 821 LB OUTLAW 2.354 ACRES, 821 LB OUTLAW 2.324 ACRES, and 821 LB OUTLAW 4.98 ACRES (Property ID 203820, 194221, and 188699) - Owner: M & M INVESTMENTS (ZC-18-0044)
26. **Consider** proposed Ordinance approving Zoning Change No. ZC-18-0044
27. **Public Hearing** on a request by Joseph Willrich, BEFCO Engineering Inc, for a Specific Use Permit (SUP) for HEAVY MACHINERY SALES OR STORAGE, TRAILER AND HEAVY LOAD VEHICLE REPAIR, EQUIPMENT SALES (NEW OR USED), EQUIPMENT RENTAL (HEAVY), OPEN OR OUTSIDE STORAGE, DISPLAY, OR WORK AREAS FOR MERCHANDISE OR MACHINERY) uses within a Light Industrial-1 zoning district, located at 100 W Sterrett, 6820 N Interstate 35, and 6800 N Interstate 35, being 821 LB OUTLAW 2.354 ACRES, 821 LB OUTLAW 2.324 ACRES, and 821 LB OUTLAW 4.98 ACRES (Property ID 203820, 194221, and 188699) - Owner: M & M INVESTMENTS (SU-18-0045)
28. **Consider** proposed Ordinance approving Zoning Change No. SU-18-0045
29. **Public Hearing** on a request by Grant Robinson, CPG Homes LLC, for a Zoning Change from a Multi-Family-2 zoning district to Planned Development-Multi-Family-2, with Concept Plan, located East of new Waxahachie High School, being 1080 WM C TUNNELL 6.536 ACRES (Property ID 264879) - Owner: THE MARK ON 287 OWNER LLC (PD-18-0048)
30. **Consider** proposed Ordinance approving Zoning Change No. PD-18-0048

31. **Public Hearing** on a request by Barb Hall, Ervin USA, for a Specific Use Permit (SUP) for Trailer, Truck Sales or Rental use within a Light Industrial-2 and Future Development zoning district, located at 4675 N Interstate 35, being 790 EC NEWTON 29.74 ACRES (Property ID 188460) - Owner: LUIS ESTRADA (SU-18-0054)
32. **Consider** proposed Ordinance approving Zoning Change No. SU-18-0054
33. **Public Hearing** on a request by Blain Vinson, Aspen Community Development, for a Zoning Change from a Single Family-3 zoning district to Planned Development-SF-3, with Concept Plan, located East of 865 Cantrell Street, being 6 JC ARMSTRONG 17.521 ACRES (Property ID 244351) - Owner: WALKER L GORDON ETAL (PD-18-0059)
34. **Consider** proposed Ordinance approving Zoning Change No. PD-18-0059
35. **Public Hearing** on a request by Sam Hix, Air Evac EMS, for a Specific Use Permit (SUP) for Heliport use within a Light Industrial-1 zoning district, located at 103 Industrial Drive, being 2R C N WAXAHACHIE IND PARK1 ACRES (Property ID 203244) - Owner: WESLEY E & F JUNE SAUNDERS (SU-18-0072)
36. **Consider** proposed Ordinance approving Zoning Change No. SU-18-0072
37. **Consider** proposed Ordinance amending Section 21-94, "Definitions," of Article IX, "Sexually Oriented Businesses," to Chapter 21, "Offenses and Miscellaneous Provisions," of the Waxahachie City Code
38. **Consider** award of a bid to McMahon Contracting, L.P. for the corridor rehabilitation of North Hawkins Street
39. **Consider** a resolution authorizing the reimbursement of Working Capital from the proceeds of future debt for the rehabilitation of North Hawkins Street
40. **Consider** a contract with Kimley Horn to provide professional engineering services for the design of erosion controls associated with the Matthews Street Bridge
41. **Consider** a resolution authorizing the reimbursement of Working Capital from the proceeds of future debt for professional engineering services for the design of erosion controls associated with the Matthews Street Bridge
42. **Consider** Developer's Agreement with Tilson Homes associated with the installation of a 12-inch water line along Interstate 35 East between Compton Road and FM 1446
43. Comments by Mayor, City Council, City Attorney and City Manager
44. 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

City Council
May 21, 2018

(12)

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers on Monday, May 21, 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

4. Texas Pledge of Allegiance

Mayor Pro Tem David Hill gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

5. Public Comments

Ms. Amy Hedtke, 106 Vanderbilt Lane, Waxahachie, asked Council to consider how they handle public comments specifically allowing audience members to hear discussion and offer feedback as agenda items are presented. She spoke in favor of Item 37 being the consideration of live streaming of all public meetings and briefings that take place in City Hall in addition to the City Council meetings. Ms. Hedtke stated Tuesday, May 22, 2018 is Election Day and an Ellis County annexation reform petition is circulating as a measure on the November ballot.

Ms. Kathy Ponce, 781 N. Highway 77, Waxahachie, spoke in favor of Item 37 and asked that it be a unanimous vote of yes. She stated she is shocked at the lack of transparency at the local level noting the agenda packets are not ready until the day of the meeting and the City Council and Planning and Zoning Commission meetings are not live streamed. She stated it would be good to watch Council meetings remotely allowing for community involvement.

Mr. Andrew Mashburn, 102 O Donna Drive, Waxahachie, spoke in favor of Item 37 on the agenda and encouraged Council to live stream meetings noting it sends a message that there is nothing to hide. He thanked Council for their service representing the citizens of Waxahachie.

Ms. Ruth Ann Luko, 105 Park Drive, Waxahachie, referenced Item 12 being a Public Hearing on a request by Dennis Little for a Replat of the remainder of Lots 1-4 and part of the remainder of Lot 5, Block 1, Rose Hill Acres Addition to create Lot 1R, Block 1 Rose Hill Acres, 0.515 acres (Property ID 175556) – Owner: SIBLEY CLAY ETAL (RP-18-0037). She stated the property sits on the corner of Bryson, Highway 77 and John Arden Drive noting Park Drive is used as a

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two-way thoroughfare. She stated five of the eight homes on her street are concerned as to what to do with that corner. Ms. Luko suggested Park Drive be considered as a one-way in and a two-way going out at Bryson.

6. Consent Agenda

- a. Minutes of the City Council meeting of May 7, 2018
- b. Minutes of the City Council Briefing Session of May 7, 2018
- c. Minutes of the City Council Special meeting of May 11, 2018
- d. Minutes of the City Council Work Session of May 16, 2018
- e. Minutes of the City Council and Planning and Zoning Commission work session of April 30, 2018
- f. Minutes of the Planning and Zoning Commission meeting of May 8, 2018
- g. Minutes of the Planning and Zoning Commission Briefing Session of May 8, 2018
- h. Minutes of the Waxahachie Community Development Corporation meeting of May 8, 2018
- i. Minutes of the Firemen's Relief and Retirement Fund meeting of May 14, 2018
- j. Minutes of the Senior Center Advisory Committee meeting of May 16, 2019
- k. Minutes of the Keep Waxahachie Beautiful Committee meeting of May 17, 2018
- l. Minutes of the Cemetery Board meeting of May 3, 2018
- m. Monthly Violation Activity Statistics Report for April 2018
- n. Monthly Fire and EMS Report for April 2018
- o. Approve application for YMCA Kick-off to the Summer Event in Penn Park
- p. Approve application for Community Day at the Park – Small Businesses Give Back
- q. Approve application for Arts in the Park
- r. Approve application for Community Day - Kickball in the Park
- s. Approve application for Princesses at the Park
- t. Request Javier D. Jaramillo, Pacheco Koch, LLC, for a Final Plat of City of Waxahachie Public Safety Campus, for 3 lots, being 47.696 acres out of the Benjamin B. Davis Survey, Abstract 290 (Property ID 206534 and 265158) – Owner: CITY OF WAXAHACHIE (FP-18-0040)

Action:

Councilmember Chuck Beatty moved to approve items a. through t. on the Consent Agenda. Councilmember Mary Lou Shipley seconded, All Ayes.

7. Introduce Honorary Councilmember

Mayor Pro Tem David Hill introduced Caleb High as the Honorary Councilmember for the month of May and presented him a Certificate of Appreciation for participating in the Honorary Councilmember program.

(ua)

37. Consider live streaming all public meetings and briefings that take place in City Hall in addition to the City Council meetings

Councilmember Melissa Olson moved that Item 37 be considered at this time due to a full agenda noting this matter will be dealt with quickly as she stated we all support transparency and involving the community. Mayor Strength and Councilmembers had no objection.

Councilmember Olson presented the following reasons for streamlining:

- 1) Bring meetings to those who cannot attend them, such as disabled persons, those who are at work, school, at home with children, etc. We cannot schedule all meetings to accommodate every person in Waxahachie, so live-streaming works really well to help with this.
- 2) Education: This process has helped educate people in how our city works. Personally, I have gone back through to learn about certain processes or topics that were unclear and were discussed in a meeting to learn more about them. This would be a great training tool for new and current councilmembers and staff because they could see how meetings are conducted, what is discussed and as I have done, learn about various topics.
- 3) Transparency: It's so important that as members elected by the people to represent the people, that they know we have nothing to hide. Transparency, especially through a streaming video, is such an easy way to demonstrate this.
- 4) Protection of the City: This is a great way of preserving the context of the meeting and creating a clean recording to defend the city, staff, and councilmembers. Not only that, due to the advancements in technology, we are able to save these live-streamed meetings much longer than the audio, which we keep for only a short time.
- 5) Unity in Community: By making this information more accessible to the community, it is a great way to bring everyone together. Most arguments and discord in communities are due to a lack of communication or from misunderstandings. Having this information brought to everyone so openly could easily solve those issues and promote better communication.
- 6) Better Staff Efficiency: Working off number four, due to the easy access of information for our community, these streaming's could reduce the number of calls and questions for City Staff and the amount of stress for both them and our citizens.

Councilmember Olson stated she is sure there are other reasons, but these are the reasons she wanted to get it on the agenda.

Mayor Strength disagreed with "Better Staff Efficiency" noting streaming prompts more questions for ones not wanting to attend City Council and ties up staff as they respond to inquiries; therefore, not providing better staff efficiency. Mayor Strength addressed "Unity in the Community" stating it depends who is on the other end of social media writing subtitles of what is being said noting a lot of untruths are being reported. Mayor Strength referenced "Transparency" noting everyone on City Council is transparent. He stated he understands some people are not able to attend City Council meetings and that is why Council meetings are streamlined. He stated the city has numerous Boards and Commissions that meet in different

(lea)

locations in the City. Mayor Strength stated while he understands transparency, the ultimate vote is at City Council meetings held in the Council Chamber noting all Boards and Commissions are recommendation Boards. He stated streamlining all meetings is a waste of staff's time and the city's money.

Councilmember Olson stated her request is meetings held in City Hall noting she understands it would be difficult to streamline meetings offsite. She stated it is not expensive to live stream noting a huge monitor was just purchased for the Council Conference Room and live streaming would cost much less than the monitor. Councilmember Olson referenced "Unity in the Community" and "Transparency" noting the Boards and Commissions are advisory Boards to Council but most of the information that happens in those meetings is really good and people don't actually get to see what happens or how we come to the decisions that we come to so it would really help people understand where we are coming from. She stated whether the streamlining is watched or not, that is a person's decision, but at least it is their decision.

Mayor Pro Tem David Hill stated Council is not afraid to be recorded noting the downside to stream lining meetings is that people like to use that to twist and change a point noting he does not support streaming other Boards and Commissions other than City Council and the Planning and Zoning Commission. Mayor Pro Tem Hill stated he did not get on City Council to steal from the community, do anything nefarious, set up any shadow government, or anything else other than making sure the City of Waxahachie goes forward into the next few years with Council doing what we are supposed to be doing which is to oversee the budget and make sure things are done correctly. He stated if anyone needs him, his email is on the City website as well as his phone number noting he rarely receives either. Mayor Pro Tem stated the proposed is cumbersome noting the city has limited staff and the City Secretary processes open records requests daily that sometimes involves sending the requests to other departments to provide feedback so we can be transparent.

Councilmember Mary Lou Shipley stated we have a lot of transparency to begin with noting personally the way she has conducted herself on the City Council is if you send her an email, and/or if you call her, you will get a response and you will get it quickly. She stated she feels like we are doing a lot in the area of transparency noting she has no objection to live streaming the City Council and the Planning and Zoning Commission meeting which are both held in the Council Chamber. Councilmember Shipley stated there is no need to go beyond that because decisions made in all the committees are all referred to the City Council as a general rule. She stated every city committee has a City Council member who is a liaison and if that Council Member liaison does their job and attends the meetings, they will be able to communicate back to the Council what is going on. She noted taking this beyond City Council and Planning and Zoning meetings is overreaching.

Councilmember Chuck Beatty stated he prefers people to attend City Council meetings where they can sit and watch the council deliberations. If streamlining, people won't come to Council meetings where the decisions are made. He stated time lends itself to people grandstanding and abusing the system noting that gets out of hand real quick.

(16A)

Action:

Councilmember Melissa Olson moved to approve live streaming all public meetings and briefings that take place in City Hall in addition to the City Council meetings. The motion died to lack of second.

Action:

Mayor Pro Tem David Hill moved to deny the request to live streaming all public meetings and briefings that take place in City Hall in addition to the City Council meetings. Councilmember Chuck Beatty seconded. The vote was as follows: Ayes: Kevin Strength, David Hill, Chuck Beatty and Mary Lou Shipley. Noes: Melissa Olson. The motion carried 4-1

8. Consider Waxahachie Community Development Corporation Financial Report for year ended September 30, 2017

Mayor Strength announced Mr. Charles Harris, Director of Finance, was unable to present the Financial Report and recommended it be considered at the City Council meeting of June 4, 2018.

Action:

Councilmember Mary Lou Shipley moved to consider the Waxahachie Community Development Corporation Financial Report for year ended September 30, 2017 at the City Council meeting of June 4, 2018. Mayor Pro Tem David Hill seconded, All Ayes.

9. Consider Robert W. Sokoll Treatment Plant Financial Report for year ended September 30, 2017

Mayor Strength announced Mr. Charles Harris, Director of Finance, was unable to present the Financial Report and recommended it be considered at the City Council meeting of June 4, 2018.

Action:

Councilmember Mary Lou Shipley moved to consider the Robert W. Sokoll Treatment Plant Financial Report for year ended September 30, 2017 at the City Council meeting of June 4, 2018. Councilmember Chuck Beatty seconded, All Ayes.

10. Public Hearing on a request by Karl Hansen for a Specific Use Permit (SUP) for a Garage Accessory Dwelling within a Single Family-2 (SF2) zoning district, located at 201 Cynisca Street, being LOT 11 & 12 BLK 11 UNIVERSITY-REV 0.344 AC – Owner: HANSEN KARL G (SU-18-0035)

Mayor Strength opened the Public Hearing.

Mr. Shon Brooks, Director of Planning, reported a Specific Use Permit (SUP) was approved but expired for the reason that the permit had not been applied for within six (6) months. As a result, the applicant has had to re-apply for an SUP. He stated the dwelling is located to the right of the existing residence noting it will be two story and taller than the primary structure. Mr. Brooks stated staff received one (1) response in support of SU-18-0035 and one (1) against.

There being no others to speak for or against SU-18-0035, Mayor Strength closed the Public Hearing.

(wa)

11. Consider proposed Ordinance approving Zoning Change No. SU-18-0035

ORDINANCE NO. 3018

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) FOR A GARAGE ACCESSORY DWELLING LOCATED AT 201 CYNISCA STREET, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING KNOWN AS LOT 11 & 12, BLOCK 11 OF THE UNIVERSITY ADDITION SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Mary Lou Shipley moved to approve Ordinance No. 3018. Mayor Pro Tem David Hill seconded, All Ayes.

12. Public Hearing on a request by Dennis Little for a Replat of the remainder of Lots 1-4 and part of the remainder of Lot 5, Block 1, Rose Hill Acres Addition to create Lot 1R, Block 1 Rose Hill Acres, 0.515 acres (Property ID 175556) – Owner: SIBLEY CLAY ETAL (RP-18-0037)

Mayor Strength opened the Public Hearing.

Mr. Brooks stated the location is the former site of the Brown Motel. He noted this section of John Arden is on the future Thoroughfare Plan with a right-of-way dedication of 90 feet. He stated staff revisited the width and determined dedicating ten (10) to fifteen (15) feet would be sufficient in this case. Mr. Brooks recommended approving to allow revision to the required right-of-way dedication.

Discussion was held and staff stated studies were received that a drive-thru would be safely constructed at this site noting the applicant will require a Specific Use Permit for the drive-thru. Mr. Brooks stated Council will see this again with a determined use.

Ms. Ruth Ann Luko, 105 Park Drive, Waxahachie, asked if staff has a plan to review.

City Manager Michael Scott stated Ms. Luko will receive notice when the applicant applies for Site Plan review.

There being no others to speak for or against RP-18-0037, Mayor Strength closed the Public Hearing.

13. Consider approval of RP-18-0037

Action:

Councilmember Chuck Beatty moved to approve a request by Dennis Little for a Replat of the remainder of Lots 1-4 and part of the remainder of Lot 5, Block 1, Rose Hill Acres Addition to create Lot 1R, Block 1 Rose Hill Acres, 0.515 acres (Property ID 175556) – Owner: SIBLEY CLAY ETAL (RP-18-0037). Mayor Pro Tem David Hill seconded, All Ayes.

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- 14. Public Hearing on a request by Chris Acker, Acker Construction, for a Replat of Block 5, Oak Chase Apartments, to create Lot 1, Block A, The Mark on Solon, 5.110 acres (Property ID 175693) Owner: MARK ON SOLON LLC (RP-18-0038)**

Mayor Strength opened the Public Hearing.

Mr. Brooks presented Staff comments noting the Replat cleans up a previous plat and removes fire lanes not required in previous development. He recommended approval as presented.

There being no others to speak for or against RP-18-0038, Mayor Strength closed the Public Hearing.

- 15. Consider approval of RP-18-0038**

Action:

Mayor Pro Tem David Hill moved to approve a request by Chris Acker, Acker Construction, for a Replat of Block 5, Oak Chase Apartments, to create Lot 1, Block A, The Mark on Solon, 5.110 acres (Property ID 175693) Owner: MARK ON SOLON LLC (RP-18-0038). Councilmember Mary Lou Shipley seconded, All Ayes.

- 16. Public Hearing on a request by Terry Nay for a Specific Use Permit (SUP) to allow an Auto Laundry or Car Wash use within a General Retail (GR) zoning district, located at NE corner of US 287 Bypass Service Road at FM 813, being 911 R RUSSELL 7.121 ACRES (Property ID 227073) - Owner: LYONS AMERICAN SECURITIES INC (SU-18-0034)**

Mayor Strength opened the Public Hearing.

Mr. Brooks presented a location map noting the applicant seeks to build a car wash at the location. He stated a car wash is allowed in the zoning district and noted there is a car wash directly across the street from this location. Mr. Brooks stated twenty-four (24) notices were mailed to property owners and four (4) letters of opposition were received. Mr. Brooks stated there may be a higher and better suit for this property noting there is a lot of potential for the corner.

Mr. Chris Acker, 5100 Honeysuckle Road, Waxahachie, stated he doesn't own the car wash but is under contract to demolish the car wash and build retail. He stated that will take place in approximately twenty-four (24) months.

Mr. Rocky Stone, representing the applicant, reviewed the following highlights:

- The car wash will be state of the art automotive where you remain in your vehicle
- A safe location to have your vehicle washed
- Neighborhood amenity
- Total investment is estimated at \$2 Million including landscaping and entities
- The building will be screened and through traffic will hardly be noticed
- Car wash will wash up to 30 cars per hour

(la)

Those who spoke against SU-18-0034:

Mr. Jordan Gradberg, 5640 FM 878, Palmer, Texas, representing his grandfather Ronny Caldwell, 2221 Brown Street, Waxahachie

Ms. Brittney Caldwell, Owner of Vogue Salon, 2251 Brown Street, Waxahachie

Mr. Stone addressed the ingress/regress noting a cross access easement is depicted on the master plan that will include all the retail in the strip with a fire lane. He stated one can get to the car wash through a traffic control access noting it will allow access to future development.

There being no others to speak for or against SU-18-0034, Mayor Strength closed the Public Hearing.

17. Consider proposed Ordinance approving Zoning Change No. SU-18-0034

ORDINANCE NO. 3019

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN AUTO LAUNDRY OR CAR WASH USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT THE NORTHEAST CORNER OF US HWY 287 BYPASS SERVICE ROAD AT FM 813, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING IN THE R. RUSSELL SURVEY, ABSTRACT NO. 911 (NAY CAR WASH ADDITION), 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. 3019. Councilmember Chuck Beatty seconded. The vote was as follows: Ayes: David Hill, Chuck Beatty, and Mary Lou Shipley. Noes: Kevin Strength, Melissa Olson. The motion carried 3-2

18. Consider request by Timothy Lyons, Lyons American Securities, Inc. for a Preliminary Plat of Nay Car Wash Addition for 1 lot, being 0.659 acres out of the Robert Russell Survey, Abstract 911 (Property ID 227073) – Owner: LYONS AMERICAN SECURITIES INC (PP-18-0036)

Mr. Brooks reported PP-18-0036 is a companion case of SU-18-0034.

Action:

Councilmember Mary Lou Shipley moved to approve a request by Timothy Lyons, Lyons American Securities, Inc. for a Preliminary Plat of Nay Car Wash Addition for 1 lot, being 0.659 acres out of the Robert Russell Survey, Abstract 911 (Property ID 227073) – Owner: LYONS AMERICAN SECURITIES INC (PP-18-0036). Mayor Pro Tem David Hill seconded. The vote was as follows: Ayes: David Hill, Chuck Beatty, and Mary Lou Shipley. Noes: Kevin Strength. Abstained: Melissa Olson The motion carried.

(6A)

19. **Public Hearing on a request by the City of Waxahachie to repeal the current City Comprehensive Zoning Ordinance, Ordinance No. 1897, as amended, and to replace it in its entirety with a new City Comprehensive Zoning Ordinance. The adoption of the new City Comprehensive Zoning Ordinance will, among other matters, repeal the "Parking" and "General Retail-Limited" zoning categories and districts, and create "Mixed-Use Residential," "Mixed-Use Non-Residential," and "Downtown Neighborhood" zoning categories and districts. All properties effected by the elimination of the "Parking" and "General Retail-Limited" zoning categories and districts, and the creation of the "Mixed-Use Residential," "Mixed-Use Non-Residential," and "Downtown Neighborhood" zoning categories and districts, will be rezoned per City-initiated changes through individually-noticed zoning cases. (TA-18-0055)**

Mayor Strength opened the Public Hearing.

Mr. Brooks presented the Zoning Ordinance repealing and replacing the current Comprehensive Zoning Ordinance. He stated three joint workshops were held between the Council and the Planning and Zoning Commission as well as meeting with building professionals and getting their feedback. Mr. Brooks reported staff reviewed the Parking Zoning District near Gibson Street and kept it, making it obsolete meaning it will remain as is. Fencing has two options pertaining to 6 foot and 8 foot post with availability to use cedar. He stated the ten (10) foot buffer between commercial and residential was left in the Ordinance. Mr. Brooks stated the Planning and Zoning Commission heard concerns pertaining to the Downtown Neighborhood Use having no boundaries. Mr. Brooks stated the proposed Ordinance was posted online with the Planning and Zoning Commission agenda packet.

Discussion was held and Mayor Strength referenced the Downtown Neighborhood Use and recommended that it is beneficial to leave it as a zoning district in the Central Area with no boundaries being strictly a place holder. Mayor Strength referenced the ten (10) foot buffer noting the cost to a developer. City Manager Michael Scott recommended leaving it in the Ordinance as a default and the developer can come in and ask for relief.

Mr. Chris Acker, 5100 Honeysuckle Road, Midlothian, referenced the ten (10) foot buffer restriction noting it would be difficult in the Central Area.

There being no others to speak for or against TA-18-0055, Mayor Strength closed the Public Hearing.

20. **Consider proposed Ordinance approving Zoning Change No. TA-18-0055**

ORDINANCE NO. 3020

AN ORDINANCE REPLACING, IN ITS ENTIRETY, THE ZONING ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AS PASSED AND APPROVED BY THE CITY COUNCIL ON THE 21st DAY OF MAY, 2018, TOGETHER WITH ALL AMENDMENTS THERETO AND ENACTING A NEW ORDINANCE ESTABLISHING AND PROVIDING FOR ZONING REGULATIONS; CREATING USE DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; PROVIDING DEVELOPMENT

(6a)

STANDARDS AND REGULATING WITHIN SUCH DISTRICTS THE HEIGHT OF BUILDINGS AND STRUCTURES, SIZE OF YARDS, THE HEIGHT, BULK AND USE OF BUILDINGS AND LAND FOR TRADE, INDUSTRY, RESIDENCE AND OTHER PURPOSES; PROVIDING FOR THE INCLUSION OF NEW AND UNLISTED USES; PROVIDING FOR SPECIFIC USE PERMITS; SPECIFYING THE MINIMUM REQUIREMENTS FOR OFF-STREET PARKING OF VEHICLES; FOR THE MINIMUM REQUIRED FLOOR AREA OF DWELLING UNITS IN THE VARIOUS DISTRICTS; REGULATING THE DENSITY OF DWELLINGS AND OTHER STRUCTURES; AND THE PERCENTAGE OF A LOT THAT MAY BE OCCUPIED BY STRUCTURES AND THE FLOOR AREA RATIO THEREOF, ADOPTING PERFORMANCE STANDARDS FOR INDUSTRY, ADOPTING A ZONING DISTRICT MAP AND MAKING IT A PART OF THIS ORDINANCE, TOGETHER WITH ALL SYMBOLS, MARKINGS AND TABLES APPEARING ON SAID MAP OR IN THE ORDINANCE; CREATING A BOARD OF ADJUSTMENT AND DEFINING ITS POWERS AND DUTIES; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR NONCONFORMING USES AND METHOD FOR DISCONTINUANCE THEREOF; CREATING AN APPENDIX AND DEFINING CERTAIN TERMS; PROVIDING FOR A CERTIFICATE OF OCCUPANCY; AUTHORIZING PUBLICATION OF THE DESCRIPTIVE CAPTION AND PENALTY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE

Action:

Mayor Kevin Strength moved to approve Ordinance No. 3020 excluding the 10 foot buffer. Councilmember Chuck Beatty seconded. The vote was as follows: Ayes: Kevin Strength, David Hill, Chuck Beatty, and Mary Lou Shipley. Noes: Melissa Olson. The motion carried 4-1

21. **Public Hearing on a request by the City of Waxahachie for a Zoning Change from a General Retail-Limited (GRL) zoning district to General Retail (GR), located at 401 Solon Road, being 1 COVENANT ADDN 4.43 ACRES (Property ID 204441) - Owner: TEXAS HCP AL LP (ZC-18-0060)**

Mayor Strength opened the Public Hearing.

Mr. Brooks stated the zoning change is a result of the approved Zoning Ordinance.

There being no others to speak for or against ZC-18-0060, Mayor Strength closed the Public Hearing.

22. **Consider proposed Ordinance approving Zoning Change No. ZC-18-0060**

ORDINANCE NO. 3021

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM GENERAL RETAIL-LIMITED (GRL) TO GENERAL RETAIL (GR) LOCATED AT 401 SOLON RD, BEING PROPERTY ID 204441, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1 OF THE COVENANT ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

(6a)

Action:

Councilmember Mary Lou Shipley moved to approve Ordinance No. 3021. Mayor Pro Tem David Hill seconded, All Ayes.

23. **Public Hearing on a request by the City of Waxahachie for a Specific Use Permit (SUP) to allow a Skilled Nursing Facility use within a General Retail (GR) zoning district, located at 401 Solon Road, being 1 COVENANT ADDN 4.43 ACRES (Property ID 204441) Owner: TEXAS HCP AL LP (SU-18-0061)**

Mayor Strength opened the Public Hearing.

Mr. Brooks stated the zoning change is a result of the approved Zoning Ordinance.

There being no others to speak for or against SU-18-0061, Mayor Strength closed the Public Hearing.

24. **Consider proposed Ordinance approving Zoning Change No. SU-18-0061**

ORDINANCE NO. 3022

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SKILLED NURSING FACILITY USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT 401 SOLON RD, BEING PROPERTY ID 204441, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1 OF THE COVENANT ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3022. Mayor Pro Tem David Hill seconded, All Ayes.

25. **Public Hearing on a request by the City of Waxahachie for a Zoning Change from a General Retail-Limited (GRL) zoning district to General Retail (GR), located at 3650 S Interstate 35E, being 430 J HARRIS 4.659 ACRES (Property ID 184692) - Owner: PLEASANT MANOR SENIOR CARE LLC (ZC-18-0064)**

Mayor Strength opened the Public Hearing.

Mr. Brooks stated the zoning change is a result of the approved Zoning Ordinance.

There being no others to speak for or against ZC-18-0064, Mayor Strength closed the Public Hearing.

(11a)

26. Consider proposed Ordinance approving Zoning Change No. ZC-18-0064

ORDINANCE NO. 3023

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM GENERAL RETAIL-LIMITED (GRL) TO GENERAL RETAIL (GR) LOCATED AT 3650 S INTERSTATE 35 E, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING IN THE J. HARRIS SURVEY, ABSTRACT NO. 430, 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. 3023. Councilmember Mary Lou Shipley seconded, All Ayes.

27. Public Hearing on a request by the City of Waxahachie for a Specific Use Permit (SUP) to allow a Skilled Nursing Facility use within a General Retail (GR) zoning district, located at 3650 S Interstate 35E, being 430 J HARRIS 4.659 ACRES (Property ID 184692) - Owner: PLEASANT MANOR SENIOR CARE LLC (SU-18-0065)

Mayor Strength opened the Public Hearing.

Mr. Brooks stated SU-18-0065 is a companion case to ZC-18-0064.

There being no others to speak for or against SU-18-0065, Mayor Strength closed the Public Hearing.

28. Consider proposed Ordinance approving Zoning Change No. SU-18-0065

ORDINANCE NO. 3024

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SKILLED NURSING FACILITY USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT 3650 S INTERSTATE 35 E, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING IN THE J. HARRIS SURVEY, ABSTRACT NO. 430, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Mary Lou Shipley moved to approve Ordinance No. 3024. Councilmember Chuck Beatty seconded, All Ayes.

29. Public Hearing on a request by the City of Waxahachie for a Zoning Change from a Parking (P) zoning district to General Retail (GR), located at 500 McMillan, being 8 FERRIS 0.226 ACRES (Property ID 173270) - Owner: CITIZENS BANK OF TEXAS (ZC-18-0062)

Mayor Strength opened the Public Hearing.

(6A)

Mr. Brooks stated the zoning change request is from Parking Zoning District to General Retail noting this is a city initiated zoning request and staff recommends approval.

Councilmember Olson asked if this was changing to Commercial use within General Retail. Mr. Brooks confirmed and presented a map noting the adjacent property is General Retail so this change will match the surrounding property noting it is the less intensive of the Zoning Districts rather than Commercial across the street.

Councilmember Olson asked why the city is requesting this. Mr. Brooks explained it is due to the Zoning Ordinance update noting the parking was originally proposed to be removed and recommended to go to General Retail. Councilmember Olson asked if it was possible to keep it as parking and Mr. Brooks stated you could go with that direction and change the zoning to General Retail or leave it as Parking and allow the existing use to remain.

Mayor Strength asked if the property owner had any issues changing to General Retail. Mr. Brooks reported the property owner was given notice and no opposition was received.

There being no others to speak for or against ZC-18-0062, Mayor Strength closed the Public Hearing.

30. Consider proposed Ordinance approving Zoning Change No. ZC-18-0062

ORDINANCE NO. 3025

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PARKING (P) TO GENERAL RETAIL (GR) LOCATED AT 500 MCMILLAN STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.226 ACRES KNOWN AS LOT 8 OF THE FERRIS SUBDIVISION, PROPERTY ID 173270, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3025. Mayor Pro Tem David Hill seconded. The vote was as follows: Ayes: Kevin Strength, David Hill, Chuck Beatty, and Mary Lou Shipley. Noes: Melissa Olson. The motion carried 4-1.

31. Public Hearing on a request by the City of Waxahachie for a Specific Use Permit (SUP) to allow an Auto Parking Lot, Commercial use within a General Retail (GR) zoning district, located at 500 McMillan, being 8 FERRIS 0.226 ACRES (Property ID 173270) - Owner: CITIZENS BANK OF TEXAS (SU-18-0063)

Mayor Strength opened the Public Hearing.

Mr. Brooks reported SU-18-0063 is a companion case to ZC-18-0062 and will allow the existing use to remain.

There being no others to speak for or against SU-18-0063, Mayor Strength closed the Public Hearing.

(LM)

32. Consider proposed Ordinance approving Zoning Change No. SU-18-0063

ORDINANCE NO. 3026

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN AUTO PARKING LOT, COMMERCIAL, USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT 500 MCMILLAN STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.226 ACRES KNOWN AS LOT 8 OF THE FERRIS SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Mary Lou Shipley moved to approve Ordinance No. 3026. Mayor Pro Tem David Hill seconded. The vote was as follows. Ayes: Kevin Strength, David Hill, Chuck Beatty, and Mary Lou Shipley. Noes: Melissa Olson. The motion carried 4-1.

33. Public Hearing on a request by the City of Waxahachie for a Zoning Change from a Parking (P) zoning district to Commercial (C), located behind 411 N Gibson, being LOT ALL 1 BLK 303 TOWN - WAXAHACHIE 3.3995 AC (Property ID 171851) - Owner: SWS PROPERTIES LLC (ZC-18-0066)

Mayor Strength opened the Public Hearing.

Mr. Brooks announced ZC-18-0066 has been withdrawn.

There being no others to speak for or against ZC-18-0066, Mayor Strength closed the Public Hearing.

34. Consider proposed Ordinance approving Zoning Change No. ZC-18-0066

Action:

Councilmember Chuck Beatty moved to withdraw a request by the City of Waxahachie for a Zoning Change from a Parking (P) zoning district to Commercial (C), located behind 411 N Gibson, being LOT ALL 1 BLK 303 TOWN - WAXAHACHIE 3.3995 AC (Property ID 171851) - Owner: SWS PROPERTIES LLC (ZC-18-0066). Councilmember Mary Lou Shipley seconded, All Ayes.

35. Public Hearing on a request by the City of Waxahachie for a Specific Use Permit (SUP) to allow an Auto Parking Lot, Commercial use within a Commercial (C) zoning district, located behind 411 N Gibson, being LOT ALL 1 BLK 303 TOWN - WAXAHACHIE 3.3995 AC (Property ID 171851) - Owner: SWS PROPERTIES LLC (SU-18-0067)

Mayor Strength opened the Public Hearing.

Mr. Brooks announced SU-18-0067 has been withdrawn.

(UA)

There being no others to speak for or against SU-18-0067, Mayor Strength closed the Public Hearing.

36. Consider proposed Ordinance approving SU-18-0067

Action:

Councilmember Chuck Beatty moved to withdraw a request by the City of Waxahachie for a Specific Use Permit (SUP) to allow an Auto Parking Lot, Commercial use within a Commercial (C) zoning district, located behind 411 N Gibson, being LOT ALL 1 BLK 303 TOWN - WAXAHACHIE 3.3995 AC (Property ID 171851) - Owner: SWS PROPERTIES LLC (SU-18-0067). Mayor Pro Tem David Hill seconded, All Ayes.

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

Mr. Tommy Ludwig, Executive Director of Community Development, thanked Mr. Brooks and the Planning Department staff for their work on the Zoning Ordinance noting a lot of time, effort and energy was spent on it.

Mr. Brooks thanked City Council, Staff and the public for their support noting it was an intense process changing the Ordinance.

Councilmember Chuck Beatty welcomed Honorary Councilmember Caleb High and Councilmember Melissa Olson.

Councilmember Beatty asked City Attorney Robert Brown to clarify the rule on abstaining. Mr. Brown stated a Councilmember can abstain if there is a legal conflict of interest in which they would complete a form with the City Secretary. He stated at times you don't have a legal conflict defined by law but for whatever reason, if you don't feel comfortable voting on something then you have a right to abstain. Mr. Brown stated there are a number of court cases that say it is a First Amendment political right to vote yes, no or not to vote at all. He stated obviously as a matter of good government policy, he encourages everybody elected to vote if they legally can vote.

City Manager Michael Scott thanked Mr. Ludwig, Mr. Brooks and Staff for the hours they dedicated to the Zoning Ordinance. He stated this was a great opportunity to involve the community as far as local developers and realtors coming together. Mr. Scott stated the process was very open and positive and thanked City Council for their work on the Ordinance. He thanked Mr. Walker for his attendance and noted the parking item being withdrawn is a great example of government working the way it should. It went through the Planning and Zoning Commission process and they heard input from the citizens. As a result staff re-thought the options and visited with the City Attorney and came up with a better solution. He stated it is a perfect example of how government should work and appreciated Mr. Walker and his neighbors coming forward and offering their comments. Mr. Scott welcomed Councilmember Melissa Olson.

Mayor Strength welcomed Councilmember Olson. He thanked Mr. Brooks and his staff for their hard work and dedication.

(ln)

Mayor Pro Tem Hill thanked the Planning Department and Staff for their work on the Zoning Ordinance. He acknowledged that city intern Luke Smolka is graduating High School noting he is very proud of him and wishes him the best going forward. Mayor Pro Tem Hill stated he is very proud of the Caleb High, Honorary Councilmember and thanked his mother for what she has done for her children. He wished Caleb the very best in life.

Councilmember Mary Lou Shipley thanked the Planning Department for their work on the Zoning Ordinance noting it is very difficult reading through a Zoning Ordinance. Councilmember Shipley stated she listed support of the people that would be most affected and appreciates the attitude in which it was all done.

City Attorney Robert Brown echoed the accolades to the Planning Department.

Ms. Amy Borders, Director of Communications and Marketing, stated the new website will be up in a few days.

39. Adjourn

There being no further business, the meeting adjourned at 8:41 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, May 22, 2018 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, TX.

Members Present: Rick Keeler, Chairman
Melissa Ballard, Vice Chairman
Bonney Ramsey
Jim Phillips
Erik Barnard
David Hudgins

Members Absent: Betty Square Coleman

Others Present: Shon Brooks, Director of Planning
Kelly Dent, Planner
James Gaertner, City Engineer
Tommy Ludwig, Executive Director of Community Development
Lori Cartwright, City Secretary

Others Absent: Mary Lou Shipley, Council Representative

1. **Call to Order**
2. **Invocation**

Chairman Rick Keeler called the meeting to order and gave the invocation. He welcomed audience members and explained the process in which the Commission makes their recommendations to City Council.

3. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of May 8, 2018
- b. Minutes of the Planning & Zoning Commission Briefing of May 8, 2018
- c. Minutes of the Planning & Zoning Commission Joint Work Session of April 30, 2018
- d. Request by David Hargrove for a Final Plat of Garden Valley Meadows for 86 lots, being 27.545 acres situated in the JB and Ann Adams Survey, Abstract 5 (Property ID 263468) – Owner: LEGACY GROVE DEVELOPMENT LLC (FP-18-0051)

Action:

Vice Chairman Melissa Ballard moved to approve item a. through d. on the Consent Agenda. Mrs. Bonney Ramsey seconded, All Ayes.

4. **Public Hearing on a request by Chris Acker, Acker Construction, for a Zoning Change from a Planned Development-44-General Retail and Single Family-2 zoning district to General Retail, located on the Southwest corner of Indian Drive at Brown Street, being 393 148 J GOOCH WM BASKINS 2.1698 ACRES (Property ID 184243) - Owner: INDIAN DRIVE HOLDINGS LLC (ZC-18-0056)**

Chairman Keeler opened the Public Hearing.

(lb)

Ms. Kelly Dent, Planner, reported the applicant proposes to clean up the zoning, removing the site from the planned development altogether. Staff recommended approval as presented.

There being no others to speak for or against ZC-18-0056, Chairman Keeler closed the Public Hearing.

5. Consider recommendation of Zoning Change No. ZC-18-0056

Action:

Vice Chairman Melissa Ballard moved to approve a request by Chris Acker, Acker Construction, for a Zoning Change from a Planned Development-44-General Retail and Single Family-2 zoning district to General Retail, located on the Southwest corner of Indian Drive at Brown Street, being 393 148 J GOOCH WM BASKINS 2.1698 ACRES (Property ID 184243) - Owner: INDIAN DRIVE HOLDINGS LLC (ZC-18-0056) as presented. Mrs. Bonney Ramsey seconded, All Ayes.

6. Consider request by Chris Acker, Acker Construction, for a Preliminary Plat of Dental Place Addition for 2 lots, being 2.081 acres situated in the John Gooch Survey, Abstract 393 (Property ID 184243) – Owner: Owner: INDIAN DRIVE HOLDINGS LLC (PP-18-0057)

Ms. Dent reported PP-18-0057 is a companion case to ZC-18-0056 and recommended approval as presented.

Mr. Chris Acker, 5100 Honeysuckle Road, Midlothian, stated two buildings will be on the site and will be set back 50 feet to allow a turn around.

Chairman Keeler recommended curb and gutter to match existing curb and gutter along Indian Drive.

Action:

After a brief discussion, Mrs. Bonney Ramsey moved to approve a request by Chris Acker, Acker Construction, for a Preliminary Plat of Dental Place Addition for 2 lots, being 2.081 acres situated in the John Gooch Survey, Abstract 393 (Property ID 184243) – Owner: Owner: INDIAN DRIVE HOLDINGS LLC (PP-18-0057) subject to staff report and adding curb and gutter along Indian Drive. Mr. Erik Barnard seconded, All Ayes.

7. Consider Landscape Plan for Dental Place Addition as a companion to PP-18-0057 – Owner INDIAN DRIVE HOLDINGS LLC

Ms. Dent recommended approval as presented.

Action:

Mr. David Hudgins moved to approve a Landscape Plan for Dental Place Addition as a companion to PP-18-0057 – Owner INDIAN DRIVE HOLDINGS LLC per staff report. Mrs. Bonney Ramsey seconded, All Ayes.

(6b)

8. **Consider request by Cole Morgan, Americase Fabrication and Construction, for a Preliminary Plat of Americase Business Park for 4 lots, being 21.09 acres situated in the John Estes Survey, Abstract 335, and the WC Moody Survey, Abstract 747 (Property ID 209253) – Owner: R&R AMERICASE HOLDINGS LTD (PP-18-0052)**

Ms. Dent reported the applicant proposes to subdivide a section of the land into four (4) separate tracts.

Mr. James Gaertner, City Engineer, stated there are some outstanding comments pertaining to the right-of-way. He noted easements will need to be depicted on the plat. He stated these are minor comments and recommend approving per staff comments.

Action:

Mr. Jim Phillips moved to approve a request by Cole Morgan, Americase Fabrication and Construction, for a Preliminary Plat of Americase Business Park for 4 lots, being 21.09 acres situated in the John Estes Survey, Abstract 335, and the WC Moody Survey, Abstract 747 (Property ID 209253) – Owner: R&R AMERICASE HOLDINGS LTD (PP-18-0052) subject to staff report relating to staff Engineering comments. Mr. David Hudgins seconded, All Ayes.

9. **Consider request by Cole Morgan, Americase Fabrication and Construction, for a Final Plat of Americase Business Park for 4 lots, being 21.09 acres in the John Estes Survey, Abstract 335, and the WC Moody Survey, Abstract 747 (Property ID 209253) – Owner: R&R AMERICASE HOLDINGS LTD (FP-18-0053)**

Ms. Dent reported FP-18-0053 is a companion case to PP-18-0052 noting the property is located in the Extra Territorial Jurisdiction. She recommended approval as follows:

1. Include the City's approval block
2. Include the easement linework on the plat
3. Partner with Ellis County for traffic and impact analysis

Action:

Mrs. Bonney Ramsey moved to approve a request by Cole Morgan, Americase Fabrication and Construction, for a Final Plat of Americase Business Park for 4 lots, being 21.09 acres in the John Estes Survey, Abstract 335, and the WC Moody Survey, Abstract 747 (Property ID 209253) – Owner: R&R AMERICASE HOLDINGS LTD (FP-18-0053) subject to staff report. Mr. Erik Barnard seconded, All Ayes.

10. **Consider request by Cody Cockerham for a Preliminary Plat of Laguna Vista Place Phase 2 for 1 lot, being 2.18 acres situated in the W. Stewart Survey, Abstract 956 (Property ID 190519) – Owner: CODY L COCKERHAM and A. GARRETT REAL ESTATE VENTURES, LLC (PP-18-0046)**

Ms. Dent presented the staff report noting roadway impact fee equals \$1,160.00 and due at time of permitting. The total water meter, box, set, tap and impact fee totals \$2,695.00 and due before the final plat can be filed. Mr. Gaertner reviewed staff concerns pertaining to the Laguna Vista

(6b)

right-of-way and road dedication noting Laguna Vista Place was never platted and therefore staff would need the plat to dedicate half of that measured from the centerline of what is currently on the ground. He stated the plat needs to show the location of the existing water line and how the property will get their water service as well as notes depicting that the property will be served by septic system designed by a professional sanitarian. Staff recommended approval per staff report.

Action:

Vice Chairman Ballard moved to approve a request by Cody Cockerham for a Preliminary Plat of Laguna Vista Place Phase 2 for 1 lot, being 2.18 acres situated in the W. Stewart Survey, Abstract 956 (Property ID 190519) – Owner: CODY L COCKERHAM and A. GARRETT REAL ESTATE VENTURES, LLC (PP-18-0046) subject to staff report. Mrs. Bonney Ramsey seconded, All Ayes.

- 11. Consider request by Cody Cockerham for a Final Plat of Laguna Vista Place Phase 2 for 1 lot, being 2.18 acres situated in the W. Stewart Survey, Abstract 956 (Property ID 190519) – Owner: CODY L COCKERHAM and A. GARRETT REAL ESTATE VENTURES, LLC (FP-18-0047)**

Ms. Dent reported FP-18-0047 is a companion case to PP-18-0046. She stated the plat cannot be filed until infrastructure is drawn. Ms. Dent noted the applicant is working with the surveyor to get it correct. She recommended approval per staff report.

Action:

Vice Chairman Melissa Ballard moved to approve a request by Cody Cockerham for a Final Plat of Laguna Vista Place Phase 2 for 1 lot, being 2.18 acres situated in the W. Stewart Survey, Abstract 956 (Property ID 190519) – Owner: CODY L COCKERHAM and A. GARRETT REAL ESTATE VENTURES, LLC (FP-18-0047) subject to staff report. Mr. Jim Phillips seconded, All Ayes.

- 12. Public Hearing on a request by Richard Kampen, LRE Group, Inc. for a Zoning Change from a Light Industrial-1 and Light Industrial-2 zoning district to Light Industrial-2, located at 201 Cardinal Road, being LOT PT 1 BLK A CARDINAL IG ADDN 29.0 AC and LOT PT 1 BLK A CARDINAL IG ADDN 19.721 AC (Property ID 226867 and 209418) - Owner: CARDINAL IG COMPANY (ZC-18-0041)**

Chairman Keeler opened the Public Hearing.

Ms. Dent reported the property owner is seeking to clean up the zoning on the property to ensure that there is one (1) zoning district for all the land. She recommended approval per staff report.

There being no others to speak for or against ZC-18-0041, Chairman Keeler closed the Public Hearing.

(66)

13. Consider recommendation of Zoning Change No. ZC-18-0041

Action:

Mr. Jim Phillips moved to approve a request by Richard Kampen, LRE Group, Inc. for a Zoning Change from a Light Industrial-1 and Light Industrial-2 zoning district to Light Industrial-2, located at 201 Cardinal Road, being LOT PT 1 BLK A CARDINAL IG ADDN 29.0 AC and LOT PT 1 BLK A CARDINAL IG ADDN 19.721 AC (Property ID 226867 and 209418) - Owner: CARDINAL IG COMPANY (ZC-18-0041) per staff report. Mr. David Hudgins seconded, All Ayes.

14. Public Hearing on a request by the City of Waxahachie for a Specific Use Permit (SUP) to allow a Home for Aged, Residence (Assisted Living) use within a General Retail (GR) zoning district, located at 401 Solon Road, being 1 COVENANT ADDN 4.43 ACRES (Property ID 204441) Owner: TEXAS HCP AL LP (SU-18-0070)

Chairman Keeler opened the Public Hearing.

Ms. Dent reported the request is a result from the recent approval of the Zoning Ordinance noting the owners prefer the proposed type of use. Ms. Dent reported staff received one (1) supporting SU-18-0070. Staff recommended approval as presented.

There being no others to speak for or against SU-18-0070, Chairman Keeler closed the Public Hearing.

15. Consider recommendation of Zoning Change No. SU-18-0070

Action:

Mrs. Bonney Ramsey moved to approve a request by the City of Waxahachie for a Specific Use Permit (SUP) to allow a Home for Aged, Residence (Assisted Living) use within a General Retail (GR) zoning district, located at 401 Solon Road, being 1 COVENANT ADDN 4.43 ACRES (Property ID 204441) Owner: TEXAS HCP AL LP (SU-18-0070) as presented. Mr. Erik Barnard seconded, All Ayes.

16. Public Hearing on a request by Aaron Duncan, MESA, for a Zoning Change from a Future Development zoning district to Commercial, Single Family-3, and Light Industrial-2, located at 604 FM 879, being 557 J JOHNSON 298.296 ACRES, 5 JB & A ADAMS, 557 J JOHNSON, 1249 SC WHITE 65.746 ACRES, and 5 JB & A ADAMS 134.9 ACRES (Property ID 209774, 179013, and 178975) - Owner: KAREN S ANDERSON IRREVOCABLE TRUST (ZC-18-0042)

Chairman Keeler opened the Public Hearing.

Ms. Dent reviewed staff's planning analysis as follows noting the property is approximately 500 acres:

The applicant proposed to rezone this property from Future Development (FD) to Light Industrial-2 (LI2), Commercial (C) and Single Family-3 (SF3). The location of this property is

(lb)

challenging, being bisected by Mustang Creek and the Union Pacific Railroad. The Future Land Use Plan (FLUP) for this to be largely Low Density Residential (LDR) zoning may be unrealistic given the geographical limitations of the site, however, there may be some hesitation in rezoning a large segment of this to industrial usage. Per the FLUP, this property should have more retail zoning than commercial (commercial being a more intensive use than retail), however, the property owner has requested Commercial rather than General Retail. The proposed development does, however, eliminate the high density residential zoning shown in the FLUP. The current line between Industrial zoning in the north and residential and commercial zoning in the south and east mirrors the creek.

Mr. Aaron Duncan, MESA, 2000 Lamar St., Dallas, representing the applicant, presented some history on the property and stated the applicant is not looking for any variances they want to make it marketable. He stated the property has a lot of flood plain and therefore not viable for General Retail.

A lengthy discussion was held and Mr. Jim Phillips asked applicant about a buffer between Light Industrial-2 and Single Family-3. Mr. Duncan stated a natural creek will act as the buffer.

Audience member Mr. Jim Hubbard, 431 FM 879, Waxahachie, asked for clarification to the property in proximity to his property.

There being no others to speak for or against ZC-18-0042, Chairman Keeler closed the Public Hearing.

17. Consider recommendation of Zoning Change No. ZC-18-0042

Action:

Vice Chairman Melissa Ballard moved to approve a request by Aaron Duncan, MESA, for a Zoning Change from a Future Development zoning district to Commercial, Single Family-3, and Light Industrial-2, located at 604 FM 879, being 557 J JOHNSON 298.296 ACRES, 5 JB & A ADAMS, 557 J JOHNSON, 1249 SC WHITE 65.746 ACRES, and 5 JB & A ADAMS 134.9 ACRES (Property ID 209774, 179013, and 178975) - Owner: KAREN S ANDERSON IRREVOCABLE TRUST (ZC-18-0042) subject to staff comments and converting Commercial to General Retail. Mrs. Bonney Ramsey seconded. The vote was as follows: Ayes: Rick Keeler, Melissa Ballard, Bonney Ramsey, Jim Phillips, and David Hudgins. Noes: Erik Barnard. The motion carried 5-1.

18. Public Hearing on a request by Joseph Willrich, BEFCO Engineering Inc, for a Zoning Change from a Commercial zoning district to Light Industrial-1, located at 100 W Sterrett, 6820 N Interstate 35, and 6800 N Interstate 35, being 821 LB OUTLAW 2.354 ACRES, 821 LB OUTLAW 2.324 ACRES, and 821 LB OUTLAW 4.98 ACRES (Property ID 203820, 194221, and 188699) - Owner: M & M INVESTMENTS (ZC-18-0044)

Chairman Keeler opened the Public Hearing.

(leb)

Ms. Dent reported the applicant seeks to partially redevelop the old Magnablend site for a new tenant. She stated there are three (3) tracts totaling 9.6 acres. She stated a Specific Use Permit follows this request as a companion case. Ms. Dent reported eight (8) notices were mailed to property owners and staff received one (1) supporting ZC-18-0044. Staff recommended approval as presented.

There being no others to speak for or against ZC-18-0044, Chairman Keeler closed the Public Hearing.

19. Consider recommendation of Zoning Change No. ZC-18-0044

Action:

Mrs. Bonney Ramsey moved to approve a request by Joseph Willrich, BEFCO Engineering Inc., for a Zoning Change from a Commercial zoning district to Light Industrial-1, located at 100 W Sterrett, 6820 N Interstate 35, and 6800 N Interstate 35, being 821 LB OUTLAW 2.354 ACRES, 821 LB OUTLAW 2.324 ACRES, and 821 LB OUTLAW 4.98 ACRES (Property ID 203820, 194221, and 188699) - Owner: M & M INVESTMENTS (ZC-18-0044) subject to staff comments. Mr. Erik Barnard seconded, All Ayes.

- 20. Public Hearing on a request by Joseph Willrich, BEFCO Engineering Inc, for a Specific Use Permit (SUP) for HEAVY MACHINERY SALES OR STORAGE, TRAILER AND HEAVY LOAD VEHICLE REPAIR, EQUIPMENT SALES (NEW OR USED), EQUIPMENT RENTAL (HEAVY), OPEN OR OUTSIDE STORAGE, DISPLAY, OR WORK AREAS FOR MERCHANDISE OR MACHINERY) uses within a Light Industrial-1 zoning district, located at 100 W Sterrett, 6820 N Interstate 35, and 6800 N Interstate 35, being 821 LB OUTLAW 2.354 ACRES, 821 LB OUTLAW 2.324 ACRES, and 821 LB OUTLAW 4.98 ACRES (Property ID 203820, 194221, and 188699) - Owner: M & M INVESTMENTS (SU-18-0045)**

Chairman Keeler opened the Public Hearing.

Ms. Dent reported the site is being renovated to account for a new tenant that would like to have heavy machinery sales. She stated the applicant is asking for variations from the basic zoning requirements noting the applicant has 635 feet of street frontage with a pole sign and billboard and the base zoning requirement is one (1) pole sign per 350 feet of street frontage. The applicant has concrete at the parking in front of the building and would like to retain the gravel where the storage would be located noting the requirement is concrete paving throughout the site.

Mr. Joseph Willrich, BEFCO Engineering Inc., 485 N. Jefferson, La Grange, Texas, presented a drawing of the site noting heavy machinery sales will be a less intense use. He proposed the existing conditions utilizing the existing materials and explained heavy equipment will tear up concrete. Mr. Willrich stated there will be some internal remodel of the building but no expansion. He proposed maintaining the existing fence and will provide chain link on the south side of the property.

(6b)

There being no others to speak for or against SU-18-0045, Chairman Keeler closed the Public Hearing.

21. Consider recommendation of Zoning Change No. SU-18-0045

Action:

After a brief discussion, Mrs. Bonney Ramsey moved to approve a request by Joseph Willrich, BEFCO Engineering Inc., for a Specific Use Permit (SUP) for heavy machinery sales or storage, trailer and heavy load vehicle repair, equipment sales (new or used), equipment rental (heavy), open or outside storage, display, or work areas for merchandise or machinery) uses within a Light Industrial-1 zoning district, located at 100 W Sterrett, 6820 N Interstate 35, and 6800 N Interstate 35, being 821 LB OUTLAW 2.354 ACRES, 821 LB OUTLAW 2.324 ACRES, and 821 LB OUTLAW 4.98 ACRES (Property ID 203820, 194221, and 188699) - Owner: M & M INVESTMENTS (SU-18-0045) subject to per staff report. Mr. David Hudgins seconded, All Ayes.

22. Public Hearing on a request by Grant Robinson, CPG Homes LLC, for a Zoning Change from a Multi-Family-2 zoning district to Planned Development-Multi-Family-2, with Concept Plan, located East of new Waxahachie High School, being 1080 WM C TUNNELL 6.536 ACRES (Property ID 264879) - Owner: THE MARK ON 287 OWNER LLC (PD-18-0048)

Chairman Keeler opened the Public Hearing.

Ms. Dent announced the applicant requested a continuance to the Planning and Zoning Commission meeting of June 12, 2018. Chairman Keeler asked to hear the case. Ms. Dent reviewed the planning analysis as follows:

The applicant seeks to replace a current Planned Development (Ordinance No. 2296) with a new Planned Development that reduces the standards required to construct apartment homes. In Ordinance No. 2296, this property is required to comply with the minimum density, coverage, height, parking and area standards specified by the Multi-Family-2 (MF2) zoning district. The applicant has proposed increased density and decreased garage parking not meeting the 50% minimum per ordinance.

Ms. Dent reported five (5) notices were mailed to property owners and staff received one (1) opposing PD-18-0048.

Mr. Chris Acker, 5100 Honeysuckle Road, Midlothian, representing the applicant, requested to continue to allow the applicant to visit with WISD and come back with a better plan. Mr. Acker stated the applicant has preliminary approval from TxDOT and hopefully a right-of-way can be dedicated.

Chairman Keeler stated he wants the applicant to comply with the city standards. Mr. Gaertner recommended reviewing options with the applicant.

(b)

There being no others to speak for or against PD-18-0048, Chairman Keeler closed the Public Hearing.

23. Consider recommendation of Zoning Change No. PD-18-0048

Action:

Vice Chairman Melissa Chapman moved to continue a request by Grant Robinson, CPG Homes LLC, for a Zoning Change from a Multi-Family-2 zoning district to Planned Development-Multi-Family-2, with Concept Plan, located East of new Waxahachie High School, being 1080 WM C TUNNELL 6.536 ACRES (Property ID 264879) - Owner: THE MARK ON 287 OWNER LLC (PD-18-0048) to the Planning and Zoning Commission meeting of June 12, 2018. Mr. Erik Barnard seconded. The vote was as follows: Ayes: Rick Keeler, Melissa Ballard, Bonney Ramsey, Erik Barnard, and David Hudgins. Noes: Jim Phillips. The motion carried 5-1.

24. Public Hearing on a request by Barb Hall, Ervin USA, for a Specific Use Permit (SUP) for Trailer, Truck Sales or Rental use within a Light Industrial-2 and Future Development zoning district, located at 4675 N Interstate 35, being 790 EC NEWTON 29.74 ACRES (Property ID 188460) - Owner: LUIS ESTRADA (SU-18-0054)

Chairman Keeler opened the Public Hearing.

Ms. Dent reported the applicant operates a trailer and truck rental and sales business at the site. She explained the SUP to continue the use expires on January 1, 2019. The applicant would like to continue the usage at the site; however the use and the maintenance of the site are not in compliance with the City's future land use plan for this site. Ms. Dent stated the parking lot is unpaved with trailers parked on gravel, dirt and grass.

Mr. Greg Ervin, 609 North Ohio Street, Toledo, Illinois, representing the applicant and Mr. Walter Estrada, son of applicant were present for questions.

Chairman Keeler clarified improvements were based on new truck sales and they did not put in a new truck sales and therefore did not do the upgrades. Ms. Dent confirmed noting the city has record the applicant in 2015 received a SUP for new truck sales.

A lengthy discussion was held and it was determined to continue the public hearing to allow for clarification if a SUP is required based on the applicant not putting in new truck sales.

25. Consider recommendation of Zoning Change No. SU-18-0054

Action:

Vice Chairman Melissa Ballard moved to continue a request by Barb Hall, Ervin USA, for a Specific Use Permit (SUP) for Trailer, Truck Sales or Rental use within a Light Industrial-2 and Future Development zoning district, located at 4675 N Interstate 35, being 790 EC NEWTON 29.74 ACRES (Property ID 188460) - Owner: LUIS ESTRADA (SU-18-0054) to the Planning and Zoning Commission meeting of June 12, 2018. Mr. Erik Barnard seconded, All Ayes.

(6b)

City Secretary Lori Cartwright referenced Items 22 and 23 noting the items were continued after the Public Hearing was closed. She asked Chairman Keeler to reopen the Public Hearing in order to continue.

Action:

Mrs. Bonney Ramsey moved to reopen PD-18-0048. Mr. Erik Barnard seconded, All Ayes.

Action:

Vice Chairman Melissa Ballard moved to continue the Public Hearing on a request by Grant Robinson, CPG Homes LLC, for a Zoning Change from a Multi-Family-2 zoning district to Planned Development-Multi-Family-2, with Concept Plan, located East of new Waxahachie High School, being 1080 WM C TUNNELL 6.536 ACRES (Property ID 264879) - Owner: THE MARK ON 287 OWNER LLC (PD-18-0048) to the Planning and Zoning Commission meeting of June 12, 2018. Mr. Erik Barnard seconded, All Ayes.

- 26. Public Hearing on a request by Blain Vinson, Aspen Community Development, for a Zoning Change from a Single Family-3 zoning district to Planned Development-SF-3, with Concept Plan, located East of 865 Cantrell Street, being 6 JC ARMSTRONG 17.521 ACRES (Property ID 244351) - Owner: WALKER L GORDON ETAL (PD-18-0059)**

Chairman Keeler opened the Public Hearing.

Ms. Dent reported the applicant seeks to establish a cottage-concept neighborhood of approximately eighty (80) to ninety (90) detached single-family residences on Cantrell Street close to the Central Area (CA) zoning district. She stated clustered cottage neighborhoods have been proposed as alternative single-family residences for households not looking for the traditional residential design or have less need for a larger footprint. Ms. Dent reviewed the following staff concerns:

1. The lot coverage is higher than what is typically permitted in single family residential zoning districts.
2. The cementitious fiberboard is designed to last for fifteen (15) years.
3. The exterior construction will consist of seventy-five (75) percent non-masonry materials.
4. The parking is not on the same lot as the main structure and the enclosed garages provide for fewer vehicles than is required for single family residences.
5. The lot depth, width, area, and setbacks are all reduced.
6. The notes section may need to be removed.

Ms. Dent reported sixteen (16) notices were mailed to property owners and staff received one (1) supporting PD-18-0059.

Mr. Blain Vinson, Aspen Community Development, 2317 Arrow Way, McKinney, Texas, presented a concept planned development for a cottage community. He noted each cluster of homes being approximately eight (8) will share a Carriage House that is designed with outdoor patio, open living areas, restrooms and full size kitchen available to each homeowner for special

(16b)

planned activities or communal daily gatherings. Mr. Vinson stated homeowners enjoy a spacious private retreat, as well as opportunities to interact with neighbors, creating a sense of togetherness, safety and responsibility. He reported the homes will be in the range of \$200,000 to \$300,000 and be a HOA community.

Those who spoke against PD-18-0059:

Mr. Ken Morgan, 855 Cantrell Street
Mr. Justin Hayes, 829 Cantrell Street
Ms. Doris Brogdon, 825 Cantrell Street
Mr. Brady Jones, 826 Cantrell Street
Ms. Jennie Frances Hayes, 828 Cantrell Street

Those who spoke for PD-18-0059:

Ms. Amy Hedtke, 106 Vanderbilt Lane, Waxahachie

A lengthy discussion was held and it was suggested to continue the Public Hearing.

27. Consider recommendation of Zoning Change No. PD-18-0059

Action:

Mr. Jim Phillips moved to continue a request by Blain Vinson, Aspen Community Development, for a Zoning Change from a Single Family-3 zoning district to Planned Development-SF-3, with Concept Plan, located East of 865 Cantrell Street, being 6 JC ARMSTRONG 17.521 ACRES (Property ID 244351) - Owner: WALKER L GORDON ETAL (PD-18-0059) to the Planning and Zoning Commission meeting of June 12, 2018. Mr. David Hudgins seconded, All Ayes.

28. Public Hearing on a request by Sam Hix, Air Evac EMS, for a Specific Use Permit (SUP) for Heliport use within a Light Industrial-1 zoning district, located at 103 Industrial Drive, being 2R C N WAXAHACHIE IND PARK1 ACRES (Property ID 203244) - Owner: WESLEY E & F JUNE SAUNDERS (SU-18-0072)

Chairman Keeler opened the Public Hearing.

Ms. Dent reported the applicant is seeking to establish a temporary helipad for an air ambulance station. She stated staff asked applicant to provide information as to how the proposal complies with the minimum standards set by the FAA. Ms. Dent reported seven (7) notices were mailed to property owners and staff received one (1) supporting SU-18-0072.

Those who spoke against SU-18-0072:

Mr. Matthew Redden, 307 Industrial Drive, Waxahachie
Mr. Mike Redden, 307 Industrial Drive, Waxahachie

Ms. Whitney Miller, Air Evac EMS, 1001 Boardwalk Springs Place, O'Fallen, Missouri, stated this is temporary until they can build out at another location. She stated they will be at the temporary location up to twelve (12) months.

(web)

Vice Chairman Melissa Ballard asked how many lifts does Air Medical complete a day. Ms. Miller stated they average one lift per day.

There being no others to speak for or against SU-18-0072, Chairman Keeler closed the Public Hearing.

29. Consider recommendation of Zoning Change No. SU-18-0072

Action:

Vice Chairman Melissa Ballard moved to approve a request by Sam Hix, Air Evac EMS, for a Specific Use Permit (SUP) for Heliport use within a Light Industrial-1 zoning district, located at 103 Industrial Drive, being 2R C N WAXAHACHIE IND PARK 1 ACRES (Property ID 203244) - Owner: WESLEY E & F JUNE SAUNDERS (SU-18-0072) subject to staff report. Mrs. Bonney Ramsey seconded, All Ayes.

30. Public Comments

None

31. Adjourn

There being no further business, the meeting adjourned at 9:58 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary

The Waxahachie Planning & Zoning Commission held a briefing session on Tuesday, May 22, 2018 at 6:00 p.m. in the City Council Conference Room at 401 S. Rogers St., Waxahachie, TX.

Members Present: Rick Keeler, Chairman
Bonney Ramsey
Jim Phillips
David Hudgins

Members Absent: Melissa Ballard, Vice Chairman
Betty Square Coleman
Erik Barnard

Others Present: Shon Brooks, Director of Planning
Kelly Dent, Planner
James Gaertner, City Engineer
Tommy Ludwig, Executive Director of Development Services
Lori Cartwright, City Secretary

Others Absent: Mary Lou Shipley, Council Representative

1. Call to Order

Chairman Rick Keeler called the meeting to order.

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

Mr. Shon Brooks, Director of Planning, announced City Council passed the Zoning Ordinance and anything new coming in will fall under the new ordinance. He stated Council did remove the ten foot buffer between commercial and residential. Mr. Brooks noted the Parking Zoning District was left as an obsolete and the case behind the WISD Administration Building was left alone. He reported several items were passed noting we came out with a good Zoning Ordinance.

Staff reviewed the Final Plat under the Consent Agenda noting it is ready for approval per staff comments noting staff needs evidence of a HOA.

Staff reviewed a request from Acker Construction going to straight General Retail. Chairman Keeler stated he would like to see the development go to the street and be required to have curb and gutter along Indian Drive.

Staff reviewed a request for a Preliminary Plat (PP-18-0052). Mr. James Gaertner, City Engineer, stated the applicant needs to address minor comments.

Staff reviewed Preliminary Plat (PP-18-0046) and Final Plat (FP-18-0047) of Laguna Vista Place Phase 2 noting there are acreage discrepancies and the applicant may need to realign the road and additional right-of-way may be required. Mr. Gaertner stated the applicant will have to provide water service.

(6c)

Staff reported ZC-18-0041 is a request from Cardinal IG Company to clean up the site from two (2) zoning districts to one (1) zoning district.

Staff reported SU-18-0070 is a clean-up from the new Zoning Ordinance.

Staff reviewed ZC-18-0042 noting it is approximately 500 acres and the owner wants to change the zoning from Future Development to Commercial, Single Family-3 and Light Industrial-2. Staff stated the property should have more retail zoning than commercial.

Staff reviewed a request for zoning change from Commercial to Light Industrial-1 for a new tenant (ZC-18-0044). The Commission discussed going to a heavier zoning in this area. Mr. Brooks stated there is Light Industrial all around this property. Mr. David Hudgins stated the biggest issue is there is no city water in this area. Mr. Brooks stated it is very expensive to get fire suppression for this property. Ms. Dent stated SU-18-0045 is a companion case to ZC-18-0044 noting the applicant request to keep the gravel in place where the storage would be located. Mr. Gaertner stated because heavy equipment will tear up concrete, the applicant request gravel.

Staff reported the applicant requested a continuance on PD-18-0048 being a zoning change from a Multi-Family-2 zoning district to Planned Development-Multi-Family-2 with Concept Plan. Mr. Jim Phillips stated he would like to discuss this in length and maybe bring in all five developers and plan this out. Mr. Brooks stated this item will be recommended for denial; therefore the applicant requested to continue the Public Hearing in order to get back with staff.

Staff reported on SU-18-0054 noting the SUP expires January 1, 2019 and the applicant is requesting to extend the SUP. The applicant would like to continue the usage at the site; however the use and the maintenance of the site are not in compliance with the City's future land use plan for this site.

Staff reported Aspen Community Development has requested a zoning change from Single Family-2 to Planned Development-SF-3 with Concept Plan. Ms. Dent noted staff has asked for more detail noting more information is needed on the siding. Chairman Keeler stated basically the concept is clustering houses on the entire tract noting he has issues with that. Mr. Tommy Ludwig, Executive Director of Development Services, stated he sees more and more of this in cities.

Staff reported Air Evac EMS will be requesting approval for a SUP for Heliport use within a Light Industrial-1 zoning district. Ms. Dent stated the proposal is temporary. Mr. Brooks stated he has asked the applicant for stipulation of approval from the FAA.

3. Adjourn

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

Respectfully submitted,

Lori Cartwright
City Secretary

(led)
DRAFT

MID-WAY REGIONAL AIRPORT JOINT AIRPORT BOARD MINUTES

A regular meeting of the Mid-Way Regional Airport Joint Airport Board was held on Thursday, May 10, 2018, at 4:00 p.m., in the Rex Odom Conference Room, at Mid-Way Regional Airport, 131 Airport Dr., Midlothian, Texas.

Members Present: Kent McGuire, Vice Chairman
Ray Barksdale, Secretary
David Box
Kyle Ballard
Randall Porche
Alex Smith

Members Absent: Drew Sambell, Chairman

Others Present: Judy Demoney, Airport Manager

REGULAR AGENDA

Opening: Kent McGuire called the meeting to order, and Kyle Ballard gave the invocation.

Board Announcements: Judy Demoney reminded the Board of the upcoming Pancake Breakfast Fly-In on Saturday, June 2nd. Tammy Bowen will be sending out a volunteer schedule soon.

CONSENT AGENDA:

- Minutes of Meeting held April 12, 2018
- Financial Report
- Manager's Report
- Airport Operation's Report
- FBO Report

David Box moved to approve the Consent Agenda as presented; second by Alex Smith. All Ayes.

REGULAR AGENDA:

Appoint Consultant Selection Committee for Security Fencing Project: Judy Demoney said that the Airport will need to go through the consultant search process for the fencing project this year. The public hearing will be on June 4th. It will then go to commission for approval on June 28th. TxDOT will send the request for qualification out to consultants in July. TxDOT will put everything together for us, and then send the information to the Airport in August. The Consultant Selection Committee will then review the qualifications and make selection. TxDOT will notify the consultants of the results of selection in September, and begin negotiations with selected consultant. Construction should be begin within sixty days after the bid opening.

Ray Barksdale moved to appoint Randall Porche, Alex Smith and Judy Demoney as the Consultant Selection Committee for the Security Fencing Project; second by David Box. All Ayes.

(Led)

DRAFT

Page 2
Airport Board Minutes
May 10, 2018

Budget Update: Judy Demoney said that the Budget Committee met. The budget is relatively flat from last year's budget. There are still some grey areas that the City needs to fill in like salaries, electricity, etc... The only big thing that we are asking for this year is a scissor lift. For budget purposes we obtained an estimate on a new one, which was \$19,000. The one that we currently have is twenty years old and was not new when we got it. It is not tall enough to reach everything in and around the hangars for maintenance, and is not dependable. Judy told the Board that she will be meeting with the City on May 22nd to go over the budget draft. The budgets will then go to Council, so we probably will not have the final budget for Board approval until July.

Executive Session: The Board adjourned into Executive Session to deliberate economic development negotiations as permitted by the Texas Government Code, Section 551.087, at 4:15 p.m.

Regular Session: The Board reconvened to Regular Session at 4:45 p.m. No action was taken.

Other Business: There was no other business to discuss.

Public Comments: There were no public comments.

Adjournment: There being no further business,

Kyle Ballard moved to adjourn; second by Randall Porsche. All Ayes.

Respectfully submitted, Tammy Bowen, Airport Operations Assistant

A regular meeting of the Board of Directors of the Tax Increment Reinvestment Zone No. 1 was held on Monday, May 21, 2018 at 3:00 p.m. in the Council Chamber at City Hall, 401 S. Rogers, Waxahachie, Texas.

Members Present: David Hill, Chairman
Jason Smith, Vice Chairman
Coy Sevier
Brad Yates
Mike Lee
Jane Vineyard
Dusty Autrey.

Member Absent: Brad Yates

Others Present: Michael Scott, City Manager
Anita Brown, Downtown Development Director
Amber Villarreal, Assistant City Secretary

1. Call to Order

Chairman David Hill called the meeting to order.

2. Approval of minutes of the Tax Increment Reinvestment Zone No. 1 meeting of February 15, 2018

Action:

Vice Chairman Jason Smith moved to approve the minutes of the Tax Increment Reinvestment Zone No. 1 meeting of February 15, 2018. Mr. Dusty Autrey seconded, All Ayes.

3. Consider funding for Downtown Improvements

Anita Brown, Downtown Development Director, reported the kaleidoscope project was installed last month at the corner of Main Street and College Street and is already being utilized by downtown visitors. She also noted the city has received the \$1,500.00 reimbursement grant to pay for half of the kaleidoscope project.

Amy Borders, Director of Communications and Marketing, requested approval of a replacement retaining wall that separates the Doves Nest and Lake Companies parking lots. She explained the new wall would replace the current failing wall and serve as an interactive public art installation. The idea is to allow people to purchase love locks to hang on the fence. She presented a bid proposal for the for the wall in the amount of \$21,576 with an additional \$870 for the heart locks to be purchased from another vendor. The total request is \$23,000 to allow for contingencies. Ms. Borders explained the hearts tie into the City's "A Place in Your Heart" campaign. Laurie Mosley, Director of Waxahachie CVB, explained the interactive art gives people the opportunity to invest in an area of downtown.

Mr. Coy Sevier asked if other bids were sought. Ms. Borders explained she did not obtain other bids due to the scope of the work.

(lee)

Mr. Dusty Autrey asked who currently owns the retaining wall and City Manager Michael Scott reported it is jointly owned by the Doves Nest and the Lake Company. Mr. Scott asked the board to consider the request as a beautification effort.

Mr. Autrey inquired about the need for a joint agreement between the city and the property owners to protect the city's investment to the new retaining wall.

Mr. Mike Lee expressed his concern with future expansion on this property noting he does not want the retaining wall to hinder growth.

Action:

Mr. Coy Sevier moved to approve a replacement retaining wall to serve as an interactive public art installation up to the amount of \$23,000. Vice Chairman Jason Smith seconded, All Ayes.

Ms. Borders made a second request for a ten fiberglass hearts to be installed at various locations in the historic overlay district. She explained the hearts would be sponsored by local businesses, individuals or groups, to have the structures painted by an approved list of local artists. The total request for this portion is \$20,000. This allows for \$18,230 for the hearts, and the remainder for installation costs.

Mr. Lee inquired about the weight of the fiberglass hearts and Ms. Borders stated they weigh about 200 pounds and will be bolted into the ground.

Ms. Jane Vineyard noted she has seen similar art in other towns and it is very eye catching.

Action:

Mr. Coy Sevier moved to approve the purchase of ten fiberglass hearts to be installed at various locations in the historic overlay district up to the amount of \$20,000. Ms. Jane Vineyard seconded, All Ayes.

4. Public Comments

Downtown Development Director Anita Brown reported Waxahachie was spotlighted in the Texas Main Street Program Newsletter. She thanked City Manager Michael Scott for creating the Tax Increment Reinvestment Zone No. 1 several years ago explaining support from the board has helped revitalize and beautify Downtown Waxahachie.

5. Adjourn

Action:

There being no further business, Mr. Dusty Autrey moved the meeting adjourn at 3:33 p.m. Mr. Mike Lee seconded, All Ayes.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary

(lf)

Application for a Festival or Event Permit

Event Name and Description: CNB of Texas
150th Birthday Bash

Applicant Information

Name: Citizens National Bank of Texas
Address: 200 N Elm
City, State, Zip: Waxahachie Phone: 972-351-5179
E-mail Address: susan.beaman@cnbsoftexas.com

Organization Information

Organization Name: CNB of Texas
Address: 200 N Elm
Authorized Head of Organization: Mark Singleton
Phone: 972-938-4300 E-mail Address: /

Event Chairperson/Contact

Name: Susan Beaman
Address: 200 N Elm St.
City, State, Zip: Waxahachie TX Phone: 972-351-5179
E-mail Address: susan.beaman@cnbsoftexas.com

Event Information

Event Location/Address: Singleton Plaza
Purpose: Community Event
Event Start Date and Time: July 6th, 2018 5pm-8pm

(6f)

Event End Date and Time: July 6th 8pm

Approximate Number of Persons Attending Event Per Day: 500+

Site Preparation and Set-Up Date and Time: July 6th all day

Clean-Up Completion Date and Time: July 6th by 10pm

List all activities that will be conducted as a part of this event including street closures, traffic control, vendor booths, etc.

Kidwells BBQ Food Truck, Sno Cone stand,
Corny Dog & Funnel cake stand, Petting Zoo,
Face Painter, Balloon Artist, TNT Train Ride,
Dunk Tank, Diaper changing station, Porta a Potty
- Close off Singleton Plaza, portion of Rogers and
Water

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

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

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

Will dumpsters be needed? No

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

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

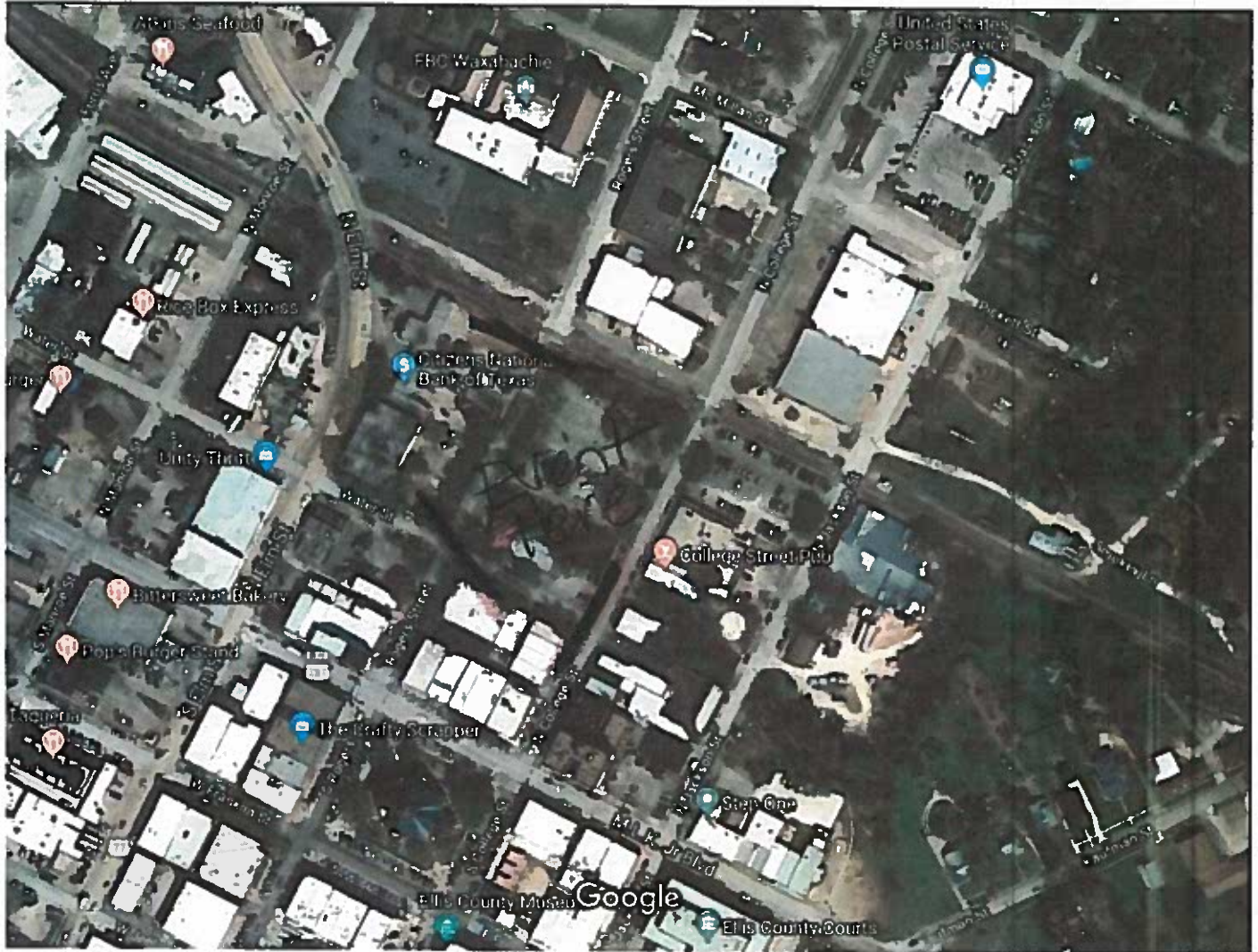
Susan Beaman

5-17-18

Signature of Applicant

Date

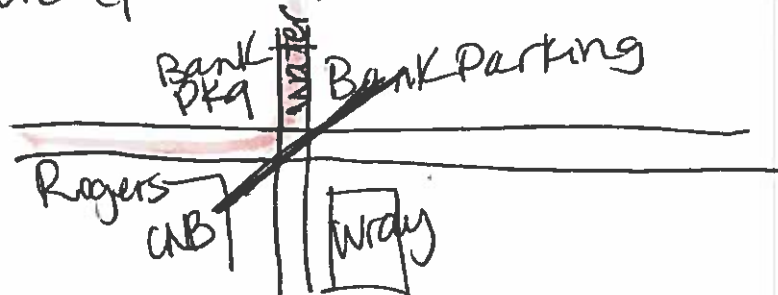
Google Maps



Imagery ©2018 Google, Map data ©2018 Google 200 ft

- Closure at corner of College and Water
- Closure at Rogers and Train Track by CNB Drive Thru
- Closure (partial) at Water and Rogers

• Traffic can still flow from Rogers to Water



(uf)

Villarreal, Amber

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Friday, May 18, 2018 11:11 AM
To: Villarreal, Amber
Subject: Re: Event Application-CNB Birthday Bash

I have no concerns with this request.

Sent from my iPhone

On May 18, 2018, at 10:56, Villarreal, Amber <avillarreal@waxahachie.com> wrote:

For your review/comments.

Thank you!

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

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From: Susan Beaman <Susan.Beaman@cnboftexas.com>
Sent: Friday, May 18, 2018 9:26 AM
To: Villarreal, Amber <avillarreal@waxahachie.com>
Subject: CNB Event Permit

Good Morning:

I have attached an event permit for Citizens National Bank of Texas. After review, please let me know if you have any questions.

Thank you,

Susan Beaman
Marketing Coordinator
200 N. Elm, Waxahachie, TX 75165
Phone: 972-351-5179
Cell: 817-907-3207
susan.beaman@cnboftexas.com
www.cnboftexas.com
<image001.png>

This transmission may contain information which is confidential, proprietary and privileged. If you are not the individual or entity to which it is addressed, note that any review, disclosure,

(lf)

Villarreal, Amber

From: Brown, Anita
Sent: Friday, May 18, 2018 11:09 AM
To: Villarreal, Amber; Del Buono, Mary; Cole, Leila; Mosley, Laurie; Borders, Amy; Marcus Brown; Smith, John; Ricky Boyd; Dale Sigler; Wade Goolsbey
Cc: Scott, Michael; Cartwright, Lori
Subject: RE: Event Application-CNB Birthday Bash

I have been working with Susan on this and I know Wally met with her also. I don't have any issues with this application.

Anita

From: Villarreal, Amber
Sent: Friday, May 18, 2018 10:56 AM
To: Del Buono, Mary; Cole, Leila; Mosley, Laurie; Borders, Amy; Brown, Anita; Marcus Brown; Smith, John; Ricky Boyd; Dale Sigler; Wade Goolsbey
Cc: Scott, Michael; Cartwright, Lori
Subject: Event Application-CNB Birthday Bash

For your review/comments.

Thank you!

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

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Phone: 972-351-5179
Cell: 817-907-3207

(6f)

Villarreal, Amber

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Monday, May 21, 2018 8:48 AM
To: Villarreal, Amber
Subject: RE: Event Application-CNB Birthday Bash

No issues..

From: Villarreal, Amber [mailto:avillarreal@waxahachie.com]
Sent: Friday, May 18, 2018 10:56 AM
To: Del Buono, Mary <mdelbuono@waxahachie.com>; Leila Cole <lcole@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Borders, Amy <aborders@waxahachie.com>; Brown, Anita <abrown@waxahachie.com>; Marcus Brown <mbrown@waxahachiepd.org>; John Smith <jsmith@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Dale Sigler <dsigler@waxahachiepd.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>
Cc: Michael Scott <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>
Subject: Event Application-CNB Birthday Bash

For your review/comments.

Thank you!

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Susan Beaman
Marketing Coordinator
200 N. Elm, Waxahachie, TX 75165
Phone: 972-351-5179
Cell: 817-907-3207

(lf)

Villarreal, Amber

From: Mosley, Laurie
Sent: Friday, May 18, 2018 4:30 PM
To: Villarreal, Amber; Del Buono, Mary; Cole, Leila; Borders, Amy; Brown, Anita; Marcus Brown; Smith, John; Ricky Boyd; Dale Sigler; Wade Goolsbey
Cc: Scott, Michael; Cartwright, Lori
Subject: RE: Event Application-CNB Birthday Bash

Looks like a great celebration to me. Approved!

From: Villarreal, Amber
Sent: Friday, May 18, 2018 10:56 AM
To: Del Buono, Mary <mdelbuono@waxahachie.com>; Cole, Leila <icole@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Borders, Amy <aborders@waxahachie.com>; Brown, Anita <abrown@waxahachie.com>; Marcus Brown <mbrown@waxahachiepd.org>; Smith, John <jsmith@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Dale Sigler <dsigler@waxahachiepd.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>
Cc: Scott, Michael <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>
Subject: Event Application-CNB Birthday Bash

For your review/comments.

Thank you!

Amber Villarreal, TRMC
Assistant City Secretary
City of Waxahachie
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
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Thank you,

Susan Beaman
Marketing Coordinator
200 N. Elm, Waxahachie, TX 75165
Phone: 972-351-5179

(Laf)

Villarreal, Amber

From: Smith, John
Sent: Friday, May 18, 2018 3:35 PM
To: Villarreal, Amber; Del Buono, Mary; Cole, Leila; Mosley, Laurie; Borders, Amy; Brown, Anita; Marcus Brown; Ricky Boyd; Dale Sigler; Wade Goolsbey
Cc: Scott, Michael; Cartwright, Lori
Subject: RE: Event Application-CNB Birthday Bash

Approved, thanks.

John

From: Villarreal, Amber
Sent: Friday, May 18, 2018 10:56 AM
To: Del Buono, Mary <mdelbuono@waxahachie.com>; Cole, Leila <cole@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Borders, Amy <aborders@waxahachie.com>; Brown, Anita <abrown@waxahachie.com>; Marcus Brown <mbrown@waxahachiepd.org>; Smith, John <jsmith@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Dale Sigler <dsigler@waxahachiepd.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>
Cc: Scott, Michael <mscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>
Subject: Event Application-CNB Birthday Bash

For your review/comments.

Thank you!

Amber Villarreal, TRMC
Assistant City Secretary
City of Waxahachie
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
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Subject: CNB Event Permit

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Thank you,

Susan Beaman
Marketing Coordinator

(b7f)

Villarreal, Amber

From: Cole, Leila
Sent: Monday, May 21, 2018 8:22 AM
To: Villarreal, Amber
Cc: Del Buono, Mary
Subject: RE: Event Application-CNB Birthday Bash

Amber,

This event is approved. I have sent Susan our food permit applications for all food vendors. I will continue to follow up with them on these permits.

Thanks,

Leila Cole

City of Waxahachie
Health Inspector – Building & Community Services
Texas Standardized - Retail Food Inspection Officer
Office: 469-309-4138 / City Cell: 972-351-3219
Fax: 469-309-4139



From: Villarreal, Amber
Sent: Friday, May 18, 2018 10:56 AM
To: Del Buono, Mary; Cole, Leila; Mosley, Laurie; Borders, Amy; Brown, Anita; Marcus Brown; Smith, John; Ricky Boyd; Dale Sigler; Wade Goolsbey
Cc: Scott, Michael; Cartwright, Lori
Subject: Event Application-CNB Birthday Bash

For your review/comments.

Thank you!

Amber Villarreal, TRMC
Assistant City Secretary
City of Waxahachie
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(69)

RECEIVED IN
CITY SECRETARY'S OFFICE
5-31-18
CITY OF WAXAHACHIE, TEXAS

Application for a Festival or Event Permit

Event Name and Description: Juneteenth Parade and Celebration

Applicant Information

Name: Betty Square Coleman

Address: 116 Bradshaw Street

City, State, Zip: Waxahachie, TX 75165 Phone: (972) 935-9692

E-mail Address: _____

Organization Information

Organization Name: Waxahachie Branch NAACP #6240

Address: P.O. Box 478 Waxahachie, TX 75168

Authorized Head of Organization: Betty Square Coleman

Phone: (972) 937-2077

E-mail Address: _____

Event Chairperson/Contact

Name: Curtis L. Polk, Jr. and Betty Square Coleman

Address: 211 Wyatt Street

City, State, Zip: Waxahachie, Texas 75165 Phone: (469) 222-5669

E-mail Address: _____

Event Information

Event Location/Address: Lee Penn Park

Purpose: Emmancipation Celebration. Remembering the past, marching to the future.

Event Start Date and Time: 10:00 - 10:30 am parade set up.

(49)

Not sure.

06/16/2018 at Lee Penn Park

5:00 pm

Parade (Route to be provided)

Memorial Service

Program

Lunch Served

Games, Fellowship, Fun, Music

YES/NO

YES/NO

YES/NO

Will dumpsters be needed? Yes.

YES/NO

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

05/29/2018

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

(kh)

Planning & Zoning Department

Plat Staff Report

Case: FP-18-0051



MEETING DATE(S)

Planning & Zoning Commission: May 22, 2018

City Council: June 4, 2018

CAPTION

Request David Hargrove for a **Final Plat** of Garden Valley Meadows for 86 lots, being 27.545 acres situated in the JB and Ann Adams Survey, Abstract 5 (Property ID 263468) – Owner: LEGACY GROVE DEVELOPMENT LLC (FP-18-0051).

CASE INFORMATION

Applicant: David Hargrove

Property Owner(s): Legacy Grove Development LLC

Site Acreage: 27.545 acres

Number of Lots: 86 lots

Number of Dwelling Units: 86 units

SUBJECT PROPERTY

General Location: East of FM 813 and South of Garden Valley Parkway

Parcel ID Number(s): 263468

Current Zoning: Planned Development-SF2

Existing Use: Currently undeveloped

Platting History: PP-17-0077 was approved by City Council on July 24, 2017.

(6h)

Site Aerial:



STAFF CONCERNS

1. This plat cannot be filed until the HOA documents are received.
2. Final acceptance for Public Infrastructure from Public Works is necessary prior to recording the plat.

APPLICANT RESPONSE TO CONCERNS

1. Applicant is in the process of establishing the HOA and understands that the filing will be held until the documents are filed with the County.

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
 1. The plat cannot be filed until the City receives a stamped copy of the filed CCRs.
 2. The plat cannot be filed until the Letter of Acceptance is received from the Public Works department.

ATTACHED EXHIBITS

1. Plat drawings

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.

(6h)

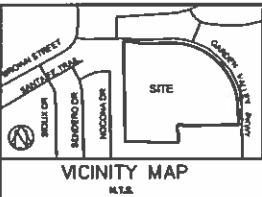
STAFF CONTACT INFORMATION

Prepared by:
Kelly Dent, MPA
Planner
kdent@waxahachie.com

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

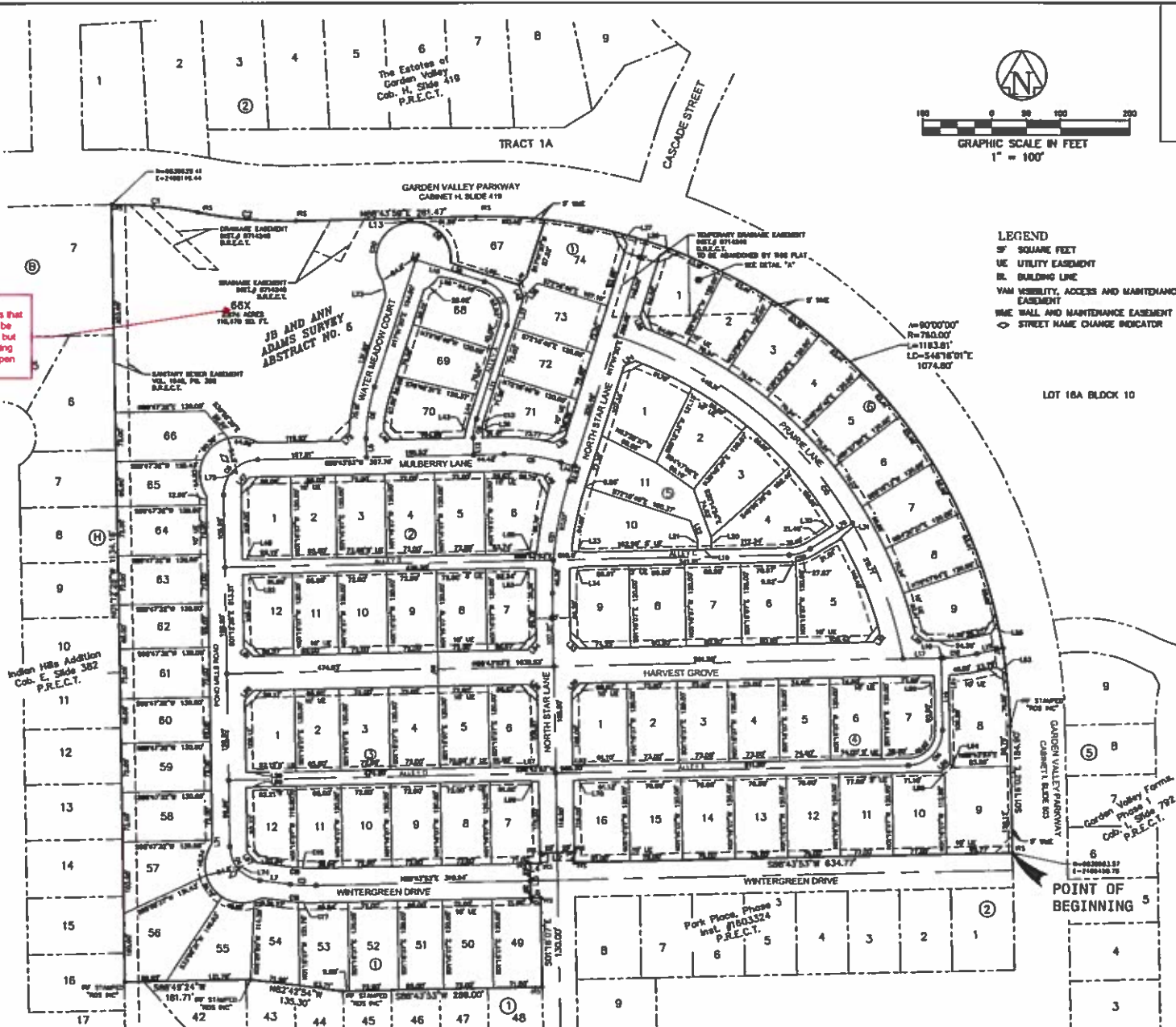
ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held May 22, 2018, the Commission voted 6-0 to recommend approval of plat no. FP-18-0051, subject to staff comments.

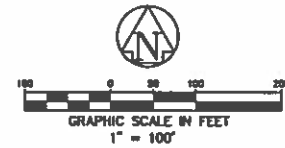


VICINITY MAP
N.T.S.

Open Space Area?
Next sheet mentions that the open space will be maintained by HOA but there is nothing stating that Lot 66X is an open space lot

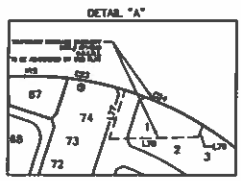


LEGEND
 SF SQUARE FEET
 UE UTILITY EASEMENT
 BL BUILDING LINE
 VM VISIBILITY, ACCESS AND MAINTENANCE EASEMENT
 WME WALL AND MAINTENANCE EASEMENT
 SC STREET NAME CHANGE INDICATOR

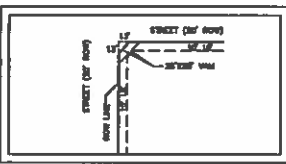


LOT 16A BLOCK 10

POINT OF BEGINNING



TYPICAL ROW CORNER CLIP
VISIBILITY EASEMENT AND UTILITY EASEMENT AT ALL INTERIOR INTERSECTIONS
N.T.S.



OWNER
 LEGACY GROVE DEVELOPMENT, LLC
 1450 HARRINGTON ROAD
 WAXAHACHIE, TX 75164
 PHONE: 214-405-8803

SURVEYOR
 PELOTON LAND SOLUTIONS, INC.
 8600 HILWOOD PARKWAY STE 250
 FORT WORTH, TX 76117
 PHONE: 817-662-3300

PLANNER/ENGINEER
 PELOTON LAND SOLUTIONS, INC.
 10875 JOHN W. ELLIOT DR.
 SUITE 400
 FORT WORTH, TX 76133
 PHONE: 817-662-3300
 TX FROM NO 12307

**A Final Plat of
 Garden Valley Meadows**
 SITUATED IN THE
 J R AND ANN ADAMS SURVEY, ABSTRACT NUMBER 6
 CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS

Date of Preparation: August 29, 2017

Revisions:			
Job #:	Drawn By:	Checked By:	Date:
HRE17001	SRamsey	TBridges	04.11.2018

A Final Plat of
Garden Valley Meadows
 SITUATED IN THE
 J R AND ANN ADAMS SURVEY, ABSTRACT NUMBER 6
 CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS

PELOTON
 LAND SOLUTIONS

SHEET
1
 OF 2 SHEETS

8600 Hilwood Parkway, Ste 250 | Fort Worth, TX 76117 | 817-662-3300



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Executive Director of Development Services
Thru: Michael Scott, City Manager
Date: June 1, 2018
Re: Supplemental Appropriation for Reimbursable Vehicular Repair

On Monday June 4th an item will appear before the City Council for consideration of a supplemental appropriation in the FY17-18 General Fund budget to make unexpected repairs to a street sweeper owned by the Public Works Department, involved in a vehicular accident, in the amount of \$10,158.27. This supplemental appropriation has no cost consideration to the City because the increased expenditures are fully reimbursable from the third party driver's insurance company, as the third party driver was deemed to be solely at fault for the accident.

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

Tommy Ludwig



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Executive Director of Development Services
Thru: Michael Scott, City Manager
Date: June 1, 2018
Re: Ennis, Elder, East Marvin Street Sewer Rehabilitation (WWR-1)
Amendment # 3 Reimbursement Resolution

On June 4, 2018 a Reimbursement Resolution item will appear before the City Council authorizing a reimbursement to Working Capital from the proceeds of future debt to fund the design for the sewer rehabilitation project on Ennis, Elder and East Marvin Streets. This was done as amendment to an existing engineering design contract with Birkhoff, Hendricks & Carter, L.L.P. to who has already completed the design for the water rehabilitation at the same location. The amendment amount for the design phase is \$63,009. Finance anticipates selling certificates of obligation bonds in the summer of 2018 to fund this project. The project is currently within budget and the design is on schedule to be completed by the end of September 2018.

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

Tommy Ludwig

(63)

RESOLUTION NO.

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE DESIGN OF SEWER REHABILITATIONS ON ENNIS, ELDER, AND EAST MARVIN STREETS

WHEREAS, the City of Waxahachie (the "City") intends to issue debt to finance cost to be incurred for the engineering design of sewer rehabilitations on Ennis, Elder and East Marvin Streets Project, and related expenses prior to the issuance of such debt with the expectation that such expenditures are to be reimbursed with proceeds of such debt; and

WHEREAS, Treas. Reg. § 1.150-2 (the "Regulation") provides that to fund such reimbursement with proceeds of tax-exempt obligations the City must declare its expectation to make such reimbursement; and

WHEREAS, the City desires to preserve its ability to reimburse the expenditures with proceeds of tax-exempt obligations.

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

SECTION 1

That the City reasonable expects to reimburse the Wastewater Funds' Working Capital with proceeds of debt hereafter to be issued by the City, and this resolution shall constitute a declaration of official intend under the Regulation.

SECTION 2

That the City Manager is authorized to take those steps reasonable and necessary to comply with the intent of this resolution including a loan from Working Capital in an amount not to exceed \$63,009

SECTION 3

That this resolution shall take effect immediately from and after the date of passage.

ADOPTED THIS 4th day of June, 2018.

MAYOR

ATTEST:

City Secretary

(8)

PROCLAMATION

WHEREAS, the 75th Texas State Legislature in House Concurrent Resolution #14 named the City of Waxahachie "THE CRAPE MYRTLE CAPITAL OF TEXAS"; and

WHEREAS, this Resolution was passed in 1997, after the Crape Myrtle Council spent many hours in Austin proving their case for this designation; and

WHEREAS, Representative Jim Pitts and Senator Jane Nelson were leaders in the Legislature in this endeavor; and

WHEREAS, the Crape Myrtle Council, the Chamber of Commerce, the Convention and Visitors Bureau, and local businesses have sponsored a Crape Myrtle Festival in July every year since 1998 with an orchestra or band at the Waxahachie Sports Complex, and a fireworks display; and

WHEREAS, a parade has been held on July 4th every year since 1998 through downtown Waxahachie to Getzendaner Park to honor our country and the crape myrtle tree which in is beautiful, full bloom at this time of year, as well as the Crape Myrtle Queen who represents the Crape Myrtle City; and

WHEREAS, it is important to continue showing our City's support for the title we so proudly carry as the Crape Myrtle Capital of Texas;

NOW THEREFORE, I, Kevin Strength, Mayor of the City of Waxahachie, along with the entire City Council, do hereby proclaim Monday, June 4, 2018 through Wednesday, July 4, 2018 as

"CRAPE MYRTLE MONTH"

in the City of Waxahachie.

ADOPTED on this 4th day of June, 2018.

MAYOR PRO TEM

ATTEST:

CITY SECRETARY

(11)

Planning & Zoning Department

Zoning Staff Report

Case: ZC-18-0056



MEETING DATE(S)

Planning & Zoning Commission: May 22, 2018

City Council: June 4, 2018

CAPTION

Public Hearing on a request by Chris Acker, Acker Construction, for a Zoning Change from a Planned Development-44-General Retail and Single Family-2 zoning district to **General Retail**, located on the Southwest corner of Indian Drive at Brown Street, being 393 148 J GOOCH WM BASKINS 2.1698 ACRES (Property ID 184243) - Owner: INDIAN DRIVE HOLDINGS LLC (ZC-18-0056).

CASE INFORMATION

Applicant: Chris Acker, Acker Construction

Property Owner(s): Indian Drive Holdings LLC

Site Acreage: 2.1698 acres

Current Zoning: Planned Development-44-General Retail and Single Family-2

Requested Zoning: General Retail

SUBJECT PROPERTY

General Location: SW corner of Indian Drive at Brown Street

Parcel ID Number(s): 184243

Existing Use: Currently undeveloped

Development History: There is a companion case no. PP-18-0057.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	PD-105-GR	Current High School
East	GR	Currently undeveloped
South	PD-44-GR	Buffalo Creek Community
West	PD-GR	Ninth Grade Academy

Future Land Use Plan: Low Density Residential with a portion Public/Semi-Public

Comprehensive Plan:

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

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

Thoroughfare Plan:

The site is located at the southwest corner of Brown Street (FM 813) and Indian Drive. FM 813 is a Major Thoroughfare B (110' ROW).



Site Image:

PLANNING ANALYSIS

The property is currently located within planned development and single family residential zoning districts. The applicant proposes to clean up the zoning, removing the site from the planned development altogether.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 7 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 5/4/18.

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:

111)

ATTACHED EXHIBITS

1. Zoning exhibit

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.

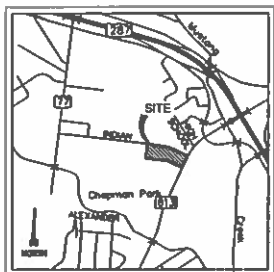
STAFF CONTACT INFORMATION

Prepared by:
Kelly Dent, MPA
Planner
kdent@waxahachie.com

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

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held May 22, 2018, the Commission voted 6-0 to recommend approval of zoning change ZC-18-0056, subject to staff comments.



LOCATION MAP
NOT TO SCALE

LOT 1, BLOCK 1
NINTH GRADE CENTER
CABINET F, SLIDE 75
P.R.E.C.T.
ZONED "PD"

INDIAN DRIVE
60' ROW
VOL. 1284, PG
868 D.R.E.C.T.

WAXAHACHIE INDEPENDENT
SCHOOL DISTRICT
VOLUME 527, PAGE 741
O.R.E.C.T.
ZONED "PD"

WAXAHACHIE INDEPENDENT SCHOOL DISTRICT
VOLUME 755, PAGE 880
O.R.E.C.T.
ZONED "PD"

S82°18'46"E 205.49'

N07°40'52"E 173.18'

LOT 2, BLOCK 1
0.895 ACRES
38,990 SQUARE FEET
ZONE: "GR" GENERAL RETAIL

INDIAN DRIVE
50' ROW
VOL. 1284, PG 868
O.R.E.C.T.

S84°10'20"E 342.89'

LOT 1, BLOCK 1
1.187 ACRES
51,689 SQUARE FEET
ZONE: "GR" GENERAL RETAIL

N82°19'12"W 175.06'

LOT 1, BLOCK 1
CHAPMAN CORNER
CABINET H, SLIDE 559
P.R.E.C.T.
ZONED "PD-GR"

N63°47'01"W 316.89'

FARM TO MARKET ROAD NO. 813
BROWN STREET
80' RIGHT-OF-WAY

BUFFALO CREEK
PLAZA, LLC
INSTRUMENT NO.
140075
O.P.R.E.C.T.
ZONED "GR"

NOTES:

1. BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, NORTH CENTRAL ZONE 4202 AS DERIVED FROM THE TRIANGLE VRS NETWORK.

2. ALL LOT CORNERS SET ARE MONUMENTED WITH A 1/2 INCH IRON ROD WITH A YELLOW CAP STAMPED "RPLS 5674" UNLESS OTHERWISE NOTED.

FLOOD STATEMENT:

THE SUBJECT TRACT LIES WITHIN ZONE X (UNSHADED), DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM) AS SHOWN ON COMMUNITY PANEL NO. 48139C0190F, DATED JUNE 3, 2013 FOR ELLIS COUNTY, TEXAS AND INCORPORATED AREAS.

GRAPHIC SCALE



(IN FEET)
1 inch = 80 ft.

APPLICANT

ACKER CONSTRUCTION
130 CHIEFTAIN, STE. 103,
WAXAHACHIE, TX 75165 (469) 383-5939

OWNERS

INDIAN DRIVE HOLDINGS, LLC
200 N. ELM STREET
WAXAHACHIE, TX 75165 (214) 808-7721
ENGINEER
GATEWAY ENGINEERING, INC.
6012 REEF POINT LANE, STE. J,
FORT WORTH, TX 76135 (817) 439-9444

SURVEYOR



P.O. Box 575 | Waxahachie, Texas 75108
214 903 8200 | TBPLS Firm No. 10104367
info@axis-survey.com

ZONING EXHIBIT DENTAL PLACE ADDITION

2 COMMERCIAL LOTS
2.082 ACRES ~ ZONED "GR" GENERAL RETAIL
AN ADDITION TO THE CITY OF WAXAHACHIE
JOHN GOOCH SURVEY ~ ABSTRACT NO. 393
ELLIS COUNTY, TEXAS

(11)

(12)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-44-GENERAL RETAIL AND SINGLE FAMILY-2 PD-44-GR AND SF2) TO GENERAL RETAIL (GR) LOCATED ON THE SOUTHWEST CORNER OF INDIAN DRIVE AT BROWN STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 2.1698 ACRES KNOWN AS PROPERTY ID 184243 OF THE J GOOCH SURVEY, ABSTRACT NO. 393; AND WM BASKINS SURVEY, ABSTRACT NO. 148, 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-18-0056. 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-44-GR and SF2 to GR; 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-44-GR and SF2 to GR in order to facilitate development of the subject property in a manner that allows general retail uses on the following property: Property ID 184243 of the J Gooch Survey, Abstract No. 393; and WM Baskins Survey, Abstract No. 148, 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.

(12)

MAYOR

ATTEST:

City Secretary



(18)



ZC-18-0056 Dental Place Addition Location Exhibit

EXHIBIT A

 ZC-18-0056

0 300 600 1,200 Feet



(13)

Planning & Zoning Department

Plat Staff Report

Case: PP-18-0057



MEETING DATE(S)

Planning & Zoning Commission: May 22, 2018

City Council: June 4, 2018

CAPTION

Consider request by Chris Acker, Acker Construction, for a **Preliminary Plat** of Dental Place Addition for 2 lots, being 2.081 acres situated in the John Gooch Survey, Abstract 393 (Property ID 184243) – Owner: Owner: INDIAN DRIVE HOLDINGS LLC (PP-18-0057).

CASE INFORMATION

Applicant: Chris Acker, Acker Construction

Property Owner(s): Indian Drive Holdings LLC

Site Acreage: 2.081 acres

Number of Lots: 2 lots

Park Land Dedication: The cash in lieu of park land dedication for this case is estimated at **\$1,248.60** (2.081 acres at \$600.00 per acre).

SUBJECT PROPERTY

General Location: Southwest corner of Indian Drive at Brown Street

Parcel ID Number(s): 184243

Current Zoning: See companion case ZC-18-0056

Existing Use: Currently undeveloped

Platting History: John Gooch Survey, Abstract 393

Site Aerial:**STAFF CONCERNS**

1. None.

APPLICANT RESPONSE TO CONCERNS

1. Applicant submitted revisions.

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 drawings
2. Landscape plan

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
 Kelly Dent, MPA
 Planner
kdent@waxahachie.com

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

(13)

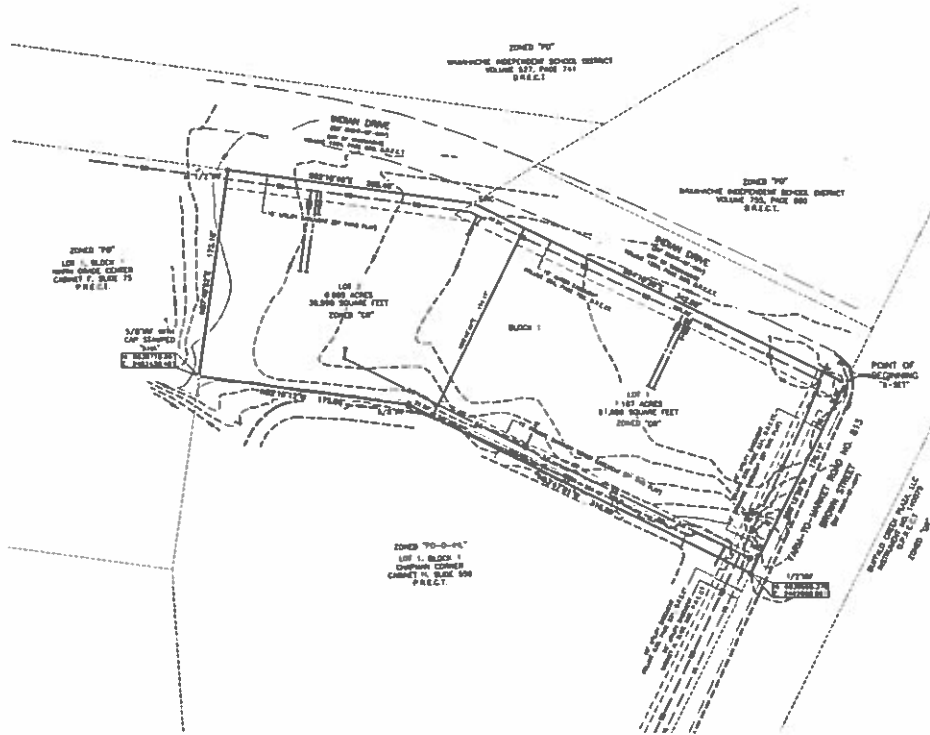
ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held May 22, 2018, the Commission voted 6-0 to recommend approval of plat no. PP -18-0057, subject to staff comments. During the hearing, the applicant did agree to curb and gutter along Indian Drive.



LEGEND

OBJECT: OFFICIAL PUBLIC RECORDS, ELIAS COUNTY, TEXAS
SHEET: 0153 RECORDS, ELIAS COUNTY, TEXAS
PLAT: 0153 RECORDS, ELIAS COUNTY, TEXAS
CITY: WACO, TEXAS
4.5 AC 1/2" X 1/2" ROD SET WITH YELLOW CAP STAMPED "WPLS 5614" (UNLESS OTHERWISE NOTED)
OR: 1/2" X 1/2" ROD SET



NOTES

1. BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM AND ALL NORTH OR SOUTH ZONE ANGLES ARE DERIVED FROM THE TRIMBLE VRS NETWORK.
2. ALL LOT CORNERS ARE MONUMENTED WITH A 1/2" X 1/2" ROD SET WITH A YELLOW CAP STAMPED "WPLS 5614" UNLESS OTHERWISE NOTED.

FLOOD STATEMENT

THE SUBJECT TRACT IS IN FLOOD ZONE 2 (INDIVIDUAL), DEPICTED AS "WPLS 5614" DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA). FLOOD INSURANCE RATE MAP (FIRM) AS SHOWN ON COMBINATION MAP NO. 13122C001, DATED JUNE 3, 2013 FOR ELIAS COUNTY, TEXAS AND INCORPORATED HEREIN.

STATE OF TEXAS

COUNTY OF ELIAS

BEING A TRACT OF LAND LOCATED IN THE JOHN GOODCH SURVEY, ABSTRACT NO. 393, WABASHOKE, ELIAS COUNTY, TEXAS AND BEING ALL OF A TRACT OF LAND DESCRIBED IN DEED TO INDIAN DRIVE HOLDINGS, LLC, RECORDED IN INSTRUMENT NO. 731116, OFFICIAL PUBLIC RECORDS, ELIAS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A "Y" C.I.T. SET AT THE INTERSECTION OF THE NORTHWESTLY BOUNDARY LINE OF BROWN STREET (PARTIAL) AND THE EAST CORNER OF SAID INDIAN DRIVE HOLDINGS TRACT;

THENCE SOUTH 87°17'30" WEST, ALONG SAID NORTHWEST BOUNDARY LINE, A DISTANCE OF 176.17 FEET TO A 1/2" IRON ROD FOUND AT THE EAST CORNER CORNER OF SAID INDIAN DRIVE HOLDINGS TRACT AND LOT 1, BLOCK 1 OF CHAPMAN CORNER, AN ADDITION TO THE CITY OF WABASHOKE, ELIAS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN INSTRUMENT NO. 0153, PLAT RECORDS, ELIAS COUNTY, TEXAS (P.R.E.C.T.);

THENCE NORTH 87°17'30" WEST, ALONG THE COMMON LINE OF SAID INDIAN DRIVE HOLDINGS TRACT AND SAID LOT 1, A DISTANCE OF 315.00 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;

THENCE NORTH 87°17'30" WEST, CONTINUING ALONG THE COMMON LINE OF SAID INDIAN DRIVE HOLDINGS TRACT AND SAID LOT 1, A DISTANCE OF 176.17 FEET TO A 1/2" IRON ROD FOUND IN SAID SOUTHWESTLY BOUNDARY LINE OF INDIAN DRIVE, AN 80' BOUNDARY LINE AT THIS POINT, AT THE NORTH CORNER CORNER OF SAID INDIAN DRIVE HOLDINGS TRACT AND LOT 1, BLOCK 1 OF CHAPMAN CORNER, AN ADDITION TO THE CITY OF WABASHOKE, ELIAS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN INSTRUMENT NO. 0153, PLAT RECORDS, ELIAS COUNTY, TEXAS (P.R.E.C.T.);

THENCE SOUTH 87°17'30" WEST, ALONG THE COMMON LINE OF SAID INDIAN DRIVE HOLDINGS TRACT AND SAID INDIAN DRIVE CENTER ADDITION, A DISTANCE OF 176.17 FEET TO A 1/2" IRON ROD FOUND IN SAID SOUTHWESTLY BOUNDARY LINE OF INDIAN DRIVE, AN 80' BOUNDARY LINE AT THIS POINT, AT THE NORTH CORNER CORNER OF SAID INDIAN DRIVE HOLDINGS TRACT AND LOT 1, BLOCK 1 OF CHAPMAN CORNER, AN ADDITION TO THE CITY OF WABASHOKE, ELIAS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN INSTRUMENT NO. 0153, PLAT RECORDS, ELIAS COUNTY, TEXAS (P.R.E.C.T.);

THENCE SOUTH 87°17'30" WEST, ALONG SAID SOUTHWESTLY BOUNDARY LINE, A DISTANCE OF 305.40 FEET TO A 1/2" IRON ROD WITH A CAP STAMPED "WPLS 5614" SET FOR CORNER;

THENCE SOUTH 87°17'30" WEST, CONTINUING ALONG SAID SOUTHWESTLY BOUNDARY LINE, A DISTANCE OF 342.00 FEET TO THE POINT OF BEGINNING AND CONTINUING SOUTH 87°17'30" WEST ON 2.00 ACRES OF LAND, MORE OR LESS.

SURVEYOR'S CERTIFICATE

BEFORE ME, BY THESE PRESENTS:

THAT I, SEAN SHROPSHIRE, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS SET WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBSCRIPTION ORDINANCE OF THE CITY OF WABASHOKE, TEXAS.

SEAN SHROPSHIRE
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5014



OWNER'S ACKNOWLEDGEMENT

I HEREBY ACKNOWLEDGE THIS DOCUMENT AS THE OFFICIAL APPROVED PRELIMINARY PLAT.

OWNER'S SIGNATURE

DATE

CITY APPROVAL OF PRELIMINARY PLAT

APPROVED FOR PREPARATION OF THE FINAL PLAT

APPROVED BY THE PLANNING AND ZONING COMMISSION

DATE

APPROVED BY THE CITY COUNCIL

DATE

PRELIMINARY PLAT DENTAL PLACE ADDITION

2.002 ACRES - ZONED "C-1" GENERAL RETAIL
AN ADDITION TO THE CITY OF WABASHOKE
JOHN GOODCH SURVEY - ABSTRACT NO. 393
ELIAS COUNTY, TEXAS
APRIL, 2018 SCALE: 1"=50'

OWNERS
INDIAN DRIVE HOLDINGS, LLC
700 N. ELV STREET
WABASHOKE, TX 75165 (214) 808-7771
ENGINEER
GATEWAY ENGINEERING, INC.
6012 REEF POINT LANE, STE. J
FORT WORTH, TX 76135 817-439-8446
SURVEYOR



1. VERIFY ALL EXISTING AND PROPOSED SITE ELEMENTS FOR DISCREPANCIES. SURVEY DATA OF EXISTING CONDITIONS WAS SUPPLIED BY OTHERS.
2. LOCATE ALL EXISTING UNDERGROUND UTILITIES FOR CONFLICTS. EXERCISE CAUTION WHEN WORKING IN THE VICINITY OF EXISTING UNDERGROUND UTILITIES.
3. CONTRACTOR SHALL PROVIDE A MINIMUM 2% SLOPE AWAY FROM ALL STRUCTURES.
4. LEAVE AREAS TO RECEIVE TOPSOIL 3" BELOW FINAL FINISHED GRADE IN PLANTING AREAS AND 1" BELOW FINAL FINISHED GRADE IN LAWN AREAS.
5. CROWN ALL LANDSCAPE ISLANDS TO 6" HEIGHT, TYPICAL AND UNIFORM THROUGHOUT THE SITE.
6. PLANTING BEDS AND LAWN AREAS SHALL BE SEPARATED BY STEEL DOORING. NO STEEL DOORING SHALL BE INSTALLED IN DRIVEWAYS, WALKS, OR CURBS. CUT STEEL DOORING AT 45 DEGREE ANGLE WHERE IT INTERSECTS WALKS AND CURBS.
7. TOP OF MULCH SHALL BE 1/2" MINIMUM BELOW THE TOP OF WALKS AND CURBS.
8. ALL LAWN AREAS SHALL BE SOLED 500 BERMAUDGRASS, UNLESS OTHERWISE NOTED ON THE DRAWINGS.
9. ALL LANDSCAPE AREAS SHALL BE SOLED BERBERGRASS WITH AN UNDERGROUND ALTERNATE IRRIGATION SYSTEM. SOLED AREAS SHALL INCLUDE GRASS, BUT NOT BERBERGRASS, WITH AN UNDERGROUND ALTERNATE IRRIGATION SYSTEM.

[illegible]

1. CONTRACTOR SHALL FINE LAWN AREAS 1" BELOW FINAL FINISHED GRADE PRIOR TO TOPSOIL INSTALLATION.
2. CONTRACTOR SHALL FINE GRADE LAWN AREAS TO ACHIEVE FINAL CONTOURS AS INDICATED ON CIVIL PLANS. ADJUST CONTOURS TO ACHIEVE POSITIVE DRAINAGE AWAY FROM BUILDINGS. PROVIDE UNIFORM ROUNDDING AT TOP AND BOTTOM OF SLOPES AND OTHER BREAKS IN GRADE. CORRECT IRREGULARITIES AND AREAS WHERE WATER MAY STAGNATE.
3. ALL LAWN AREAS SHALL BE FINE GRADED, IRRIGATION TRENCHES COMPLETELY SETTLED AND FRESH GRADE
4. REMOVE ALL ROCKS 3/4" DIAMETER AND LARGER, DIRT CLODS, STICKS, CONCRETE SPILLS, ETC. PRIOR TO PLACING TOPSOIL AND LAWN INSTALLATION.
5. GUARANTEE ESTABLISHMENT OF ACCEPTABLE TURF AREA AND PROVIDE REPLACEMENT FROM LOCAL SUPPLY IF

1. PLANT SOO BY HAND TO COVER DESIGNATED AREAS COMPLETELY. INSURE EDGES OF SOO ARE TOUCHING. TOP DRESS JOINTS BY HAND WITH TOP SOIL TO FILL VOIDS.
2. ROLL GRASS AREAS TO ACHIEVE A SMOOTH, EVEN SURFACE, FREE FROM UNNATURAL UNDULATIONS.
3. WATER SOO THOROUGHLY AS SOO OPERATION PROGRESSES.
4. IF INSTALLATION OCCURS BETWEEN SEPTEMBER 1 AND MARCH 1, OVER SEED BERMUDA GRASS SOO WITH WINTER RYEGRASS AT A RATE OF FOUR (4) POUNDS PER THOUSAND (1000) SQUARE FEET.

1. ALL SURFACE MATERIALS TO MEET MINIMUM STANDARDS AND SPECIFICATIONS PER THE CITY OF WAXAHACHE, TEXAS.
2. ALL SIGNS, LIGHTING, LUMINAIRIES, AND FENCES TO COMPLY WITH THE REQUIREMENTS OF THE CITY OF WAXAHACHE, TEXAS.
3. LANDSCAPING TO BE PROVIDED PER SITE PLAN. TREE LOCATIONS ARE REPRESENTATIVE AND MAY BE ADJUSTED AT TIME OF PERMIT.
4. PARKING SPACES REQUIRED: 30. PARKING SPACES PROVIDED: 31. INCLUDING 1 T.A.S. ACCESSIBLE SPACES TO MEET THE MINIMUM T.A.S. STANDARDS (MINIMUM SIZE) PARKING SPACE: 8' X 18'

**** NO EXISTING TREES ON THIS PROPERTY ****

1. 50% OF PROPOSED BUILDING SHALL BE REQUIRED INTERIOR LANDSCAPE TOTAL BUILDING S.F. = 6295 S.F.
2. 75% OF THE REQUIRED INTERIOR LANDSCAPE SHALL BE IN THE COMMONS YARD.
3. ONE (1) CANOPY TREE PER 800 S.F. OF REQUIRED LANDSCAPE AREA
4. ONE (1) UNDERSTORY (ACCENT) TREE PER 250 S.F. OF REQUIRED LANDSCAPE AREA
5. ONE (1) SHRUB PER 40 S.F. OF REQUIRED LANDSCAPE AREA
6. 15% OF REQUIRED LANDSCAPE AREA SHALL BE GRASS/COVER
7. 25% OF REQUIRED LANDSCAPE AREA SHALL BE SEASONAL COLOR

<u>REQUIRED:</u>	<u>PROVIDED:</u>
3,148 S.F. (50%)	6,033 S.F.
2,300 S.F. (75%)	4,588 S.F.
(6) CANOPY TREES	(7) CANOPY TREES
(13) ACCENT TREES	(13) ACCENT TREES
(78) SHRUBS	(82) SHRUBS
472 S.F. GROUND COVER (18%)	817 S.F. GROUND COVER (18%)
63 S.F. SEASONAL COLOR (2%)	83 S.F. SEASONAL COLOR (2%)

1. 15% OF THE STREETYARD TO BE PERMANENT LANDSCAPE. STREETYARD = 2,058 SQ. FT.

2. LANDSCAPE BUFFER

3. ONE (1) TREE PER 40 L.F. OF STREET FRONTAGE

- INDIAN DRIVE FRONTAGE: 222.29'

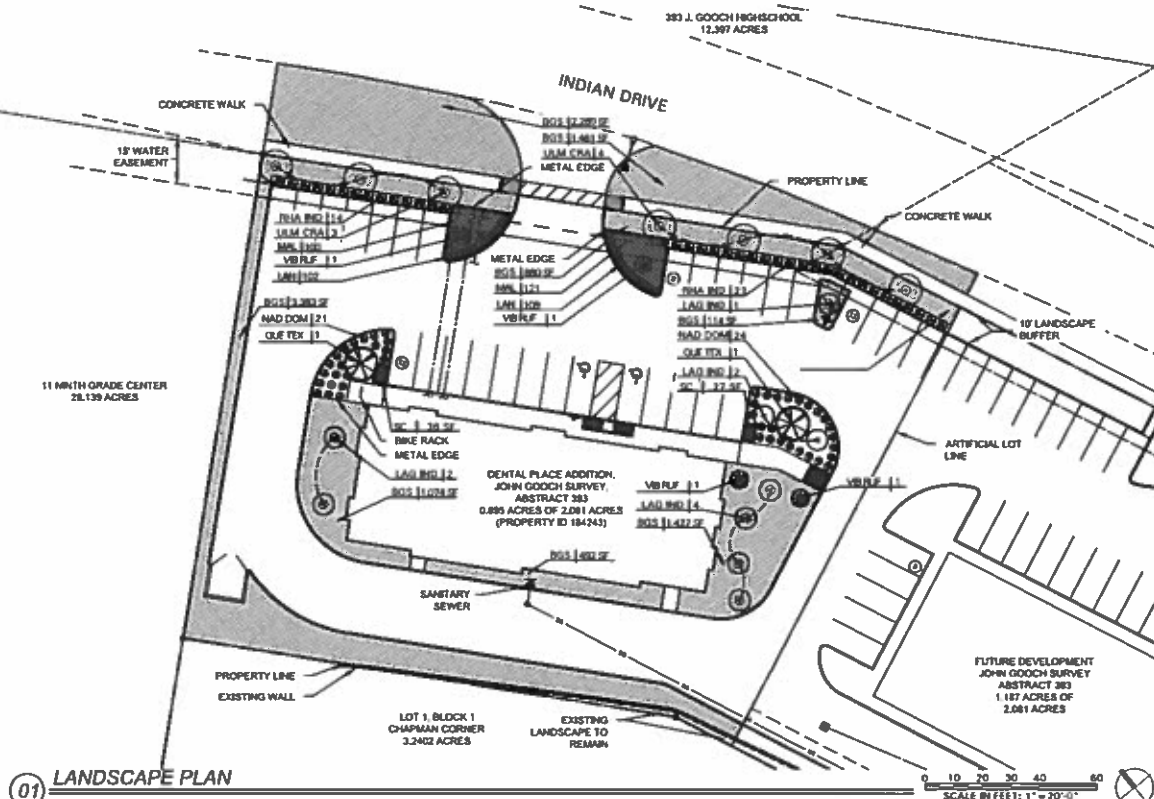
<u>REQUIRED:</u>	<u>PROVIDED:</u>
1.045 S.F. LANDSCAPE (15%)	2.185 S.F. LANDSCAPE (27%)
(16) TREES	(17) TREES

1. ONE (1) TREE, 4" CAL., PER 30 L.F.

REQUIRED:	PROVIDED:
(1) TREE, 4" CAL.	(1) TREE, 4" CAL.

1. 13 S.F. OF LANDSCAPE PER PARKING SPACE TOTAL PARKING SPACES	
2. TWO (2) TREES, 4" CALL. PER 600 S.F. OF REQUIRED PARKING LOT LANDSCAPE AREA	
3. TEN (10) SHRUBS PER 600 S.F. OF REQUIRED PARKING LOT AREA	
<u>REQUIRED:</u>	<u>PROVIDED:</u>
403 S.F. LANDSCAPE	2,462 S.F. LANDSCAPE
(2) TREES, 4" CALL.	(2) TREES, 4" CALL.
(10) SHRUBS	(87) SHRUBS

D	- PROPERTY CORNER	X	- SPOT ELEVATIONS
FMD	- FOUND	W/L	- WATER LINE
S.R.	- STEEL ROD	W/M	- WATER METER
S.P.	- STEEL PIPE	M/M	- SEWER MANHOLE
U	- UTILITY EASEMENT	F/N	- FIRE HYDRANT
P/P	- UTILITY POLE	W/V	- WATER VALVE
D.O.W.	- RIGHT OF WAY	D.U.E.	- DRAINAGE & UTILITY EASEMENT
P.O.B.	- POINT OF BEGINNING		
C/L	- CENTERLINE		



SYMBOL	BOTANIC NAME	COMMON NAME	QTY.	SIZE	NOTES
ULM CRY	ULMUS CRASSIFOLIA	CEDAAR ELM	7	4-4.5" CALIPER	100 GAL, 14-18" HEIGHT, SINGLE, MATCHING
QUERC TEX	QUERCUS TEXANA	TEXAS RED OAK	2	4-4.5" CALIPER	100 GAL, 14-18" HEIGHT, SINGLE, MATCHING
LAG IND	LAGERSTRÖMIA INDICA	CREPE MYRTLE	8	48 GALLON	10-12" HEIGHT, MULTI TRUNK, MATCHING
VIB RUF	VIBURNUM RUFIDULUM	RUSTY BLACKBURN	4	30 GALLON	6-8" HEIGHT, MULTI TRUNK, MATCHING
RAD DOM	RHAMNUS DOMESTICA, RUFFLES	RHAMNUS RUFFLES	48	3 GALLON	18" HEIGHT AND SPREAD, SPACING PER PLAN, MATCHING
RAP IND	RHAPHIOLEPIS INDICA	INDIAN HAWTHORN FRUIT	37	8 GALLON	24" HEIGHT, 24" SPREAD, SPACING PER PLAN, MATCHING
MAL	MALVACEAE ARBOREUS	FLORAL CAP	221	1 GALLON	6" HEIGHT, CONTAINER FULL, SPACING 18" O.C.
LANT	LANTANA SPP	LANTANA	211	1 GALLON	12" HEIGHT, CONTAINER FULL, SPACING 12" O.C.
SC	N/A, TO BE SPECIFIED	SEASONAL COLOR	72 SQ. FT.	4" POTS	PERENNIALS AND ANNUALS
BGS	CYNODON DACTYLON	COMMON BERMUDA GRASS SOD	11,071 SQ. FT.	SOLID SOD	LOCATION PER PLAN REFER TO NOTES

(15)

Planning & Zoning Department Plat Staff Report

Case: PP-18-0052



MEETING DATE(S)

Planning & Zoning Commission: May 22, 2018

City Council: June 4, 2018

CAPTION

Consider request by Cole Morgan, Americase Fabrication and Construction, for a **Preliminary Plat** of Americase Business Park for 4 lots, being 21.09 acres situated in the John Estes Survey, Abstract 335, and the WC Moody Survey, Abstract 747 (Property ID 209253) – Owner: R&R AMERICASE HOLDINGS LTD (PP-18-0052).

CASE INFORMATION

Applicant: Cole Morgan, Americase Fabrication and Construction

Property Owner(s): R&R Americase Holdings Ltd

Site Acreage: 21.09 acres

Number of Lots: 4 lots

Adequate Public Facilities: Per the City Engineer, the existing waterline and how the lots will get services must be shown on the plat, as well as a note indicating that the lots will be served by a septic system designed by a professional sanitarian.

SUBJECT PROPERTY

General Location: FM 1446 at Hoyt Road

Parcel ID Number(s): 209253

Current Zoning: N/A (ETJ)

Existing Use: Currently undeveloped

Platting History: WC Moody Survey, Abstract 747

Site Aerial:**STAFF CONCERNS**

CITY ENGINEER – James Gaertner (469) 309-4293; jgaertner@waxahachie.com

1. There is no zoning at the county.
2. Double Check the Floodplain zone. Did you mean Zone X (unshaded)?
3. Show existing water line and how these lots will get services.
4. Add a note that the lots will be served by septic system designed by a professional sanitarian.
5. Does the existing street have drainage capacity for the proposed improvements from these properties? Does it increase the discharge from the existing condition? What is proposed to accommodate the additional flow?
6. What is the current ROW and will there be a need for ROW dedication per City/County minimum width or Thoroughfare Plan?

APPLICANT RESPONSE TO CONCERNS

1. Applicant submitted revisions.

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
 1. Refer to the comments from the City Engineer above.

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

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

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held May 22, 2018, the Commission voted 6-0 to recommend approval of plat no. PP-18-0052, subject to staff comments.



VICINITY MAP
NOT TO SCALE

MEP & PRR CO SURVEY
ABSTRACT NO. 704

CALL 100 AC
NO. 1000, 100
NO. 1000, 100

C. W. KEENE SURVEY
ABSTRACT NO. 335

Section 100 AC
NO. 1000, 100

Any location along this
property line that is less
than 30 feet needs to
dedicate R/W

Verify this diagram shows
it appears that there are
some portions of the R/W
that is less than 30 feet

21.09 ACRES TOTAL

CALL 100 AC
NO. 1000, 100

Any location along this property
line that is less than 30 feet
needs to dedicate R/W

CALL 100 AC
NO. 1000, 100

NOTES AND BOUNDS DESCRIPTION FOR 21.09 ACRES OF LAND

BEING A 21.09 ACRE TRACT OF LAND SITUATED IN THE JOHN ESTES SURVEY, ABSTRACT NO. 335, ELLIS COUNTY, TEXAS, AND BEING PART OF A CALLED 123.00 ACRE TRACT TO RAB AMERICASE HOLDINGS, LTD. RECORDED IN VOLUME NO. 1737790 OF THE PUBLIC RECORDS OF ELLIS COUNTY, TEXAS, SAID 21.09 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD (FOUND) FOR THE EAST CORNER OF THESE 21.09 ACRES, SAID CORNER ALSO BEING THE EASTERNMOST EAST CORNER OF THE ABOVE REFERENCED 123.00 ACRES AND BEING AT THE INTERSECTION OF THE NORTHWEST RIGHT OF WAY OF PERIMETER ROAD AND THE SOUTHWEST RIGHT OF WAY OF MOFF ROAD;

THENCE SOUTH 80 DEG. 42 MIN. 53 SEC. WEST, ALONG THE EASTERNMOST SOUTHWEST LINE OF THE 123.00 ACRES AND ALONG THE NORTHWEST RIGHT OF WAY LINE OF PERIMETER ROAD, A DISTANCE OF 837.82 FEET TO A 1/2 INCH IRON ROD (SET) FOR THE SOUTH CORNER OF THESE 21.09 ACRES;

THENCE NORTH 80 DEG. 44 MIN. 56 SEC. WEST, OVER AND ACROSS THE 123.00 ACRES, A DISTANCE OF 1487.36 FEET TO A 1/2 INCH IRON ROD (SET) FOR THE WEST CORNER OF THESE 21.09 ACRES, SAID CORNER ALSO BEING ON THE NORTHWEST LINE OF THE 123.00 ACRES AND BEING ON THE SOUTHWEST RIGHT OF WAY LINE OF COB ROAD;

THENCE NORTH 80 DEG. 07 MIN. 45 SEC. EAST, ALONG THE NORTHWEST RIGHT OF WAY LINE OF COB ROAD AND THE NORTHWEST LINE OF THE 123.00 ACRES, A DISTANCE OF 827.80 FEET TO A POINT FOR CORNER FOR THE NORTH CORNER OF THESE 21.09 ACRES, SAID CORNER ALSO BEING THE NORTH CORNER OF THE 123.00 ACRES AND HAVING A BALDWIN SPIKE FOR REFERENCE BEARING NORTH 80 DEG. 07 MIN. 44 SEC. EAST A DISTANCE OF 6.89 FEET;

THENCE SOUTH 80 DEG. 44 MIN. 56 SEC. EAST, ALONG THE NORTHEAST LINE OF THE 123.00 ACRES AND THE SOUTHWEST RIGHT OF WAY LINE OF MOFF ROAD, A DISTANCE OF 1485.83 FEET BACK TO THE POINT OF BEGINNING AND CONTAINING A 21.09 ACRE TRACT OF LAND.

STATE OF TEXAS X
COUNTY OF ELLIS X
APPROVED BY THE PLANNING AND ZONING COMMISSION
ON THIS _____ DAY OF _____, 2010

PLANNING AND ZONING
STATE OF TEXAS X
COUNTY OF ELLIS X
APPROVED BY THE CITY COUNCIL
ON THIS _____ DAY OF _____, 2010

CITY COUNCIL
STATE OF TEXAS X
COUNTY OF ELLIS X
KNOW ALL MEN BY THESE PRESENTS:
I, ROBBY KIRKALA, THE PRESIDENT OF RAB AMERICASE HOLDINGS, LTD., THE OWNER OF THE LAND SHOWN ON THIS PLAN, HEREBY ACKNOWLEDGE THIS DOCUMENT AS THE OFFICIALLY APPROVED PRELIMINARY PLAN.
ROBBY KIRKALA, PRESIDENT

BEARING THE "SOUTH" AND BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL, 2011-2010 DATUM, CORRECTED TO THE 1983 TEXAS 83 COORDINATE SYSTEM, THIS SET APPROVED, LOGGED SCALE FACTOR = 1.0001

I, JAY R. STANGER, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I PREPARED THIS PLAN FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER SITUATIONS SHOWN THEREON AS SET HEREIN PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBSCRIBED JURISDICTION OF THE CITY OF DALLAS, TEXAS.

PRELIMINARY: THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR REPRODUCED OR USED AS A FINAL SURVEY DOCUMENT.

JAY R. STANGER
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO. 3737
TOLLS FROM NO. 10023701
(NON-TRANSFERABLE)

STANGER
SURVEYING & ENGINEERING, L.L.C.
12079 STATE HIGHWAY NO. 84
DEN WHEELER, TEXAS 75754
(803) 633-1006

OWNER: RAB AMERICASE HOLDINGS, LTD.
1810 E. MAIN
DALLAS, TEXAS 75210
972-616-2290



- GENERAL NOTES:
- 1) THIS PROPERTY IS LOCATED WITHIN ZONE "X" AS SHOWN ON FIRM MAP NO. 4813800322F, EFFECTIVE DATE 08/03/2013
 - 2) THIS PROPERTY IS LOCATED WITHIN THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF DALLAS
 - 3) THIS PROPERTY WILL REQUIRE INDIVIDUAL ON SITE SEPTIC SYSTEMS AS NO SANITARY SEWER SERVICES ARE AVAILABLE AT THIS TIME.
 - 4) THIS PROPERTY IS AFFECTED BY A RIGHT OF WAY EASEMENT TO BUENA VISTA BEVEL WATER SUPPLY CORP., RECORDED IN VOLUME 280, PAGE 680 OF THE D.A.E.C.T. (UNABLE TO PLOT)
 - 5) THIS PROPERTY IS AFFECTED BY A RIGHT OF WAY EASEMENT TO BUENA VISTA BEVEL WATER SUPPLY CORP., RECORDED IN VOLUME 128, PAGE 428 OF THE D.A.E.C.T. (UNABLE TO PLOT)

Where are these easement located?
Show it on the plan

PRELIMINARY PLAT
AMERICASE BUSINESS PARK
4 LOTS, BEING 21.09 ACRES OUT OF THE
JOHN ESTES SURVEY, ABSTRACT NO. 335
ELLIS COUNTY, TEXAS

15

(11/1)

Planning & Zoning Department

Plat Staff Report

Case: FP-18-0053



MEETING DATE(S)

Planning & Zoning Commission: May 22, 2018

City Council: June 4, 2018

CAPTION

Consider request by Cole Morgan, Americase Fabrication and Construction, for a **Final Plat** of Americase Business Park for 4 lots, being 21.09 acres in the John Estes Survey, Abstract 335, and the WC Moody Survey, Abstract 747 (Property ID 209253) – Owner: R&R AMERICASE HOLDINGS LTD (FP-18-0053).

CASE INFORMATION

Applicant: Cole Morgan, Americase Fabrication and Construction

Property Owner(s): R&R Americase Holdings Ltd

Site Acreage: 21.09 acres

Number of Lots: 4 lots

SUBJECT PROPERTY

General Location: FM 1446 at Hoyt Road

Parcel ID Number(s): 209253

Current Zoning: N/A (ETJ)

Existing Use: Currently undeveloped

Platting History: The companion case is no. PP-18-0052.

Site Aerial:**STAFF CONCERNS**

CITY ENGINEER – James Gaertner (469) 309-4293; jgaertner@waxahachie.com

1. Use approval block from City's Subdivision Ordinance.
2. The City will leave to the County to work with the applicant to address truck traffic and the impact to the street.
3. Usually the surveyors show the easement linework on the plat, rather than referring to recording information on the notes.

APPLICANT RESPONSE TO CONCERNS

1. The applicant submitted revisions. The above comments remain outstanding.

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
 1. Include the City's approval block.
 2. Include the easement linework on the plat.
 3. Partner with Ellis County for traffic and impact analysis.

ATTACHED EXHIBITS

1. Plat drawings.

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.

(1/6)

STAFF CONTACT INFORMATION

Prepared by:

Kelly Dent, MPA

Planner

kdent@waxahachie.com

Reviewed by:

Shon Brooks, AICP

Director of Planning

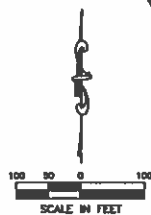
sbrooks@waxahachie.com

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held May 22, 2018, the Commission voted 6-0 to recommend approval of plat no. FP-18-0053, subject to staff comments.



VICINITY MAP
NOT TO SCALE



JOHN ESTES SURVEY
ABSTRACT NO. 335

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100

BEARINGS ARE "GROUND" AND BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE-4202 (NAD83, COR394) REFERENCED TO THE TRIMBLE TEXAS RTK COOPERATIVE NETWORK VRSS NET ADVANCED, COMBINED SCALE FACTOR = 1.00012

I, JEFF D. DOUGLAS, REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS SET WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION OF THE CITY OF WAXAHACHIE AND ELLIS COUNTY, TEXAS.

BY: JEFF D. DOUGLAS
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO. 5757
TBPLS FIRM NO. 10025701
(NON-TRANSFERABLE)

STANGER
SURVEYING CANTON LLC
13878 STATE HIGHWAY NO. 64
BEN WHEELER, TEXAS 75754
(903) 833-1008

SURVEY COMPLETED: 04-10-2018
JOB NO: C180002

MEP & PRR CO SURVEY
ABSTRACT NO. 784
CALL: 983.138 AC
MS CAPITAL, LLC
VOL. 2335, PG. 1805

G. W. KEENE SURVEY
ABSTRACT NO. 803
TAMINGA FARMS
CAR. & BLUE 301

COMMERCIAL LOTS	
LOT 1	= 10.70 AC./488,183.18 SQ. FT.
LOT 2	= 2.16 AC./94,090.00 SQ. FT.
LOT 3	= 2.16 AC./94,090.00 SQ. FT.
LOT 4	= 8.06 AC./353,808.81 SQ. FT.

LOT 1

SURVEYED:
21.09 ACRES TOTAL

CALL: 125.00 AC.
R&R AMERICASE HOLDINGS, LTD
INST. NO. 1737705

LOT 2

LOT 3

LOT 4

STATE OF TEXAS X
COUNTY OF ELLIS X

KNOW ALL MEN BY THESE PRESENTS:

I, ROBBY KINSALA, PRESIDENT OF R&R AMERICASE HOLDINGS, LTD, THE OWNER OF THE LAND SHOWN ON THIS PLAT, HEREBY ACKNOWLEDGE THIS DOCUMENT AS THE OFFICIALLY APPROVED FINAL PLAT

ROBBY KINSALA

STATE OF TEXAS X
COUNTY OF ELLIS X

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED ROBBY KINSALA, KNOWN TO ME PERSONALLY TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS THE _____ DAY OF _____

2018.

NOTARY PUBLIC IN AND FOR _____ COUNTY, TEXAS.

MY COMMISSION EXPIRES: _____

STATE OF TEXAS X
COUNTY OF ELLIS X

THIS PLAT HAS BEEN APPROVED BY THE DEPARTMENT OF DEVELOPMENT FOR ON-SITE SEWAGE FACILITIES, PENDING AND ALL INFORMATION AS MAY BE REQUIRED BY THE DEPARTMENT OF DEVELOPMENT.

ALBERTO MARES DATE
DIRECTOR OF DEPARTMENT OF DEVELOPMENT

STATE OF TEXAS X
COUNTY OF ELLIS X

CERTIFICATE OF APPROVAL BY THE COMMISSIONERS COURT OF ELLIS COUNTY APPROVED ON THIS DATE, THE _____ DAY OF _____ 2018

COUNTY JUDGE, CAROL BUSH ATTEST: CINDY POLLEY, COUNTY CLERK

METES AND BOUNDS DESCRIPTION FOR 21.09 ACRES OF LAND

BEING A 21.09 ACRE TRACT OF LAND SITUATED IN THE JOHN ESTES SURVEY, ABSTRACT NO. 335, ELLIS COUNTY, TEXAS, AND BEING PART OF A CALLED 125.00 ACRE TRACT TO R&R AMERICASE HOLDINGS, LTD. RECORDED IN INST NO. 1737705 OF THE DEED RECORDS OF ELLIS COUNTY, TEXAS. SAID 21.09 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD (FOUND) FOR THE EAST CORNER OF THESE 21.09 ACRES. SAID CORNER ALSO BEING THE EASTERNMOST EAST CORNER OF THE ABOVE REFERENCED 125.00 ACRES AND BEING AT THE INTERSECTION OF THE NORTHWEST RIGHT OF WAY LINE OF PERIMETER ROAD AND THE SOUTHWEST RIGHT OF WAY OF HOYT ROAD;

THENCE: SOUTH 58 DEG. 42 MIN. 53 SEC. WEST, ALONG THE EASTERNMOST SOUTHEAST LINE OF THE 125.00 ACRES AND ALONG THE NORTHWEST RIGHT OF WAY LINE OF PERIMETER ROAD, A DISTANCE OF 627.02 FEET TO A 1/2 INCH IRON ROD (SET) FOR THE SOUTH CORNER OF THESE 21.09 ACRES;

THENCE: NORTH 30 DEG. 48 MIN. 58 SEC. WEST, OVER AND ACROSS THE 125.00 ACRES, A DISTANCE OF 1467.36 FEET TO A 1/2 INCH IRON ROD (SET) FOR THE WEST CORNER OF THESE 21.09 ACRES. SAID CORNER ALSO BEING ON THE NORTHWEST LINE OF THE 125.00 ACRES AND BEING ON THE SOUTHEAST RIGHT OF WAY LINE OF COX ROAD;

THENCE: NORTH 59 DEG. 07 MIN. 48 SEC. EAST, ALONG THE NORTHWEST RIGHT OF WAY LINE OF COX ROAD AND THE NORTHWEST LINE OF THE 125.00 ACRES, A DISTANCE OF 627.00 FEET TO A POINT FOR CORNER FOR THE NORTH CORNER OF THESE 21.09 ACRES. SAID CORNER ALSO BEING THE NORTH CORNER OF THE 125.00 ACRES AND HAVING A CORNER SPIKE FOR REFERENCE BEARING NORTH 59 DEG. 07 MIN. 46 SEC. EAST A DISTANCE OF 0.89 FEET;

THENCE: SOUTH 30 DEG. 48 MIN. 58 SEC. EAST, ALONG THE NORTHEAST LINE OF THE 125.00 ACRES AND THE SOUTHWEST RIGHT OF WAY LINE OF HOYT ROAD, A DISTANCE OF 1462.82 FEET BACK TO THE POINT OF BEGINNING AND CONTAINING A 21.09 ACRE TRACT OF LAND.

GENERAL NOTES:

- 1) THIS PROPERTY IS LOCATED WITHIN ZONE "X" AS SHOWN ON FIRM MAP NO. 48139C0325F, EFFECTIVE DATE 08/03/2013
- 2) THIS PROPERTY IS LOCATED WITHIN THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY OF WAXAHACHIE
- 3) THIS PROPERTY WILL REQUIRE INDIVIDUAL ON SITE SEPTIC SYSTEMS AS NO SANITARY SEWER SERVICES ARE AVAILABLE AT THIS TIME.
- 4) THIS PROPERTY IS AFFECTED BY A RIGHT OF WAY EASEMENT TO BUENA VISTA BETHEL WATER SUPP. CORP, RECORDED IN VOLUME 580, PAGE 680 OF THE D.R.E.C.T.
- 5) THIS PROPERTY IS AFFECTED BY A RIGHT OF WAY EASEMENT TO BUENA VISTA BETHEL WATER SUPP. CORP, RECORDED IN VOLUME 728, PAGE 428 OF THE D.R.E.C.T.

FINAL PLAT-CITY/SIMPLIFIED PLAT-COUNTY
AMERICASE BUSINESS PARK
4 LOTS, BEING 21.09 ACRES OUT OF THE
JOHN ESTES SURVEY, ABSTRACT NO. 335
ELLIS COUNTY, TEXAS

CALL: 110.789 AC
MAGNABUILD INC.
INST. NO. 1325022

117)

Planning & Zoning Department

Plat Staff Report

Case: PP-18-0046



MEETING DATE(S)

Planning & Zoning Commission: May 22, 2018

City Council: June 4, 2018

CAPTION

Consider request by Cody Cockerham for a **Preliminary Plat** of Laguna Vista Place Phase 2 for 1 lot, being 2.18 acres situated in the W. Stewart Survey, Abstract 956 (Property ID 190519) – Owner: CODY L COCKERHAM and A. GARRETT REAL ESTATE VENTURES, LLC (PP-18-0046).

CASE INFORMATION

Applicant: Cody Cockerham

Property Owner(s): Cody L Cockerham and A. Garrett Real Estate Ventures LLC

Site Acreage: 2.18 acres

Number of Lots: 1 lot

Number of Dwelling Units: 1 units

Park Land Dedication: The cash in lieu of park land dedication for this case is estimated at \$400.00 (1 residential dwelling at \$400.00 per dwelling).

Adequate Public Facilities: Roadway Impact Fee = **\$1,160.00**, which is due at time of permitting. The total water meter, box, set, tap and impact fee is **\$2,695.00**, which is due before the final plat can be filed.

SUBJECT PROPERTY

General Location: Across the street from 403 Laguna Vista Drive

Parcel ID Number(s): 190519

Current Zoning: Planned Development-23-SF-1

Existing Use: Currently undeveloped

Platting History: W. Stewart Survey, Abstract 956

(117)

Site Aerial:



STAFF CONCERNS

PLANNING, CASE MANAGER – Kelly L. Dent (469) 309-4294; kdent@waxahachie.com

1. Because Laguna Vista needs to be a 54' ROW throughout, and Laguna Vista Place was never platted, we would need this plat to dedicate half of that measured from the centerline of what's currently on the ground. If there is not a centerline at present, please let me know.
2. There is an acreage discrepancy between the tax certificates, the acreage shown in the metes and bounds, and the acreage shown in the drawing.
3. We need the phone number for the property owner indicated on the plat as well as the date of preparation.
4. Please remove the building lines from the plat.
5. There are several spelling errors in the metes and bounds that need to be corrected.

CITY ENGINEER – James Gaertner (469) 309-4293; jgaertner@waxahachie.com

1. Show existing street to ensure the ROW dedication is appropriate.
2. Preliminary Plats need to show the location of the existing water line and how the property will get their water service.
3. Add note that the property will be served by septic system designed by a professional sanitarian.

APPLICANT RESPONSE TO CONCERNS

1. Applicant addressed some concerns. The concerns above remain outstanding.

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
 1. Refer to the Staff Concerns above for outstanding comments.

(17)

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

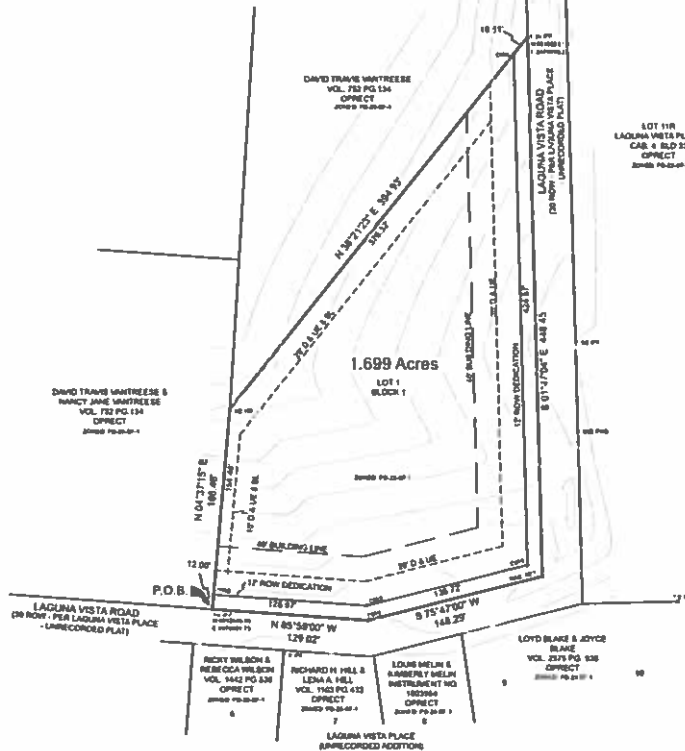
Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held May 22, 2018, the Commission voted 6-0 to recommend approval of plat no. PP -18-0046, subject to staff comments.



VICINITY MAP
NOT TO SCALE



NOTES

BEARING BASIS FOR THIS SURVEY IS TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NAD 83 PER GPS OBSERVATIONS.
A PORTION OF THE SUBJECT PROPERTY LIES WITHIN ZONE "T" - DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 44190C000P DATED JUNE 1, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

LEGEND

CRS-56 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TRICE" SET
FND- FOUND
RF- RICH ROD FOUND
OPRECT- OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS
D & U- DRAINAGE AND UTILITY EASEMENT
BL- BUILDING LINE

STATE OF TEXAS
COUNTY OF ELLIS

KNOW ALL MEN BY THESE PRESENTS:

CITY APPROVAL OF PRELIMINARY PLAT

WHEREAS, CODY COCKENHAM IS THE SOLE OWNER OF THIS TRACT OF LAND SITUATED IN THE W STEWART SURVEY, ABSTRACT NO. 856, IN THE CITY OF WAXAHACHE, TEXAS AND BEING A PORTION OF THIS TRACT OF LAND DESCRIBED IN DEED TO CHARLIE J. MELIN AND ANN MELIN, RECORDED IN VOLUME 294, PAGE 294 OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (CORRECT), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

APPROVED FOR PREPARATION OF THE FINAL PLAT

BEING ALL OF THAT TRACT OF LAND SITUATED IN THE W STEWART SURVEY, ABSTRACT NO. 856, IN THE CITY OF WAXAHACHE, TEXAS AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO CHARLIE J. MELIN AND ANN MELIN, RECORDED IN VOLUME 294, PAGE 294 OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (CORRECT), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

APPROVED BY THE PLANNING AND ZONING COMMISSION

BEGINNING AT A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO DAVID TRAVIS WINTRESE AND JANICE JANE WINTRESE, RECORDED IN VOLUME 732, PAGE 134, IN THE SOUTH LINE OF SAID MELIN TRACT AND THE COMMON NORTH RIGHT-OF-WAY (ROW) LINE OF LAGUNA VISTA ROAD (A CALLED 86' ROW PER LAGUNA VISTA PLACE, AN UNRECORDED ADDITION TO ELLIS COUNTY, TEXAS);

APPROVED BY CITY COUNCIL, CITY OF WAXAHACHE

THENCE N 64°37'19" E, ALONG THE EAST LINE OF SAID WINTRESE TRACT, A DISTANCE OF 168.48 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO DAVID TRAVIS WINTRESE, RECORDED IN VOLUME 732, PAGE 134, CORRECT;

THENCE N 8°27'22" E, ALONG THE SOUTH LINE OF SAID DAVID TRAVIS WINTRESE TRACT, A DISTANCE OF 394.91 FEET TO A 1" IRON PIPE FOUND FOR THE SOUTHWEST CORNER OF SAID DAVID TRAVIS WINTRESE TRACT IN THE EAST LINE OF SAID MELIN TRACT AND THE COMMON WEST ROW LINE OF SAID LAGUNA VISTA ROAD;

THENCE S 81°47'04" E, ALONG THE EAST LINE OF SAID MELIN TRACT AND THE COMMON WEST ROW LINE OF SAID LAGUNA VISTA ROAD, A DISTANCE OF 448.49 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID MELIN TRACT;

THENCE S 77°47'08" W, ALONG THE SOUTH LINE OF SAID MELIN TRACT AND THE COMMON NORTH ROW LINE OF SAID LAGUNA VISTA ROAD, A DISTANCE OF 148.79 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "TRICE" SET FOR CORNER;

THENCE N 86°39'09" W, ALONG THE SOUTH LINE OF SAID MELIN TRACT AND THE COMMON NORTH ROW LINE OF SAID LAGUNA VISTA ROAD, A DISTANCE OF 139.92 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.699 ACRES OF LAND, MORE OR LESS.

I, CODY COCKENHAM, HEREBY ACKNOWLEDGE THIS DOCUMENT AS THE OFFICIALLY APPROVED PRELIMINARY PLAT.

CODY COCKENHAM DATE

KNOW ALL MEN BY THESE PRESENTS:

THAT I, TIMOTHY L. JACKSON, RPLS, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS SET WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF WAXAHACHE.

"I declare, under penalty of perjury, that I am a duly licensed and qualified land surveyor and that I am not providing any false or misleading information."

TIMOTHY L. JACKSON
REGISTERED PROFESSIONAL LAND SURVEYOR
REGISTRATION NUMBER 54644

PRELIMINARY PLAT LAGUNA VISTA PLACE PHASE 2

1.699 ACRES

W. STEWART SURVEY
ABSTRACT NO. 856
CITY OF WAXAHACHE, TEXAS
ELLIS COUNTY, TEXAS

OWNER:
CODY COCKENHAM
1607 PERRIS AVENUE
WAXAHACHE, TX 75165
409.117.0912

SURVEYOR:
TEXAS REALTY CAPTURE &
SURVEYING, L.L.C.
P.O. BOX 252
WAXAHACHE, TEXAS 75165
409.117.0339
TSP/LS FORM NO. 01/14/2009

JOB NO. 1000

APRIL 2016 PAGE 1 OF 1

(118)

Planning & Zoning Department

Plat Staff Report

Case: FP-18-0047



MEETING DATE(S)

Planning & Zoning Commission: May 22, 2018

City Council: June 4, 2018

CAPTION

Consider request by Cody Cockerham for a **Final Plat** of Laguna Vista Place Phase 2 for 1 lot, being 2.18 acres situated in the W. Stewart Survey, Abstract 956 (Property ID 190519) – Owner: CODY L COCKERHAM and A. GARRETT REAL ESTATE VENTURES, LLC (FP-18-0047).

CASE INFORMATION

Applicant: Cody Cockerham

Property Owner(s): Cody L Cockerham and A. Garrett Real Estate Ventures LLC

Site Acreage: 2.18 acres

Number of Lots: 1 lot

Number of Dwelling Units: 1 units

Park Land Dedication: The cash in lieu of park land dedication for this case is estimated at \$400.00 (1 residential dwelling at \$400.00 per dwelling).

Adequate Public Facilities: Roadway Impact Fee = \$1,160.00, which is due at time of permitting. The total water meter, box, set, tap and impact fee is \$2,695.00, which is due before the final plat can be filed.

SUBJECT PROPERTY

General Location: Across the street from 403 Laguna Vista Drive

Parcel ID Number(s): 190519

Current Zoning: Planned Development-23-SF-1

Existing Use: Currently undeveloped

Platting History: Companion case no. PP-18-0047 is on tonight's agenda.

(18)

Site Aerial:



STAFF CONCERNS

1. Refer to the comments from the companion case.

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
 1. The plat cannot be filed until the infrastructure is installed.
 2. Refer to the formatting comments from the companion case.

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

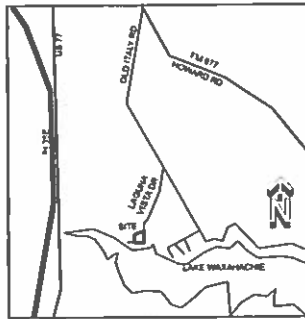
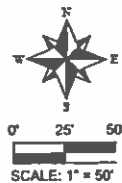
Prepared by:
Kelly Dent, MPA
Planner
kdent@waxahachie.com

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

(18)

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held May 22, 2018, the Commission voted 6-0 to recommend approval of plat no. FP-18-0047, subject to staff comments.



VICINITY MAP
NOT TO SCALE

DAVID TRAVIS VANTREESE
VOL. 752 PG. 134
OPRECT
ZONED PD-23-BF-1

LOT 11R
LAGUNA VISTA PLACE
CAB. 4, SLD 33
OPRECT
ZONED PD-23-BF-1

DAVID TRAVIS VANTREESE &
NANCY JANE VANTREESE
VOL. 752 PG. 134
OPRECT
ZONED PD-23-BF-1

1.699 Acres
LOT 1
BLOCK 1

ZONED PD-23-BF-1

LOYD BLAKE & JOYCE
BLAKE
VOL. 2575 PG. 936
OPRECT
ZONED PD-23-BF-1

RICKY WILSON &
REBECCA WILSON
VOL. 1442 PG. 538
OPRECT
ZONED PD-23-BF-1

RICHARD H. HILL &
LENA A. HILL
VOL. 1103 PG. 432
OPRECT
ZONED PD-23-BF-1

LOURS MELIN &
KIMBERLY MELIN
INSTRUMENT NO.
1803564
OPRECT
ZONED PD-23-BF-1

LAGUNA VISTA PLACE
(UNRECORDED ADDITION)

LEGEND

CRS = 3/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TARCS" SET
FIND FOUND
IRF = IRON ROD FOUND
OPRECT = OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS
D & U = DRAINAGE AND UTILITY EASEMENT
BL = BUILDING LINE

STATE OF TEXAS
COUNTY OF ELLIS

KNOW ALL MEN BY THESE PRESENTS

WHEREAS, CODY COCKERHAM IS THE SOLE OWNER OF THAT TRACT OF LAND SITUATED IN THE W STEWART SURVEY ABSTRACT NO. 856, IN THE CITY OF WAXAHACHE, TEXAS AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO CHARLIE J. MELIN AND ANN MELIN, RECORDED IN VOLUME 862, PAGE 259, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING ALL OF THAT TRACT OF LAND SITUATED IN THE W STEWART SURVEY ABSTRACT NO. 856, IN THE CITY OF WAXAHACHE, TEXAS AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO CHARLIE J. MELIN AND ANN MELIN, RECORDED IN VOLUME 862, PAGE 259, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO DAVID TRAVIS VANTREESE AND NANCY JANE VANTREESE, RECORDED IN VOLUME 752, PAGE 134, IN THE SOUTH LINE OF SAID MELIN TRACT AND THE COMMON NORTH RIGHT-OF-WAY (ROW) LINE OF LAQUINA VISTA ROAD, (A CALLED 30' ROW PER LAQUINA VISTA PLACE, AN UNRECORDED ADDITION TO ELLIS COUNTY, TEXAS);

THENCE N 04°37'15" E, ALONG THE EAST LINE OF SAID VANTREESE TRACT, A DISTANCE OF 168.48 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO DAVID TRAVIS VANTREESE, RECORDED IN VOLUME 752, PAGE 134, OPRECT;

THENCE N 38°21'23" E, ALONG THE SOUTH LINE OF SAID DAVID TRAVIS VANTREESE TRACT, A DISTANCE OF 394.93 FEET TO A 1 INCH PIPE FOUND FOR THE SOUTHEAST CORNER OF SAID DAVID TRAVIS VANTREESE TRACT, IN THE EAST LINE OF SAID MELIN TRACT AND THE COMMON WEST ROW LINE OF SAID LAQUINA VISTA ROAD;

THENCE S 01°47'04" E, ALONG THE EAST LINE OF SAID MELIN TRACT AND THE COMMON WEST ROW LINE OF SAID LAQUINA VISTA ROAD, A DISTANCE OF 448.45 FEET TO A NAIL SET IN ROAD FOR THE SOUTHEAST CORNER OF SAID MELIN TRACT;

THENCE S 75°47'00" W, ALONG THE SOUTH LINE OF SAID MELIN TRACT AND THE COMMON NORTH ROW LINE OF SAID LAQUINA VISTA ROAD, A DISTANCE OF 129.02 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.694 ACRES OF LAND, MORE OR LESS.

THENCE N 85°59'00" W, ALONG THE SOUTH LINE OF SAID MELIN TRACT AND THE COMMON NORTH ROW LINE OF SAID LAQUINA VISTA ROAD, A DISTANCE OF 129.02 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.694 ACRES OF LAND, MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS

THAT CODY COCKERHAM, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS LAGUNA VISTA PLACE, PHASE 2, AN ADDITION TO THE CITY OF WAXAHACHE, TEXAS, AND DOES HEREBY DEDICATE, IN FEET SIMPLE, TO THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON. THE STREETS AND ALLEYS ARE DEDICATED FOR STREET PURPOSES. THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED, FOR THE PUBLIC USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAT. NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY OF WAXAHACHE. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES. SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLICS AND CITY OF WAXAHACHE'S USE THEREOF. THE CITY OF WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE. THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE CITY OF WAXAHACHE, TEXAS.

WITNESS MY HAND, THIS _____ DAY OF _____, 2018

CODY COCKERHAM

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 CODY COCKERHAM, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSE 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

KNOW ALL MEN BY THESE PRESENTS

THAT I, TIMOTHY L. JACKSON, RPLS, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS SET WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF WAXAHACHE.

"Preliminary, this document
shall not be recorded for any
purpose and shall not be used
or viewed or relied upon as a
final survey document"

TIMOTHY L. JACKSON
REGISTERED PROFESSIONAL LAND SURVEYOR
REGISTRATION NUMBER 9644

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 TIMOTHY L. JACKSON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSE 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: _____
CHAIRPERSON

APPROVED BY: CITY COUNCIL
CITY OF WAXAHACHE

BY: _____ DATE: _____
MAYOR

ATTEST: _____ DATE: _____

FINAL PLAT
LAGUNA VISTA PLACE
PHASE 2

1.894 ACRES
SITUATED IN THE

W. STEWART SURVEY
ABSTRACT NO. 856
CITY OF WAXAHACHE, TEXAS
ELLIS COUNTY, TEXAS

NOTES

BEARING BASIS FOR THIS SURVEY IS TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NAD 83 PER GPS OBSERVATIONS

A PORTION OF THE SUBJECT PROPERTY LIES WITHIN ZONE "X" DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 4811803200, DATED JUNE 3, 2013, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY

OWNER:
CODY COCKERHAM
1007 FERRIS AVENUE
WAXAHACHE, TX 75165
409.517.0012

SURVEYOR:
TEXAS REALITY CAPTURE &
SURVEYING, LLC
P.O. BOX 252
WAXAHACHE, TEXAS 75168
409.518.0336
TRPLS FIRM NO 10194359

JOB NO. 1095

APRIL 2018

PAGE 1 OF 1

119)

Planning & Zoning Department Zoning Staff Report

Case: ZC-18-0041



MEETING DATE(S)

Planning & Zoning Commission: May 22, 2018

City Council: June 4, 2018

CAPTION

Public Hearing on a request by Richard Kampen, LRE Group, Inc. for a Zoning Change from a Light Industrial-1 and Light Industrial-2 zoning district to Light Industrial-2, located at 201 Cardinal Road, being LOT PT 1 BLK A CARDINAL IG ADDN 29.0 AC and LOT PT 1 BLK A CARDINAL IG ADDN 19.721 AC (Property ID 226867 and 209418) - Owner: CARDINAL IG COMPANY (ZC-18-0041).

CASE INFORMATION

Applicant: Richard Kampen, LRE Group Inc

Property Owner(s): Cardinal CG Company

Site Acreage: 48.721 acres

Current Zoning: Light Industrial-1 and Light Industrial-2

Requested Zoning: Light Industrial-2

SUBJECT PROPERTY

General Location: 201 Cardinal Road

Parcel ID Number(s): 226867 and 209418

Existing Use: Cardinal IG

Development History: The final plat for the Cardinal IG Addition was approved by City Council on December 21, 1998.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	HI	James Hardie
East	LI2	Currently undeveloped
South	HI	HD Supply
West	HI	Owens Corning

Future Land Use Plan: Industrial and a portion Retail

119)

Comprehensive Plan:

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

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 accessed via Cardinal Road, a 70' ROW.



Site Image:

PLANNING ANALYSIS

The property owner is seeking to clean up the zoning on this property to ensure that there is one (1) zoning district for all of the land.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 13 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 5/4/18.

RECOMMENDATION

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

- ☐ Denial
- ☒ Approval, as presented.
- ☐ Approval, per the following comments:
 1. If checking the last box, then include the comments recommended for P&Z and City Council to use as discussion points.

ATTACHED EXHIBITS

1. Final plat

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
 Kelly Dent, MPA
 Planner
kdent@waxahachie.com

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

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held May 22, 2018, the Commission voted 6-0 to recommend approval of zoning change ZC-18-0041.

(20)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM LIGHT INDUSTRIAL-1 AND LIGHT INDUSTRIAL-2 (LI1 AND LI2) TO LIGHT INDUSTRIAL-2 (LI2) LOCATED AT 201 CARDINAL ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 48.721 ACRES KNOWN AS LOT PT 1 BLK A OF THE CARDINAL IG ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, a proper application for a 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-18-0041. 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 and LI2 to LI2; 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 and LI2 to LI2 in order to facilitate development of the subject property in a manner that allows industrial buildings on the following property: Lot Pt 1, Block A of the Cardinal IG Addition, 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.

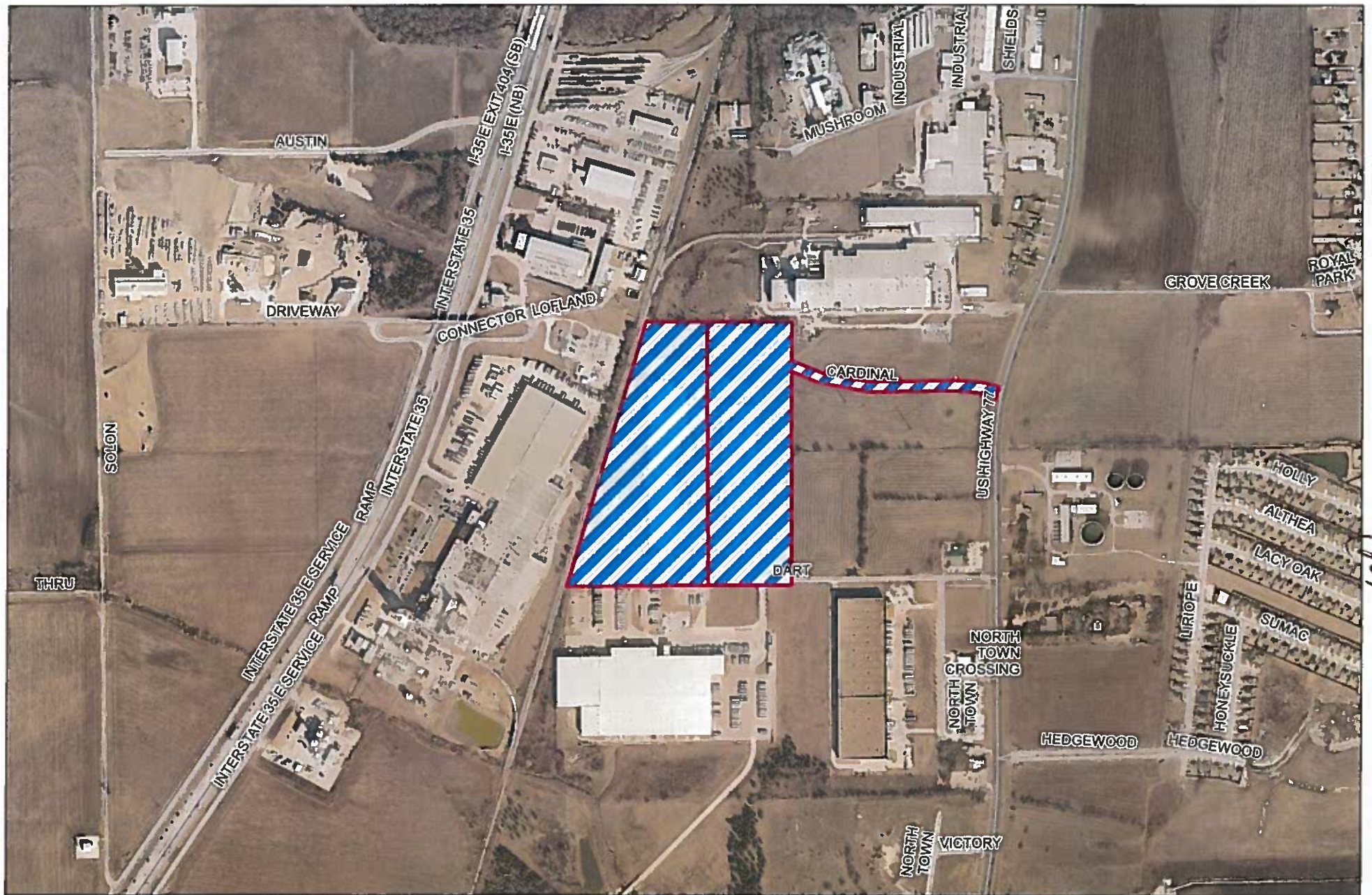
PASSED, APPROVED AND ADOPTED on this _____ day of _____, 2018.

(20)

MAYOR

ATTEST:

City Secretary



ZC-18-0041 Cardinal IG Addition Location Exhibit

EXHIBIT A

 ZC-18-0041

0 500 1,000 2,000 Feet



(21)

Planning & Zoning Department

Zoning Staff Report

Case: SU-18-0070



MEETING DATE(S)

Planning & Zoning Commission: May 22, 2018

City Council: June 4, 2018

CAPTION

Request by the City of Waxahachie for a Specific Use Permit (SUP) to allow a Home for Aged, Residence (Assisted Living) use within a General Retail (GR) zoning district, located at 401 Solon Road, being 1 COVENANT ADDN 4.43 ACRES (Property ID 204441) Owner: TEXAS HCP AL LP (SU-18-0070)

CASE INFORMATION

Applicant: City of Waxahachie

Property Owner(s): TEXAS HCP AL LP

Site Acreage: 4.43 acres

Current Zoning: General Retail with SUP

Requested Zoning: General Retail with SUP

SUBJECT PROPERTY

General Location: 401 Solon Road

Parcel ID Number(s): 204441

ATTACHED EXHIBITS

1. Proposed ordinance

STAFF CONTACT INFORMATION

Prepared by:
Kelly Dent, MPA
Planner
kdent@waxahachie.com

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

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held May 22, 2018, the Commission voted 6-0 to recommend approval of zoning change SU-18-0070, subject to staff comments.

(21)

Planning and Zoning: May 22, 2018
City Council: June 4, 2018

CASE SU-18-0070

***SUPPORT* 1**

***OPPOSE* 0**

Public Hearing on a request by the City of Waxahachie for a Specific Use Permit (SUP) to allow a **Home for Aged, Residence (Assisted Living)** use within a General Retail (GR) zoning district, located at 401 Solon Road, being 1 COVENANT ADDN 4.43 ACRES (Property ID 204441) Owner: TEXAS HCP AL LP (SU-18-0070)

SUPPORT

1. Lynn J. Osslund, 445 Rosewood Ave., Suite J, Camarillo, CA 93010

(22)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A HOME FOR AGED, RESIDENCE (ASSISTED LIVING) USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT 401 SOLON RD, BEING PROPERTY ID 204441, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1 OF THE COVENANT ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as GR; and

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number SU-18-0070. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from GR, with an SUP to GR, with an SUP in order to permit a Home for Aged, Residence (Assisted Living) use on the following property: 401 Solon Road, which is shown on Exhibit A. It should be noted that this SUP repeals and replaces Ordinance No. ____.

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.

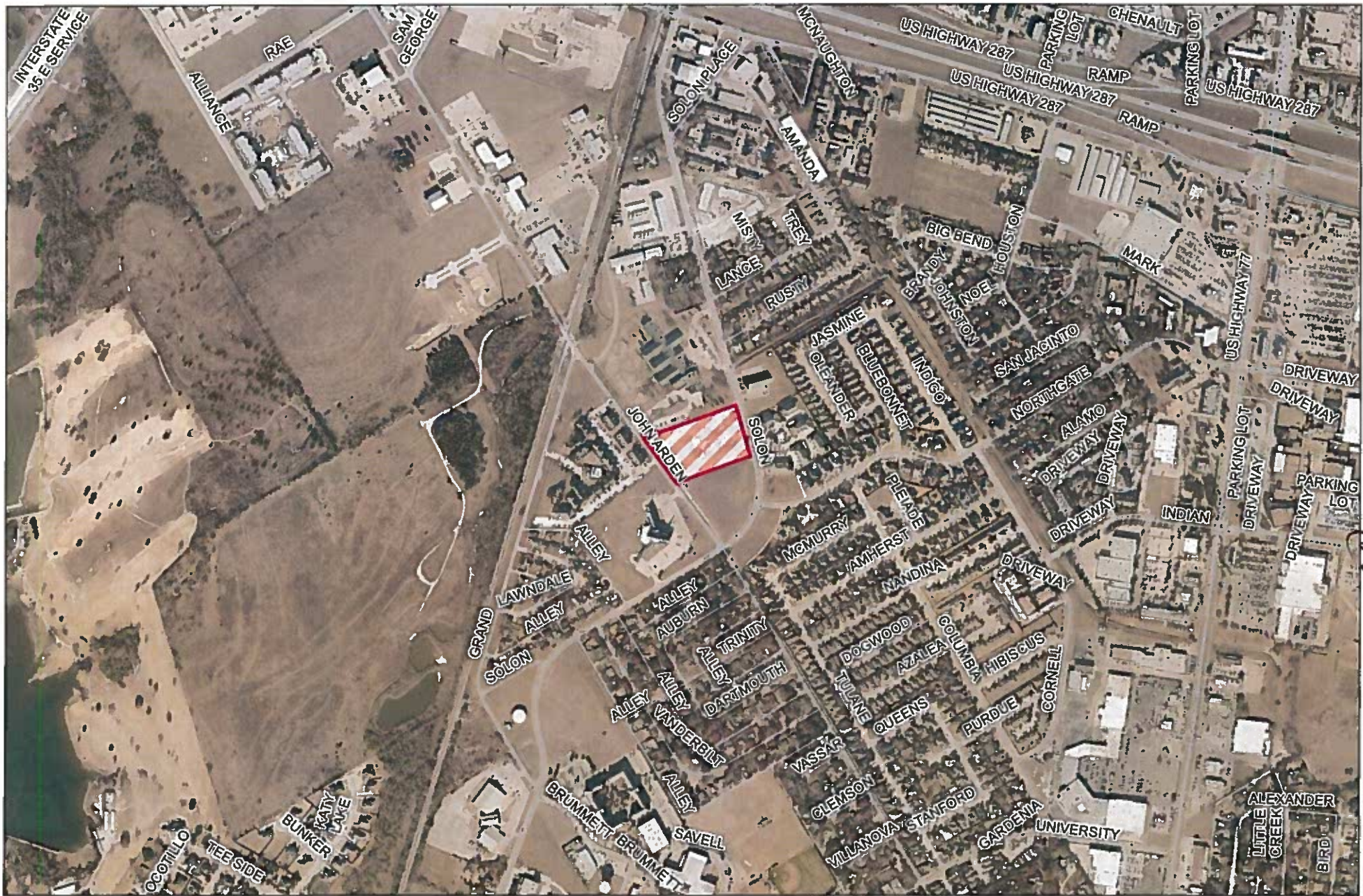
PASSED, APPROVED AND ADOPTED on this _____ day of _____, 2018.

(22)

MAYOR

ATTEST:

City Secretary



SU-18-0070 Covenant Addition-401 Solon Rd Location Exhibit

EXHIBIT A

 SU-18-0070

0 500 1,000 2,000 Feet



(23)

Planning & Zoning Department

Zoning Staff Report

Case: ZC-18-0042



MEETING DATE(S)

Planning & Zoning Commission: May 22, 2018

City Council: June 4, 2018

CAPTION

Public Hearing on a request by Aaron Duncan, MESA, for a Zoning Change from a Future Development zoning district to Commercial, Single Family-3, and Light Industrial-2, located at 604 FM 879, being 557 J JOHNSON 298.296 ACRES, 5 JB & A ADAMS, 557 J JOHNSON, 1249 SC WHITE 65.746 ACRES, and 5 JB & A ADAMS 134.9 ACRES (Property ID 209774, 179013, and 178975) - Owner: KAREN S ANDERSON IRREVOCABLE TRUST and JAMES R ANDERSON (ZC-18-0042).

CASE INFORMATION

Applicant: Aaron Duncan, MESA

Property Owner(s): Karen S Anderson Irrevocable Trust and James R Anderson

Site Acreage: 518.38 acres

Current Zoning: Future Development

Requested Zoning: Commercial, Single Family-3, and Light Industrial-2

SUBJECT PROPERTY

General Location: 604 FM 879

Parcel ID Number(s): 209774, 179013, and 178975

Existing Use: Currently undeveloped

Development History: The site is unplatted

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	PD-MF1	Currently undeveloped
East	ETJ	Currently undeveloped
South	PD-SF1	Currently undeveloped (Saddlebrook)
West	PD	Camden Park Phase 3

Future Land Use Plan: Low Density Residential, High Density Residential, and Commercial

Comprehensive Plan:

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

Traditional apartment- and condominium-type units in attached living complexes characterize high-density residential land use. These development may take a variety of forms. This land use has evolved from traditional garden style apartments to courtyard apartments due to the focus upon situation dwelling units around a courtyard, pool, or other common space.

Commercial areas are intended for establishments that provide services to customers. Examples include car dealerships, self-storage businesses, and repair shops. Such uses are generally not significant contributors to a municipality's tax revenue, and, by their nature, commercial businesses can detract from positive aesthetics. Primarily for these reasons, commercial uses have generally only been recommended in locations consistent with where such uses currently exist.

Thoroughfare Plan:

The site is located south of Palmer and Boyce Road (FM 879) and east of Parks School House Road, a Secondary Thoroughfare D (80' ROW). A proposed Major Thoroughfare A (120' ROW), connecting FM 879 to US Highway 287, crosses the site from northeast to southwest.

Site Image:

(23)

PLANNING ANALYSIS

The applicant proposes to rezone this property from Future Development (FD) to Light Industrial-2 (LI2), Commercial (C) and Single Family-3 (SF3). The location of this property is challenging, being bisected by Mustang Creek and the Union Pacific Railroad. The FLUP for this to be largely Low Density Residential (LDR) zoning may be unrealistic given the geographical limitations of the site, however, there may some hesitation in rezoning a large segment of this to industrial usage. Per the FLUP, this property should have more retail zoning than commercial (commercial being a more intensive use than retail), however the property owner has requested C rather than GR. The proposed development does, however, eliminate the high density residential zoning shown in the FLUP. The current line between Industrial zoning in the north and residential and commercial zoning in the south and east mirrors the creek.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 15 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 5/4/18.

STAFF CONCERNS

1. Staff needs to ensure that the property being zoned is owned by the property owner. The applicant has agreed that any development on this property must wait until the acreage concerns are addressed.
2. Changing the C zoning to GR would ensure a less intensive use near the residential zoning.

APPLICANT RESPONSE TO CONCERNS

1. Applicant has agreed to withhold development until the acreage shown on the tax certificates is corrected.

RECOMMENDATION

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

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

1. Staff needs to ensure that the property being zoned is owned by the property owner. The applicant has agreed that any development on this property must wait until the acreage concerns are addressed.

ATTACHED EXHIBITS

1. Zoning exhibit

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.

(23)

STAFF CONTACT INFORMATION

Prepared by:
Kelly Dent, MPA
Planner
kdent@waxahachie.com

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

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held May 22, 2018, the Commission voted 5-1 to recommend approval of zoning change ZC-18-0042, subject to staff comments. During the meeting, the applicant agreed to replace all proposed C zoning to GR zoning.

(24)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM FUTURE DEVELOPMENT (FD) TO GENERAL RETAIL, SINGLE FAMILY-3 AND LIGHT INDUSTRIAL-2 (GR, SF3 AND LI2) LOCATED AT 604 FM 879 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, IN THE J JOHNSON SURVEY, ABSTRACT NO. 557; JB & A ADAMS SURVEY, ABSTRACT NO. 5; AND SC WHITE SURVEY, ABSTRACT NO. 1249; BEING PROPERTY IDS 209774, 179013, AND 178975, 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-18-0042. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from FD to GR, SF3, and LI2; and

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

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

NOW, THEREFORE, this property is rezoned from FD to GR, SF3, and LI2 in order to facilitate development of the subject property in a manner that allows retail, single-family residential, and industrial uses on the following property: J Johnson Survey, Abstract No. 557; JB & A Adams Survey, Abstract No. 5; and SC White Survey, Abstract No. 1249; being Property IDs 209774, 179013, and 178975, which is shown on Exhibit A, in according with the Zoning Exhibit, which is shown on 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.

(24)

PASSED, APPROVED AND ADOPTED on this _____ day of _____, 2018.

MAYOR

ATTEST:

City Secretary



(25)

Planning & Zoning Department Zoning Staff Report

Case: ZC-18-0044



MEETING DATE(S)

Planning & Zoning Commission: May 22, 2018

City Council: June 4, 2018

CAPTION

Public Hearing on a request by Joseph Willrich, BEFCO Engineering Inc, for a Zoning Change from a Commercial zoning district to Light Industrial-1, located at 100 W Sterrett, 6820 N Interstate 35, and 6800 N Interstate 35, being 821 LB OUTLAW 2.354 ACRES, 821 LB OUTLAW 2.324 ACRES, and 821 LB OUTLAW 4.98 ACRES (Property ID 203820, 194221, and 188699) - Owner: MAGNABLEND INC (ZC-18-0044).

CASE INFORMATION

Applicant: Joseph Willrich, BEFCO Engineering Inc

Property Owner(s): Magnablend Inc

Site Acreage: 9.69 acres

Current Zoning: Commercial

Requested Zoning: Light Industrial-1

SUBJECT PROPERTY

General Location: 100 W Sterrett

Parcel ID Number(s): 203820, 194221, and 188699

Existing Use: Old Magnablend site

Development History: The site is unplatted, however the applicant has submitted for preliminary and final plats with the May 2nd application cycle.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	LI1	Direct Service Company
East	FD	Single Family Residence
South	LI1	Magnablend
West	LI1	Currently undeveloped

Future Land Use Plan: Industrial

(25)

Comprehensive Plan:

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

Thoroughfare Plan:

The site can be accessed via the N Interstate 35 Service Road and W Sterrett Road, a proposed Major Thoroughfare A (120' ROW).



Site Image:

PLANNING ANALYSIS

The applicant is proposing to partially redevelop the old Magnablend site for a new tenant. As part of the rehab of the property, a number of concerns were brought up. The property is being rezoned to account for the industrial nature of its use.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 8 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 5/4/18.

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:

(25)

ATTACHED EXHIBITS

1. Zoning exhibit

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

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

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held May 22, 2018, the Commission voted 6-0 to recommend approval of zoning change ZC-18-0044, subject to staff comments.

WLSC



PROPERTY DESCRIPTION

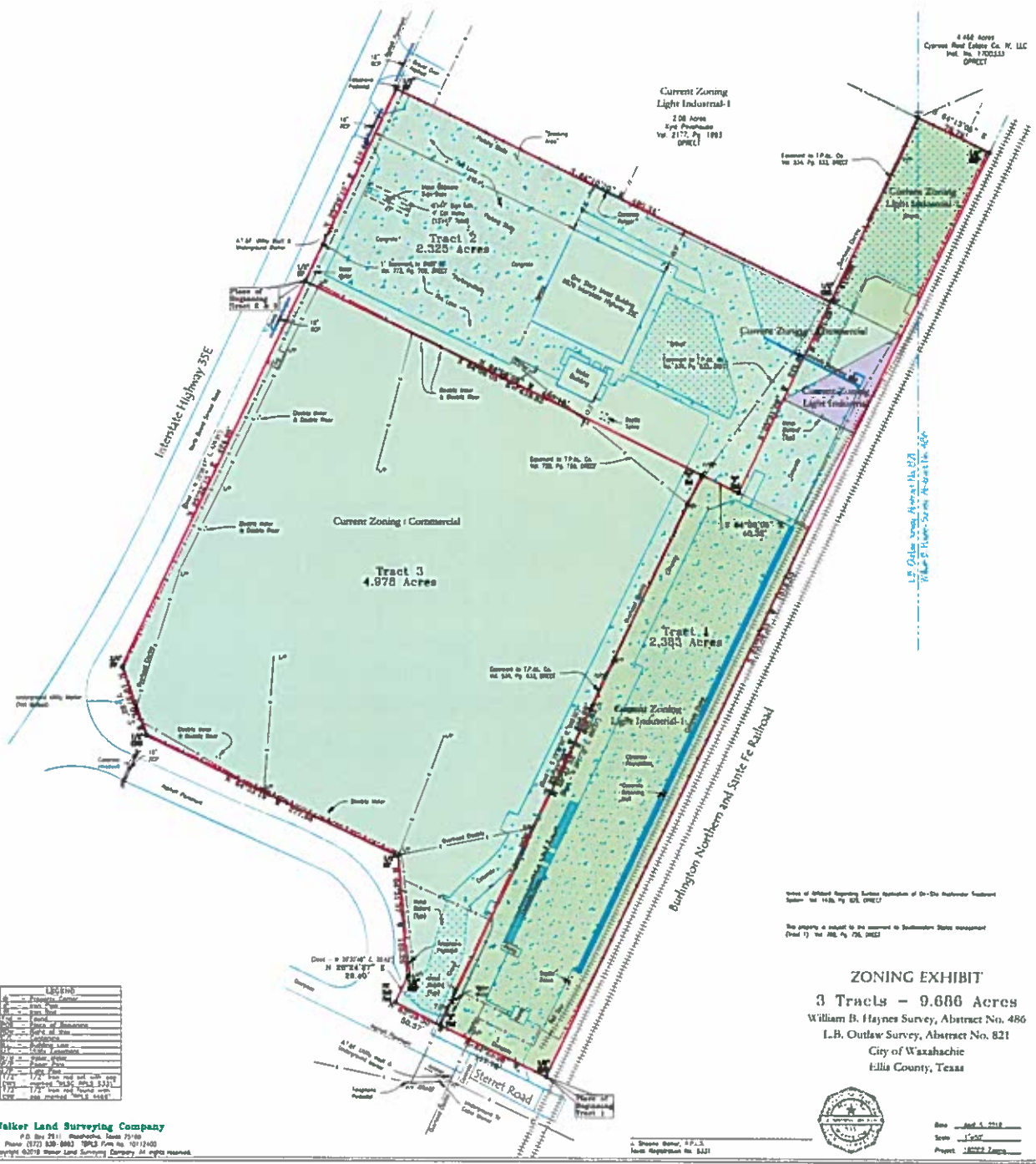
Tract 1
BEING all that certain parcel of land lying in the City of Waco, Texas and being situated in the L.B. OUTLAW SURVEY, ABSTRACT NO. 821, The County, Texas, and being all of the 4.978 acre tract of said (Tract 1) conveyed to it and its successors by Special Warranty Deed recorded in Instrument Number 180721 of the Official Public Records of The County, Texas (OPECT), and being more particularly described as follows:
BEING all of a 1/2" iron rod found with cap marked "W.L.S.C. 8913 531" at the intersection of the north line of Street Road with the east line of the Burlington Northern and Santa Fe Railroad for the southeast corner of Tract 1.
THENCE S 67°22'30" E, along the north line of Tract 1 and the north line of Street Road, a distance of 1177.79 feet to an "X" found for the southeast corner of Tract 1 and the southeast corner of the 4.978 acre tract of said (Tract 1) conveyed to it and its successors by Special Warranty Deed recorded in Instrument Number 180721 of the Official Public Records of The County, Texas (OPECT).
THENCE S 25°17'30" E, along the southerly east line of Tract 1 and the east line of Tract 2, a distance of 805.61 feet to an "X" found in the south line of the 2.325 acre tract of said (Tract 2) conveyed to it and its successors by Special Warranty Deed recorded in Instrument Number 180721 of the Official Public Records of The County, Texas (OPECT) for the southeast corner of Tract 1 and the southeast corner of Tract 2.
THENCE S 64°08'00" E, along the southerly north line of Tract 1 and the south line of Tract 2, a distance of 463.53 feet to an "X" found for an interior corner of Tract 1 and the southeast corner of Tract 2.
THENCE S 25°17'30" E, along the southerly east line of Tract 1 and the east line of Tract 2, passing at 211.09 feet to a 1/2" iron rod found with cap marked "W.L.S.C. 8913 531" for the southeast corner of Tract 2 and the southeast corner of the 2.325 acre tract of said (Tract 2) conveyed to it and its successors by Special Warranty Deed recorded in Instrument Number 180721 of the Official Public Records of The County, Texas (OPECT), as to a distance of 412.88 feet to a point within a utility easement and to the south line of the 4.468 acre tract of land conveyed to Current Zoning Light Industrial-1, Inc. by the Special Warranty Deed recorded in Instrument Number 180721 of the Official Public Records of The County, Texas (OPECT) for the southeast corner of Tract 1.
THENCE S 64°15'00" E, along the north line of Tract 1 and the south line of said 4.468 acre tract, a distance of 78.79 feet to a 1/2" iron rod found with cap marked "W.L.S.C. 8913 531" at the east line of said 4.468 acre tract and the south line of Tract 1 and the southeast corner of said 4.468 acre tract.
THENCE S 25°17'30" E, along the east line of Tract 1 and the east line of the S.W. 1/4 of S.7, Township, in distance of 174.53 feet to the PLACE OF BEGINNING and containing 2.383 acres of land as surveyed on the ground January 10, 2018 by Walker Land Surveying Company, Texas Commission of Land Surveying, North Central Zone Beginning coordinates = NAD83-1462974.64, Easting=1462974.64, Northing=1462974.64.

PROPERTY DESCRIPTION

Tract 2
BEING all that certain parcel of land lying in the City of Waco, Texas and being situated in the L.B. OUTLAW SURVEY, ABSTRACT NO. 821, The County, Texas, and being all of the 2.325 acre tract of said (Tract 2) conveyed to it and its successors by Special Warranty Deed recorded in Instrument Number 180721 of the Official Public Records of The County, Texas (OPECT), and being more particularly described as follows:
BEING all of a 1/2" iron rod found in the east line of Interstate Highway 35E for the southeast corner of Tract 2 and the southeast corner of 4.978 acre tract of said (Tract 2) conveyed to it and its successors by Special Warranty Deed recorded in Instrument Number 180721 of the Official Public Records of The County, Texas (OPECT).
THENCE S 27°19'10" E, along the west line of Tract 2 and the west line of Interstate Highway 35E, a distance of 113.88 feet to a 1/2" iron rod found for the southeast corner of Tract 2 and the southeast corner of the 2.325 acre tract of said (Tract 2) conveyed to it and its successors by Special Warranty Deed recorded in Instrument Number 180721 of the Official Public Records of The County, Texas (OPECT).
THENCE S 64°08'00" E, along the north line of Tract 2 and the south line of said 2.08 acre tract, a distance of 463.54 feet to a 1/2" iron rod found with cap marked "W.L.S.C. 8913 531" in the north line of the 2.383 acre tract of said (Tract 2) conveyed to it and its successors by Special Warranty Deed recorded in Instrument Number 180721 of the Official Public Records of The County, Texas (OPECT) for the southeast corner of Tract 2 and the southeast corner of said 2.08 acre tract.
THENCE S 25°17'30" E, along the east line of Tract 2 and the southerly east line of Tract 1, a distance of 211.09 feet to an "X" found for the southeast corner of Tract 2 and an interior corner of Tract 1.
THENCE S 64°08'00" E, along the south line of Tract 2 and the southerly north line of Tract 1, passing at 463.53 feet to an "X" found for the southerly southeast corner of Tract 1 and the southeast corner of Tract 2, as to a distance of 463.53 feet to the PLACE OF BEGINNING and containing 2.325 acres of land as surveyed on the ground January 10, 2018 by Walker Land Surveying Company, Texas Commission of Land Surveying, North Central Zone Beginning coordinates = NAD83-1462974.64, Easting=1462974.64, Northing=1462974.64.

PROPERTY DESCRIPTION

Tract 3
BEING all that certain parcel of land lying in the City of Waco, Texas and being situated in the L.B. OUTLAW SURVEY, ABSTRACT NO. 821, The County, Texas, and being all of the 4.978 acre tract of said (Tract 3) conveyed to it and its successors by Special Warranty Deed recorded in Instrument Number 180721 of the Official Public Records of The County, Texas (OPECT), and being more particularly described as follows:
BEING all of a 1/2" iron rod found in the east line of Interstate Highway 35E for the southeast corner of Tract 3 and the southeast corner of the 2.325 acre tract of said (Tract 3) conveyed to it and its successors by Special Warranty Deed recorded in Instrument Number 180721 of the Official Public Records of The County, Texas (OPECT).
THENCE S 64°08'00" E, along the north line of Tract 3 and the south line of Tract 2, a distance of 438.51 feet to an "X" found for the southeast corner of Tract 3 and the southeast corner of Tract 2 and the southeast corner of the 2.325 acre tract of said (Tract 3) conveyed to it and its successors by Special Warranty Deed recorded in Instrument Number 180721 of the Official Public Records of The County, Texas (OPECT).
THENCE S 25°17'30" E, along the east line of Tract 3 and the southerly east line of Tract 1, a distance of 805.61 feet to an "X" found in the north line of Street Road for the southeast corner of Tract 3 and the southeast corner of Tract 1.
THENCE S 67°22'30" E, along the south line of Tract 3 and the north line of Street Road, a distance of 1622.22 feet to a 1/2" iron rod found for the southerly southeast corner of Tract 3 and at the intersection of the north line of Street Road with the east line of Interstate Highway 35E.
THENCE along the south and west line of Tract 3 and the east line of Interstate Highway 35E to 20°24'27" E, a distance of 28.45 feet to a 1/2" iron rod found with cap marked "W.L.S.C. 8913 531" for corner.
THENCE S 25°17'30" E, a distance of 125.25 feet to a 1/2" iron rod found for corner.
THENCE S 64°12'18" E, a distance of 277.88 feet to a 1/2" iron rod found with cap marked "W.L.S.C. 8913 531" for corner.
THENCE S 64°12'18" E, a distance of 71.62 feet to a 3/4" iron rod found for corner, and
THENCE S 25°17'30" E, a distance of 414.98 feet to the PLACE OF BEGINNING and containing 4.978 acres of land as surveyed on the ground January 10, 2018 by Walker Land Surveying Company, Texas Commission of Land Surveying, North Central Zone Beginning coordinates = NAD83-1462974.64, Easting=1462974.64, Northing=1462974.64.



LEGEND

1/2"	Iron Rod
3/4"	Iron Rod
1"	Iron Rod
2"	Iron Rod
3"	Iron Rod
4"	Iron Rod
5"	Iron Rod
6"	Iron Rod
7"	Iron Rod
8"	Iron Rod
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92"	Iron Rod
93"	Iron Rod
94"	Iron Rod
95"	Iron Rod
96"	Iron Rod
97"	Iron Rod
98"	Iron Rod
99"	Iron Rod
100"	Iron Rod

Walker Land Surveying Company
P.O. Box 2911, Waco, Texas 76798
Phone (767) 830-8883, TOLL FREE 1-877-1240
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ZONING EXHIBIT
3 Tracts - 9.686 Acres
William B. Haynes Survey, Abstract No. 486
L.B. Outlaw Survey, Abstract No. 821
City of Waco
Ellis County, Texas

Scale: 1" = 100'
Date: April 5, 2018
Project: 180721 Zoning

(25)

Planning and Zoning: May 22, 2018
City Council: June 4, 2018

CASE ZC-18-0044 and SU-18-0045

SUPPORT 1

OPPOSE 0

Public Hearing on a request by Joseph Willrich, BEFCO Engineering Inc, for a Zoning Change from a Commercial zoning district to Light Industrial-1, located at 100 W Sterrett, 6820 N Interstate 35, and 6800 N Interstate 35, being 821 LB OUTLAW 2.354 ACRES, 821 LB OUTLAW 2.324 ACRES, and 821 LB OUTLAW 4.98 ACRES (Property ID 203820, 194221, and 188699) - Owner: M & M INVESTMENTS (ZC-18-0044)

Public Hearing on a request by Joseph Willrich, BEFCO Engineering Inc, for a Specific Use Permit (SUP) for **HEAVY MACHINERY SALES OR STORAGE, TRAILER AND HEAVY LOAD VEHICLE REPAIR, EQUIPMENT SALES (NEW OR USED), EQUIPMENT RENTAL (HEAVY), OPEN OR OUTSIDE STORAGE, DISPLAY, OR WORK AREAS FOR MERCHANDISE OR MACHINERY** uses within a Light Industrial-1 zoning district, located at 100 W Sterrett, 6820 N Interstate 35, and 6800 N Interstate 35, being 821 LB OUTLAW 2.354 ACRES, 821 LB OUTLAW 2.324 ACRES, and 821 LB OUTLAW 4.98 ACRES (Property ID 203820, 194221, and 188699) - Owner: M & M INVESTMENTS (SU-18-0045)

SUPPORT

1. Scott Green, 3671 N. Highway 77, Waxahachie, TX 75165

(26)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM COMMERCIAL (C) TO LIGHT INDUSTRIAL-1 (LI1) LOCATED AT 100 W STERRETT, 6820 N INTERSTATE 35 E AND 6800 N INTERSTATE 35 E IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, KNOWN AS PROPERTY IDS 203820, 194221, AND 188699 OF THE LB OUTLAW SURVEY, ABSTRACT NO. 821 AND WM HAYNES SURVEY, ABSTRACT NO. 486, 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-18-0044. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from C to LI1; 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 C to LI1 in order to facilitate development of the subject property in a manner that allows industrial uses on the following property: Property IDs 203820, 194221, and 188699 of the LB Outlaw Survey, Abstract No. 821 and WM Haynes Survey, Abstract No. 486, 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.

(26)

MAYOR

ATTEST:

City Secretary



(b6)



ZC-18-0044 L B Outlaw Location Exhibit

EXHIBIT A

 ZC-18-0044

0 300 600 1,200 Feet



(27)

Planning & Zoning Department Zoning Staff Report

Case: SU-18-0045



MEETING DATE(S)

Planning & Zoning Commission: May 22, 2018

City Council: June 4, 2018

CAPTION

Public Hearing on a request by Joseph Willrich, BEFCO Engineering Inc, for a Specific Use Permit (SUP) for heavy machinery sales or storage, trailer and heavy load vehicle repair, equipment sales (new or used), equipment rental (heavy), open or outside storage, display, or work areas for merchandise or machinery) uses within a Light Industrial-1 zoning district, located at 100 W Sterrett, 6820 N Interstate 35, and 6800 N Interstate 35, being 821 LB OUTLAW 2.354 ACRES, 821 LB OUTLAW 2.324 ACRES, and 821 LB OUTLAW 4.98 ACRES (Property ID 203820, 194221, and 188699) - Owner: MAGNABLEND INC (SU-18-0045)

CASE INFORMATION

Applicant: Joseph Willrich, BEFCO Engineering Inc

Property Owner(s): Magnablend Inc

Site Acreage: 3.50 acres

Current Zoning: Light Industrial-1

Requested Zoning: Light Industrial-1 with SUP

SUBJECT PROPERTY

General Location: 100 W Sterrett

Parcel ID Number(s): 203820, 194221, and 188699

Existing Use: Old Magnablend site

Development History: The site is unplatted, however the applicant has submitted for preliminary and final plats with the May 2nd application cycle.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	LI1	Direct Service Company
East	FD	Single Family Residence
South	LI1	Magnablend
West	LI1	Currently undeveloped

(27)

Future Land Use Plan:

Industrial

Comprehensive Plan:

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

Thoroughfare Plan:

The site can be accessed via the N Interstate 35 Service Road and W Sterrett Road, a proposed Major Thoroughfare A (120' ROW).



Site Image:

PLANNING ANALYSIS

This case is a companion case to the zoning change. The site is being renovated to account for a new tenant that would like to do heavy machinery sales or storage, trailer and heavy load vehicle repair, equipment sales (new or used), equipment rental (heavy), open or outside storage, display, or work areas for merchandise or machinery) uses. These uses require an SUP in this zoning district.

SUP DEVELOPMENT STANDARDS

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

Base Zoning Requirement	Proposed Development Standard
One pole sign per 350' of street frontage	Applicant has 635' of street frontage with a pole sign and billboard.
Concrete paving throughout the site	Applicant has concrete at the parking in front of the building, and would like to retain the gravel where the storage would be located.

(27)

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 8 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 5/4/18.

STAFF CONCERNS

1. There is currently insufficient water service at this location to provide for adequate fire protection to this site.
2. The applicant has a pole sign on the property as well as a billboard. The applicant would like to maintain and use both signs, with the billboard being used to advertise off-premise businesses.
3. The applicant proposes to maintain the gravel lot.

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Additional Consideration is required.

ATTACHED EXHIBITS

1. Site plan
2. Elevations of both buildings
3. Landscape plan

APPLICANT REQUIREMENTS

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

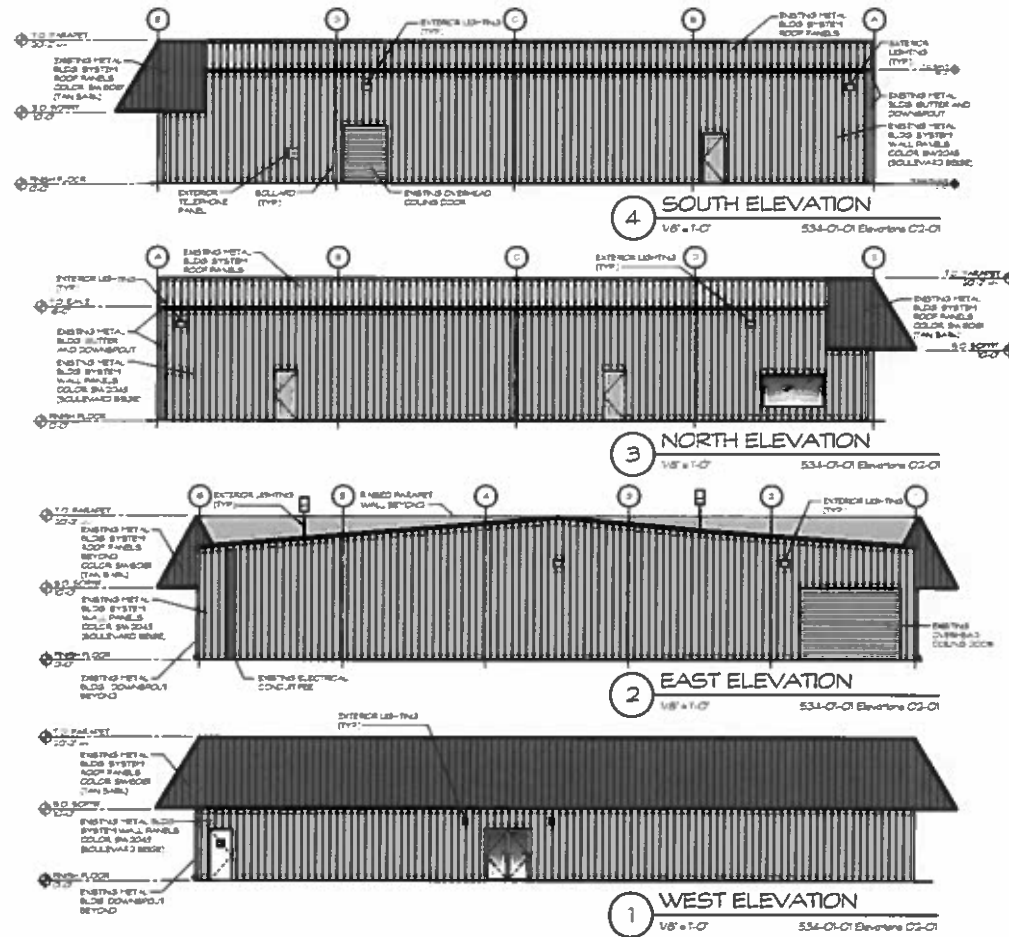
STAFF CONTACT INFORMATION

Prepared by:
Kelly Dent, MPA
Planner
kdent@waxahachie.com

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

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held May 22, 2018, the Commission voted 6-0 to recommend approval of zoning change SU-18-0045, subject to staff comments.



Selzer Associates

4514 Travis Street
Suite 235
Dallas, Texas 75203-3444
214-328-4899 (area)
214-328-7273 fax
www.selzerarch.com

ISSUED
DATE
BY
FOR
REVISION
DATE
BY
FOR

NOT FOR CONSTRUCTION
THIS DRAWING MAY NOT BE USED FOR RECONSTRUCTION
APPROVAL FOR CONSTRUCTION
JAMES E. SELZER • TEXAS REGISTRATION NO. 2489
JOHN R. SHINE • TEXAS REGISTRATION NO. 6740

Warehouse Facility - Large Bldg.
6820 N. Hwy 35E
Waxahachie, Texas 75165
Color Building Elevations

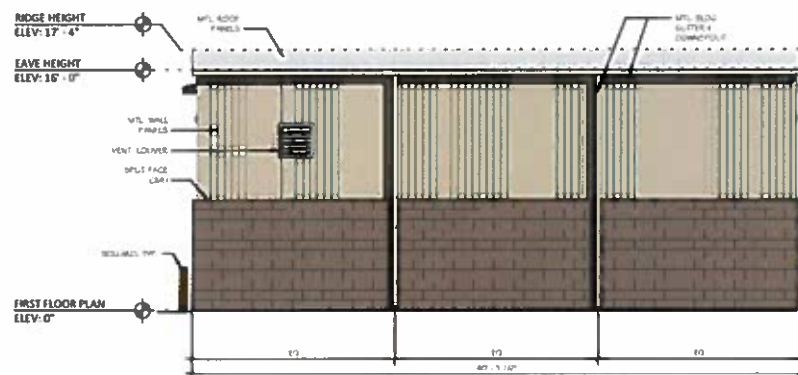


Project No. 534181

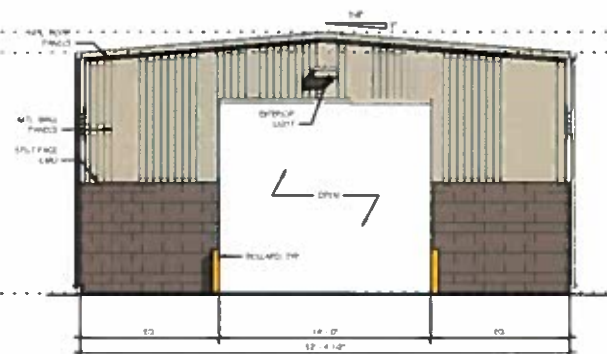
SHEET

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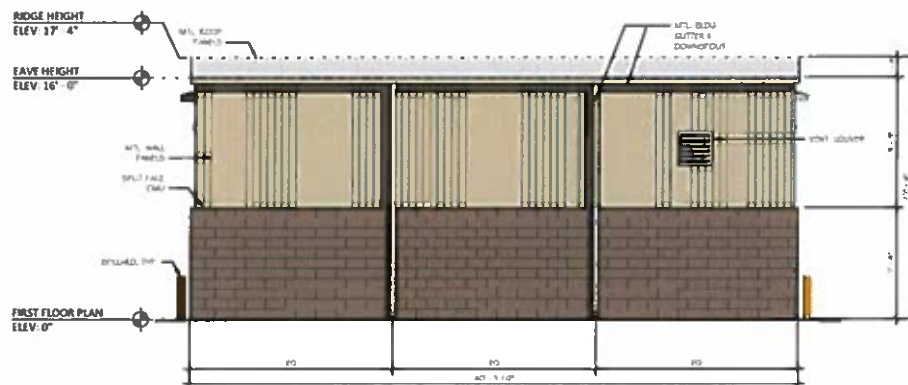
(27)



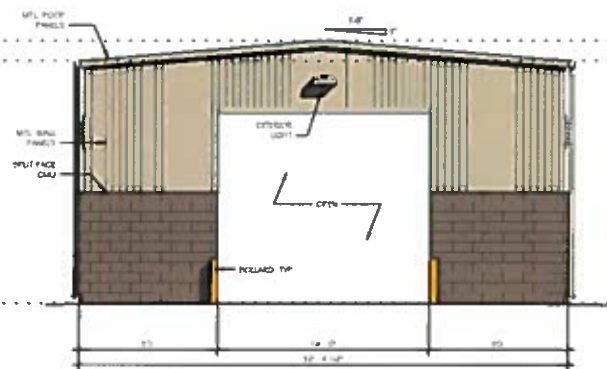
4 EAST ELEVATION
SCALE: 1/4" = 1'-0"



3 NORTH ELEVATION
SCALE: 1" = 20'



2 WEST ELEVATION
SCALE: 1/4" = 1'-0"



1 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

WALL MATERIAL PERCENTAGE

- 50% SPLIT FACE OAK
- 40% SPLIT FACE OAK

MATERIAL COLOR LEGEND

-  BLVD WHITE
W/TL POKEP
-  WOULD? BROWN
SPLIT FACE (3/4" COLOR
-  BROWNS TONE
W/TL PANELS
-  SAFETY YELLOW
BOLLARDS

**PRELIMINARY
NOT FOR
CONSTRUCTION
OR
REGULATORY
APPROVAL**

PROJECT NO: 1304.20
 DRAWING NO: 10
 CHECKED: [Signature]
 DESCRIPTION:
**ARCHITECTURAL
 ELEVATIONS
 MATERIAL & COLOR**

A1.1

SUP AREA = 3.50 ACRES

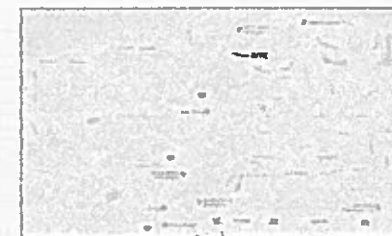
**PROPOSED LOT 1
9.69 ACRES**

**EUTING INDUSTRIAL LINE
PROPOSED ZONED L-1**

Burlington Northern and Santa Fe Railroad

Interstate Highway 35E










**OWNERS:
M AND M
BART MOORE
3502 EAS
DALLAS,
214-869-**



VICINITY MAP

24" X 36" GRAPHIC SCALE
1" = 50'

LEGEND

- | | |
|---|---|
|  | ROUGHNESS APPROXIMATELY EQUIVALENT TO 10 GRAIN |
|  | FINISHING COAT WITH
UNIFORMITY OF 100 MICRONS |
|  | FINISHING GRAIN, 20 TO 30 MICRONS |
|  | PROPOSED LINEAR GRAIN AREA
OF 100 LINEAR MICRONS |
|  | PROPOSED LINEAR FINISHING AREA
OF 100 LINEAR MICRONS (100 MICRONS) |
|  | PROPOSED LINEAR FINISHING AREA
OF 100 LINEAR MICRONS |
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OF 100 LINEAR MICRONS |
|  | PROPOSED LINEAR FINISHING AREA
OF 100 LINEAR MICRONS |

[illegible]

LANDSCAPE LEGEND

[illegible]

WICKSTEAD LTD
WICKSTEAD, IRE

ENGINEER/AGENT:
BEFCO ENGINEERING, INC.
JOSEPH WILLRICH, P.E.
485 N. JEFFERSON
LA GRANGE, TEXAS 76945
979-668-6474

EXP SUMMARY TABLE

SILT SIPS AREA:	2.30 ACRES WITHIN LUM ACRES PROPOSED LOT 1, BLOCK 4 STEPHEN'S INDUSTRIAL ADDITION U 1
ZONING PROPOSED: USE:	HEAVY MACHINERY SALES AND STORAGE, CONSTRUCTION EQUIPMENT SALES, RENTAL SERVICE, DISPLAY, STORAGE)
FRONT SETBACK:	40 FEET
SIDE SETBACK:	30 FEET
REAR SETBACK:	30 FEET
MINIMUM LOT WIDTH	70 FEET
MINIMUM LOT DEPTH	100 FEET
MAXIMUM BUILDING HEIGHT	6 STORY/65 FEET
EXISTING BUILDING SURVIVAL:	
BUILDING #1	4,000 SF
BUILDING #1 HEIGHT	31 FEET TO PARAPET
BUILDING #2	1,300 SF
BUILDING #2 HEIGHT	10 FEET TO RAISE
TOTAL BUILDING SQUARE FOOTAGE	11,200 SF
30% BLDG. AREA COVERAGE	7.4%
PARKING REQUIRED - 6 1/2 VEH SP.	33 SPACES
REGULAR PARKING PROVIDED:	42 SPACES
REGULAR HANDICAP PROVIDED:	6 SPACES
VAN/HAULBACK PROVIDED/REQUIRED:	1 SPACE
TOTAL PARKING PROVIDED:	42 SPACES
BICYCLE PARKING REQUIRED (10% OF #3 SPACES)	3 SPACES
BICYCLE PARKING PROVIDED:	6 SPACES
#3 U 1 SPACES PROVIDED (2 SPACES PER RAIL)	
EXISTING DRIVEWAY AREA TO REMAIN:	1.24 ACRES
EXISTING CONCRETE AREAS TO REMAIN:	1.40 ACRES
EXISTING BUILDING AREA TO REMAIN:	0.28 ACRES
WATERWORKS OTHER:	2.30 ACRES (W/IT OF 2.30 ACRES BLDG AREA)

(27)

LANDSCAPE PLAN

NO BUFFERYARDS OR INTERIOR LANDSCAPING
PROPOSED EXCEPT PROPOSED LANDSCAPING
ALONG IH-35 AS SHOWN

NO EXISTING TREES ON-SITE
NO BERMS OR SIDEWALKS ARE PROPOSED

LANDSCAPE PLAN BY:

SPECIFIC USE PERMIT
TEXAS FIRST RENTALS AT
STERRETT INDUSTRIAL
PROPOSED LOT 1, BLOCK A,
STERRETT INDUSTRIAL ADDITION
SUP AREA: 3.50 ACRES
CITY OF WAXAHACHIE IN ELLIS COUNTY
PREPARATION DATE: 4/8/2018

ALL SEASONS LANDSCAPE DESIGN
SAMUEL WESTLAKE
124 LAUNDALD DRIVE
WAXAHACHE, TEXAS 75165
972-236-3076

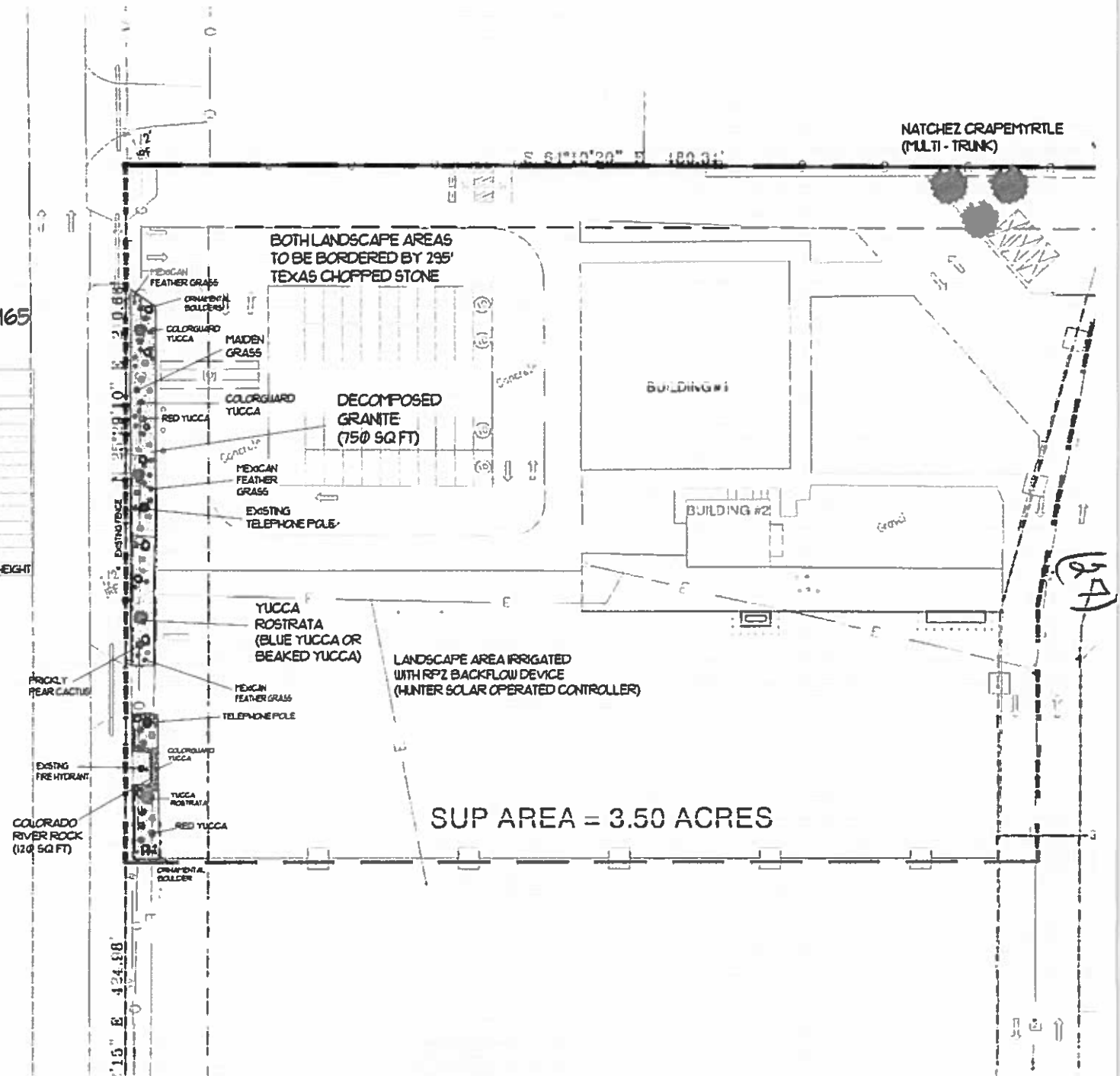


820 N INTERSTATE 35, WAXAHACHIE, TEXAS 75165

QTY	BOTANICAL NAME	COMMON NAME	SIZE
OVER GRASS			
34	STIPA TENUISSIMA	GRASS, MEXICAN FEATHER	1 GAL
FRUB CACTI			
1	OPUNTIA MACROCARPA	CACTUS, LARGE FRICKLY PEAR	5 GAL
4	YUCCA ROSTRATA	TUCCA, BLUE	4" TRUNK
FRUB DEODIOUS			
3	MISCANTHUS SINENSIS	GRASS, MAIDEN	3 GAL
FRUB EVERGREEN BROADLEAF			
10	HESPERALOE PARVIFOLIA	TUCCA, RED	5 GAL
18	TUCCA, FILAMENTOSA	VAREGATED TUCCA	3 GAL
REE DEODIOUS			
3	LAGERSTROEMIA INDICA 'NATCHEZ'	GRAPEMYRTLE	MULTI TRUNK - 5 HEIGHT

NO BERMS OR SIDEWALKS ARE PROPOSED

SAMUEL WESTLAKE
124 LAUNDALE DRIVE
WAXAHACHIE, TEXAS 75165
972-236-3076



(27)

Planning and Zoning: May 22, 2018
City Council: June 4, 2018

CASE ZC-18-0044 and SU-18-0045

***SUPPORT* 1**

***OPPOSE* 0**

Public Hearing on a request by Joseph Willrich, BEFCO Engineering Inc, for a Zoning Change from a Commercial zoning district to Light Industrial-1, located at 100 W Sterrett, 6820 N Interstate 35, and 6800 N Interstate 35, being 821 LB OUTLAW 2.354 ACRES, 821 LB OUTLAW 2.324 ACRES, and 821 LB OUTLAW 4.98 ACRES (Property ID 203820, 194221, and 188699) - Owner: M & M INVESTMENTS (ZC-18-0044)

Public Hearing on a request by Joseph Willrich, BEFCO Engineering Inc, for a Specific Use Permit (SUP) for **HEAVY MACHINERY SALES OR STORAGE, TRAILER AND HEAVY LOAD VEHICLE REPAIR, EQUIPMENT SALES (NEW OR USED), EQUIPMENT RENTAL (HEAVY), OPEN OR OUTSIDE STORAGE, DISPLAY, OR WORK AREAS FOR MERCHANDISE OR MACHINERY** uses within a Light Industrial-1 zoning district, located at 100 W Sterrett, 6820 N Interstate 35, and 6800 N Interstate 35, being 821 LB OUTLAW 2.354 ACRES, 821 LB OUTLAW 2.324 ACRES, and 821 LB OUTLAW 4.98 ACRES (Property ID 203820, 194221, and 188699) - Owner: M & M INVESTMENTS (SU-18-0045)

SUPPORT

1. Scott Green, 3671 N. Highway 77, Waxahachie, TX 75165

(28)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A HEAVY MACHINERY SALES OR STORAGE; TRAILER AND HEAVY LOAD VEHICLE REPAIR; EQUIPMENT SALES (NEW OR USED); EQUIPMENT RENTAL (HEAVY); OPEN OR OUTSIDE STORAGE, DISPLAY OR WORK AREAS FOR MERCHANDISE OR MACHINERY USES WITHIN A LIGHT INDUSTRIAL-1 (LI1) ZONING DISTRICT, LOCATED AT 6820 N INTERSTATE 35, BEING PROPERTY ID 194221, AND A NORTHERN PORTION OF 188699, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING IN THE L B OUTLAW SURVEY, ABSTRACT NO. 821, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as LI1; and

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number SU-18-0082. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from LI1 to LI1, with an SUP in order to permit a Heavy Machinery Sales or Storage; Trailer and Heavy Load Vehicle Repair; Equipment Sales (New or Used); Equipment Rental (Heavy); Open or Outside Storage, Display or Work Areas for Merchandise or Machinery Uses on the following property: 6820 N Interstate 25 E, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B, the Elevations attached as Exhibit C, and the Landscape Plan attached as Exhibit D.

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.

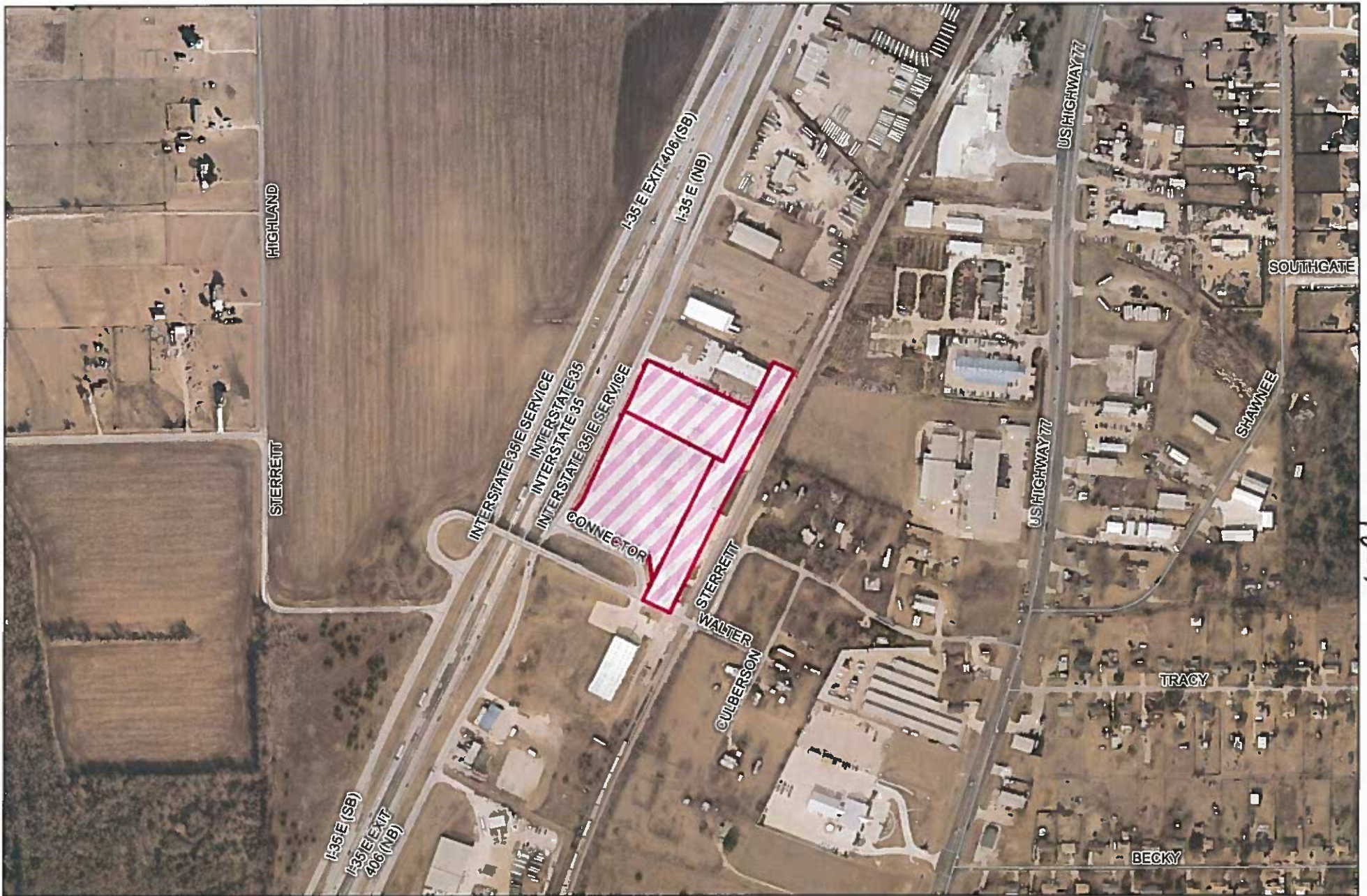
PASSED, APPROVED AND ADOPTED on this _____ day of _____, 2018.

(28)

MAYOR

ATTEST:

City Secretary



(88)



SU-18-0045 L B Outlaw Location Exhibit

EXHIBIT A

 SU-18-0045

0 300 600 1,200 Feet



(29)



Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager

Date: May 29, 2018

Re: PD-18-0048

This case was continued at the Planning and Zoning Commission meeting, held on May 22, 2018, by a 5-1 vote.

(31)



Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager

Date: May 29, 2018

Re: SU-18-0054

This case was continued at the Planning and Zoning Commission meeting, held on May 22, 2018, by a 6-0 vote.

(77)



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Director of Planning
Thru: Michael Scott, City Manager
Date: May 29, 2018
Re: PD-18-0059

This case was continued at the Planning and Zoning Commission meeting, held on May 22, 2018, by a 5-1 vote.

(175)

Planning & Zoning Department

Zoning Staff Report

Case: SU-18-0072



MEETING DATE(S)

Planning & Zoning Commission: May 22, 2018

City Council: June 4, 2018

CAPTION

Request by Sam Hix, Air Evac EMS, for a Specific Use Permit (SUP) for Heliport use within a Light Industrial-1 zoning district, located at 103 Industrial Drive, being 2R C N WAXAHACHIE IND PARK1 ACRES (Property ID 203244) - Owner: WESLEY E & F JUNE SAUNDERS (SU-18-0072)

CASE INFORMATION

Applicant: Sam Hix, Air Evac EMS

Property Owner(s): Wesley E and June F Saunders

Site Acreage: 1 acre

Current Zoning: Light Industrial-1

Requested Zoning: Light Industrial-1 with SUP

SUBJECT PROPERTY

General Location: 103 Industrial Drive

Parcel ID Number(s): 203244

Existing Use: Currently undeveloped

Development History: The replat of lot 2 R, block C was approved by City Council on June 17, 1996.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	LI1	Warehouse
East	LI1	Centex Work Center
South	LI1	West Inc Drilling Services
West	LI1	Warehouse

Future Land Use Plan: Retail

(35)

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 along Industrial Drive.



Site Image:

PLANNING ANALYSIS

The applicant seeks to establish a temporary helipad for an air ambulance station.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 7 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 5/4/18.

STAFF CONCERNS

- a. Applicant must provide a summary or exhibit of how this proposal complies with FAA minimum standards, including, but not limited to, the setbacks between the pad and buildings

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
 1. Please provide information as to how this proposal complies with the minimum standards set by the FAA.

ATTACHED EXHIBITS

1. Site plan

(35)

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
Kelly Dent, MPA
Planner
kdent@waxahachie.com

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

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held May 22, 2018, the Commission voted 6-0 to recommend approval of zoning change SU-18-0072, subject to staff comments.



(95)

(35)

Planning and Zoning: May 22, 2018
City Council: June 4, 2018

CASE SU-18-0072

SUPPORT 1

OPPOSE 0

Public Hearing on a request by Sam Hix, Air Evac EMS, for a Specific Use Permit (SUP) for **Heliport** use within a Light Industrial-1 zoning district, located at 103 Industrial Drive, being 2R C N WAXAHACHIE IND PARK1 ACRES (Property ID 203244) - Owner: WESLEY E & F JUNE SAUNDERS (SU-18-0072)

SUPPORT

1. F. Jane Saunders, 244 Katy Lake Drive, Waxahachie, TX 75165

(36)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A HELIPORT USE WITHIN A LIGHT INDUSTRIAL-1 (LI1) ZONING DISTRICT, LOCATED AT 103 INDUSTRIAL DRIVE, BEING PROPERTY ID 203244, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 2R, BLOCK C IN THE N WAXAHACHIE INDUSTRIAL PARK SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as LI1; and

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number SU-18-0072. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from LI1 to LI1, with an SUP in order to permit a heliport use on the following property: Lot 2R, Block C of the N Waxahachie Industrial Park subdivision, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B. This SUP is set to expire on June 3, 2019.

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.

(36)

MAYOR

ATTEST:

City Secretary



SU-18-0072 Waxahachie Industrial Park Location Exhibit

 SU-18-0072

EXHIBIT A

0 250 500 1,000 Feet 

(37)



Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks

Thru: Michael Scott, City Manager

Date: May 31, 2018

Re: Ordinance to Revise Section 21-94

An ordinance revision amending section 21-94, "definitions," of Article IX, "Sexually Oriented Businesses," will be heard by City Council on June 4, 2018.

This revision moves the definitions previously listed in the Zoning Ordinance to Chapter 21 "offenses and miscellaneous provisions," of the Waxahachie City Code.

(37)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING SECTION 21-94, "DEFINITIONS," OF ARTICLE IX, "SEXUALLY ORIENTED BUSINESSES," TO CHAPTER 21, "OFFENSES AND MISCELLANEOUS PROVISIONS," OF THE WAXAHACHIE CITY CODE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Waxahachie ("City Council"), as part of its efforts to update, revise, and adopt a new comprehensive zoning ordinance, has determined that certain definitions regarding sexually oriented businesses should be removed from the zoning ordinance and placed into City's code provisions regarding sexually oriented businesses found in Chapter 21, Article IX, of the Waxahachie City Code; and

WHEREAS, the City Council, in anticipation that the new zoning ordinance will no longer contain certain definitions regarding sexually oriented businesses, has determined that the adoption of this ordinance adding those definitions to Chapter 21, Article IX, of the Waxahachie City Code best serves the general welfare of the City and its residents by enacting reasonable restrictions on certain activities that the City Council has determined are detrimental to the City, and which restrictions will promote and preserve the public health, safety, and welfare.

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

SECTION 1. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. That Section 21-94, "Definitions," of Article IX, "Sexually Oriented Businesses," in Chapter 21, "Offenses and Miscellaneous Provisions," of the Waxahachie City Code, to amended read as follows:

"Sec. 21-94. - Definitions.

(a) For purposes of sections 21-94 to 21-99 of the Waxahachie Code of Ordinances, as hereinafter established, the following definitions shall apply:

1. *Bath House* - An enterprise where a regular or substantial portion of its business is offering baths or showers with other persons present who are nude or displaying specified anatomical areas.
2. *Sado-Masochistic Practices* - Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or naked.
3. *Sexually Oriented Business* - Any business, other than a business excluded under subsection a., below, that constitutes one of the following uses, as hereinafter defined: sexually oriented entertainment business, sexually oriented cabaret; sexually oriented media outlet; sexually oriented motion picture theater; sexually oriented retail establishment, or sexually oriented theater. "Sexually oriented business" is an inclusive term used to describe collectively a group of land uses for purposes of defining use

regulations and development standards made applicable to such uses by the City's zoning regulations.

- a. The definition of "sexually oriented business" expressly excludes the following types of businesses, which are elsewhere defined, and which uses are prohibited in all zoning districts: sexually oriented encounter parlor; sexually oriented entertainment studio; sexually oriented motel; sexually oriented video viewing booth; bath house; and body painting shop.
- b. For purposes of this section, any business that holds itself out to be a sexually oriented business through advertising or other public declarations shall be deemed a sexually oriented business.
 - i. *Sexually oriented cabaret* - An establishment where a regular and substantial portion of its business is providing sexually oriented entertainment which features strippers, male or female impersonators, or live performances, or material which depict, portray, exhibit or display specified anatomical areas or specified sexual activities or are intended to arouse or excite the sexual desires of the entertainer, other entertainer or patron.
 - ii. *Sexually oriented encounter parlor* - An establishment where a regular and substantial portion of its business is the provision of premises where patrons congregate, associate, or consort with employees, performers, and/or other patrons or private contractors who display specified anatomical areas in the presence of such patrons, with the intent of providing sexual arousal or excitement to such patrons.
 - iii. *Sexually oriented entertainment* - Any exhibition, performance, display or dance of any type, including, but not limited to, talking, singing, reading, listening, posing, serving food or beverages, soliciting for the sale of food, beverages or entertainment, pantomiming, modeling, removal of clothing, or any service offered on a premises where such exhibition, performance, display or dance is intended to arouse or excite the sexual desires of the entertainer, other entertainers or patrons, or if the entertainment depicts, portrays, exhibits or displays specified anatomical areas or specified sexual activities.
 - iv. *Sexually oriented entertainment business* - Any business to which the public, patrons or members are invited or admitted, and where providing "sexually oriented entertainment," as defined herein, as a regular and substantial portion of its business.
 1. The definition of "sexually oriented entertainment business" expressly includes, but is not limited to, any and all of the following specific sexually oriented entertainment businesses: sexually oriented motion picture theater; sexually oriented theater; and sexually oriented entertainment cabaret.
 2. The definition of "sexually oriented entertainment business" expressly excludes the following types of businesses, which are elsewhere defined, and which uses are prohibited in all zoning districts: sexually oriented encounter parlor; sexually oriented entertainment studio; body painting studio; and massage parlor.

- v. *Sexually oriented entertainment studio* - An establishment whose premises are physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises, and where a regular and substantial portion of its business is providing entertainment which features materials or live performances characterized by an emphasis on or features materials relating to specified sexual activities or the exhibition of specified anatomical areas.
- vi. *Sexually oriented media* - Books, magazines, periodicals, other printed matter, pictures, slides, records, audiotapes, videotapes, compact discs, motion pictures, films, CD-ROMs or other devices used to record computer images, or other media which are distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."
- vii. *Sexually oriented media outlet* - A business engaging in the sale or rental of merchandise where a substantial or significant portion of the business is devoted to the sale or rental of "sexually oriented media." For purposes of this subsection, it shall be presumed that a "substantial or significant" portion of a business is devoted to the sale or rental of "sexually oriented media" if any one or more of the following criteria are satisfied:
 1. Forty (40) percent or more of the sales (including rentals), measured in dollars over any consecutive ninety (90) day period is derived from "sexually oriented media";
 2. Forty (40) percent or more of the number of transactions, measured over any consecutive ninety (90) day period, relate to "sexually oriented media";
 3. Forty (40) percent or more of the dollar value of all merchandise displayed at any time is attributable to "sexually oriented media";
 4. Forty (40) percent or more of all inventory consists of "sexually oriented media" at any time;
 5. Forty (40) percent or more of the merchandise displayed for sale or rental consists of "sexually oriented media" at any time; or
 6. Forty (40) percent or more of the sales floor area of the business (not including storerooms, stock areas, bathrooms, or any portion of the business not open to the public) is devoted to "sexually oriented media" at any time.
 7. The presumption that a "substantial or significant" portion of a business is devoted to the sale or rental of "sexually oriented media," based upon the above guidelines, shall be rebuttable.
- viii. *Sexually oriented motel* - An enterprise where a regular and substantial portion of its business is offering public accommodations, containing more than 150 square feet of gross floor area, for the purpose of viewing motion pictures or viewing publications which are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical area" by any photographic, electronic, magnetic tape, digital or other medium (including but, not limited to film, video, magnetic tape, laser disc, CD-ROM, books, magazines or

periodicals) for observation by patrons therein and which rents room accommodations for less than six (6) hours at a time.

- ix. *Sexually oriented motion picture theater* - An establishment with a screen or projection areas in an enclosed building, where a regular and substantial portion of its business is the exhibition to patrons of films, videotapes or motion pictures which are intended to provide sexual arousal or sexual excitement to the patrons and which are distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- x. *Sexually oriented retail establishment* - A business that displays or offers goods for sale or rent and that meets any of the following tests:
 1. The goods are from any two (2) of the following categories: sexually oriented media; lingerie; leather goods marketed or presented in a context to suggest their use for sadomasochistic practices or sexual bondage; clothing that graphically depicts "specified anatomical areas"; and the combination of such items constitute more than ten (10) percent of its stock in trade or occupies more than ten (10) percent of its floor area; or
 2. More than five (5) percent of its stock in trade consists of sexually oriented toys or novelties; or
 3. More than five (5) percent of its gross public floor area is devoted to the display of sexually oriented toys or novelties.
- c. *Sexually oriented theater* - An establishment where a regular and substantial portion of its business is providing the live performance of activities relating to specified sexual activities or exhibition of specified anatomical areas of live performers, for observation by patrons.
- d. *Sexually oriented toys or novelties* - Instruments, devices or paraphernalia that either depict "specified anatomical areas" or are designed or marketed for use in connection with "specified sexual activities."
- e. *Sexually oriented video arcade* - A building or portion of a building wherein coin-operated, slug-operated, or any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images of "Specified Sexual Activities" or "Specified Anatomical Areas."
- f. *Sexually oriented video viewing booth* - Any booth, cubicle, stall or compartment which is designed, constructed or used to hold or seat patrons and is used for presenting or viewing motion pictures or viewing publications which are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" by any photographic, electronic, magnetic tape, digital or other medium (including but not limited to, film, video, magnetic tape, laser disc, CD-ROM, books magazines or periodicals) for observation by patrons therein. "Sexually oriented video viewing booths" include "peep shows," "sexually oriented video arcades," "panoramas," and "sexually oriented mini-motion picture theaters." "Sexually oriented video viewing booth" shall not mean a theater, movie house, playhouse, or a room or enclosure or a portion thereof which contains more than 150 square feet of gross floor area.

4. *Specified Anatomical Areas* - Uncovered or exposed human genitals, pubic region or pubic hair, buttocks, female breast or breasts below a point immediately above the top of the areola encircling the nipple, or any combination of the foregoing; or human male genitals in a discernibly erect state, even if completely and opaquely covered.
5. *Specified Sexual Activities* - Any of the following acts of intended sexual arousal or excitement:
 - a. Sexual conduct including, but not limited to, actual or simulated acts of sexual intercourse, masturbation, oral copulation or sodomy;
 - b. Fondling or other intentional touching of a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female;
 - c. Sadomasochistic acts; or
 - d. Acts involving animals or latent objects.

(b) The following additional definitions shall apply to sections 21-94 to 21-99:

Applicant means the owner of a sexually oriented business, where an application for a license for a sexually oriented business has been filed, or an entertainer or manager of a sexually oriented business, where an application for an entertainer or manager of a sexually oriented business has been filed.

Entertainer means a person paid to provide entertainment to customers at a sexually oriented business; entertainment may consist of dancing, singing, modeling, acting, other forms of performing, or individual conversations with customers whereby the entertainer is paid any form of remuneration directly or indirectly for such conversations.

Manager means a person designated by the owner or operator of a sexually oriented business to be responsible for the operation of such business at a particular location at a particular time; when the owner, proprietor, or other principal in the business is present, such person may be considered the manager.

Operator means any person operating, conducting or maintaining a business regulated under this subchapter.

Owner means the individual owner of an establishment, or if the owner is a corporation, partnership or limited liability company, the term shall include all general partners, any limited partner with a financial interest of ten (10) percent or more, all corporate officers and directors, and any shareholder or member with a financial interest of ten (10) percent or more.

Specified criminal act means any sexual offense, rape, statutory rape or other sexually related offense or as defined by criminal statutes in other states or by federal laws addressing similar or related offenses; or an offense as defined in Chapter 43 of the Texas Penal Code; or an offense involving controlled substances, illegal drugs or narcotics, or gambling as defined in federal or state laws in any of the states."

SECTION 3. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance or of the Waxahachie City Code, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance or the Waxahachie City Code, as amended hereby, which shall remain in full force and effect.

SECTION 4. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Waxahachie City Code, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

(37)

SECTION 5. This ordinance shall take effect immediately from and after its passage and publication of the caption as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS this 4th day of June, 2018.

The City of Waxahachie, Texas

David Hill, Mayor Pro Tem

ATTEST:

Lori Cartwright, City Secretary

APPROVED AS TO FORM:

Robert Brown, City Attorney

(38)



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Executive Director of Development Services
Thru: Michael Scott, City Manager *ML*
Date: June 1, 2018
Re: North Hawkins Street Corridor Rehabilitation – CIP Project

On Monday June 4, 2018 a bid award associated with the corridor rehabilitation of North Hawkins Street will appear before City Council for consideration in the amount of \$1,019,437.41. McMahon Contracting, L.P. was the lowest responsive bidder of 4 proposers, with a submission that was \$124,562.59 below staff's estimated cost for the project. This corridor rehabilitation is a planned expense for which staff budgeted \$1,144,000 in the City's Capital Improvement Plan. The existing pavement for North Hawkins was installed in 1952, last scarified in 1995 and the water and wastewater lines have been in service prior to 1947. This project will provide new curbs, gutters, sidewalks, streetlights, utilities and pavement along North Hawkins Street, from West Parks Avenue to McMillan Street.

This project will ultimately be funded through certificate of obligation bonds, which are anticipated to be sold prior to the end of this fiscal year. Certain project costs may be incurred in advance of the availability of the aforementioned bond proceeds; therefore to the extent that these costs may become due before bond funds are available, the Public Works Department will cash-flow these payments with surplus Unrestricted Reserves. Current Unrestricted Reserve balances are more than sufficient for the maximum amount of funds committed. There is a companion resolution to this agenda item authorizing a reimbursement to the Utilities Department operating fund from future bond sales.

(38)

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

Tommy Ludwig

(39)

RESOLUTION NO.

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF PERFORMING A CORRIDOR REHABILITATION OF NORTH HAWKINS STREET

WHEREAS, the City of Waxahachie (the "City") intends to issue debt to finance cost to be incurred for a corridor rehabilitation of North Hawkins Street, and related expenses prior to the issuance of such debt with the expectation that such expenditures are to be reimbursed with proceeds of such debt; and

WHEREAS, Treas. Reg. § 1.150-2 (the "Regulation") provides that to fund such reimbursement with proceeds of tax-exempt obligations the City must declare its expectation to make such reimbursement; and

WHEREAS, the City desires to preserve its ability to reimburse the expenditures with proceeds of tax-exempt obligations.

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

SECTION 1

That the City reasonable expects to reimburse the General Fund's Unrestricted Reserves with proceeds of debt hereafter to be issued by the City, and this resolution shall constitute a declaration of official intend under the Regulation.

SECTION 2

That the City Manager is authorized to take those steps reasonable and necessary to comply with the intent of this resolution including a loan from Unrestricted Reserves in an amount not to exceed \$1,070,500.00

SECTION 3

That this resolution shall take effect immediately from and after the date of passage.

ADOPTED THIS 4th day of June, 2018.

MAYOR

ATTEST:

City Secretary

(40)



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Executive Director of Development Services
Thru: Michael Scott, City Manager *[Signature]*
Date: June 1, 2018
Re: Matthews Street Bridge Engineering Proposal – CIP Project

On Monday June 4, 2018 a professional services contract with Kimley Horn for the design of erosion control measures associated with Matthews Street Bridge Improvements will appear before City Council for consideration in the amount of \$160,100. This contract will provide engineering design, bid specification preparation and construction support services for the installation of a gabion support system for the drive approach for the Matthews Street Bridge and for an exposed 27" wastewater line south of the bridge. This project is a planned expense for which staff has budgeted \$1,500,000.

Erosion from the Waxahachie Creek has caused a washout of the supporting embankment, which will ultimately weaken the drive approach and has exposed the wastewater line. The Matthew Street Bridge is structurally sound, and staff monitors the drive approach on a weekly basis and during rain events to ensure its integrity is not degraded. If the erosion were to continue unabated the bridge would eventually have to be closed to through traffic, as the approach would ultimately fail. This contract will provide the design for a support system for the approach and cover for the exposed wastewater line.

Portions of this project will ultimately be funded through certificate of obligation bonds, which are anticipated to be sold prior to the end of this fiscal year. Certain project costs may be incurred in advance of the availability of the aforementioned bond proceeds; therefore to the extent that these costs may become due before

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bond funds are available, the Public Works Department will cash-flow these payments with surplus Unrestricted Reserves. Current Unrestricted Reserve balances are more than sufficient for the maximum amount of funds committed. There is a companion resolution to this agenda item authorizing a reimbursement to the Utilities Department operating fund from future bond sales.

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

Tommy Ludwig

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RESOLUTION NO.

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF PERFORMING PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF EROSIONS CONTROLS ASSOCIATED WITH THE MATTHEWS STREET BRIDGE

WHEREAS, the City of Waxahachie (the "City") intends to issue debt to finance cost to be incurred for professional engineering services for the design of erosion controls associated with the Matthews Street Bridge, and related expenses prior to the issuance of such debt with the expectation that such expenditures are to be reimbursed with proceeds of such debt; and

WHEREAS, Treas. Reg. § 1.150-2 (the "Regulation") provides that to fund such reimbursement with proceeds of tax-exempt obligations the City must declare its expectation to make such reimbursement; and

WHEREAS, the City desires to preserve its ability to reimburse the expenditures with proceeds of tax-exempt obligations.

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

SECTION 1

That the City reasonable expects to reimburse the General Fund's Unrestricted Reserves with proceeds of debt hereafter to be issued by the City, and this resolution shall constitute a declaration of official intend under the Regulation.

SECTION 2

That the City Manager is authorized to take those steps reasonable and necessary to comply with the intent of this resolution including a loan from Unrestricted Reserves in an amount not to exceed \$170,000.00

SECTION 3

That this resolution shall take effect immediately from and after the date of passage.

ADOPTED THIS 4th day of June, 2018.

MAYOR

ATTEST:

City Secretary



Memorandum

To: Honorable Mayor and City Council
From: James Gaertner, PE, CFM, City Engineer
Thru: Michael Scott, City Manager
Date: May 29, 2018
Re: Tilson Homes Developers Agreement

Tilson Homes has requested for a developer's agreement for the installation of the 12-inch water line across Interstate 35 East (referred hereafter as I-35E) and the 12-inch water line along the west side of Interstate 35 East from the Tilson Homes Site by Compton Road to FM 1446 Buena Vista Road.

The City of Waxahachie agreed to install the 12-inch water line across I-35E and Tilson Homes agreed to install the 12-inch water line along the west side of I-35E from Compton Road to FM 1446. The City's installation of the 12-inch water line across I-35E will be reimbursed by TxDOT due to a conflict with the interstate construction.

The developer's agreement includes a 10-year pro-rata agreement for reimbursement of \$264,433.50 to Tilson Homes for the off-site 12-inch water line installation along the west side I-35E. The pro-rata reimbursement goes through two (2) properties (Mitchell and Young-Jin).

With the construction of the I-35E crossing and the water line along the west side of I-35E there is better water loop and provide connectivity to the water that it currently has a dead end at FM 1446.

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

James Gaertner, PE, CFM

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STATE OF TEXAS	§	FACILITIES ACQUISITION AND
	§	DEVELOPER LIABILITY FEE
	§	AGREEMENT WITH TILSON
	§	HOME CORPORATION FOR
COUNTY OF ELLIS	§	I-35 EAST 12-INCH WATER LINE

This Facilities Acquisition Agreement with Tilson Home Corporation for I-35 East 12-Inch Water Line ("Agreement") is entered into this 25TH day of MAY, 2018, by and between Tilson Home Corporation ("Tilson Homes"), and the City of Waxahachie, Texas ("City"). Tilson Homes and the City are sometimes referred herein together as the "Parties" and individually as a "Party".

Recitals:

WHEREAS, Tilson Homes is the owner and developer of certain acreage described in Deed Instrument Number 1602098, as recorded of the Official Public Records of Ellis County, Texas, and the Approved Preliminary Plat of Tilson Home Addition (the "Site"), attached hereto as *Exhibit A*, which development consists of 3 show houses, all of which are being served, or are contemplated to be served, by a proposed 12-inch water line connecting to a bore the City is constructing across I-35 East (the "I-35 East Waterline Project") and a 12-inch water line constructed by Tilson Homes from the site to the 6-inch line at Cantrell Street; and

WHEREAS, the City, in furtherance of the I-35 East Waterline Project, has agreed to install the 12-inch water line under I-35 East, and Tilson Homes has agreed to construct the 12-inch water line from the Site to the 6-inch water line at Cantrell Street and to reimburse the City in the amount of \$3,000 for the City's cost in acquiring the Young-Sin utility easement described below; and

WHEREAS, to connect the 12-inch water line and appurtenances from the Site to the 6-inch water line at Cantrell Street required obtaining utility easements across property owned by Samuel Mitchell and Tina Mitchell ("Mitchell Property") and across property owned by Sohn Young-Sin ("Young-Sin Property"); and

WHEREAS, Tilson Homes has obtained a water and sanitary sewer easement through the Mitchell Property, with such easement being recorded in Instrument Number 1727697 of the Official Public Records of Ellis County, Texas, and a copy of which is attached hereto as *Exhibit B*; and

WHEREAS, the City has obtained the needed water and sanitary sewer easement to complete the I-35 East Waterline Project through the Young-Sin Property at a cost to the City of \$3,000, which cost Tilson Homes has agreed to reimburse to the City; and

WHEREAS, Tilson Homes has further agreed to install the 12-inch water line within the Young-Sin Easement within 6 months from the Effective Date of this Agreement; and

WHEREAS, pursuant to and as authorized by Section 33.91 of the Waxahachie City Code, "Developer's liability fee," the Parties agree to establish a Developer's liability fee, which shall

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be a pro-rata fee assessed against those properties that abut and directly benefit from the construction of the 12-inch water line, with such fee to be collected at the time such abutting properties connect to the water line and pursuant to the terms of this Agreement and Section 33.91 of the Waxahachie City Code; and

Comment WHEREAS, the intent of the Developer's liability fee is to reimburse Tilson Homes for its costs to design, engineer, and construct the off-site portion of the 12-inch water line (which shall include ~~land~~-acquisition costs), minus a two percent (2%) administrative charge to be retained by the City to partially off-set the City's costs of administering the developer's liability fee.

NOW, THEREFORE, for and in consideration of the above and foregoing premises, the benefits to each of the Parties from this Agreement, and other good and valuable consideration, the sufficiency of which is hereby acknowledged and agreed, Tilson Homes and the City do hereby agree as follows:

Section 1. Incorporation of Premises. The above and foregoing Recitals are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Term. This Agreement shall be effective as of the date of execution of this Agreement by the last of the Parties to do so ("Effective Date"). This Agreement shall remain in full force and effect from the Effective Date until Tilson Homes and the City have completed their respective obligations under this Agreement but, in no event, shall the Agreement exceed a term of ten (10) years ("Term").

Section 3. Agreements. Tilson Homes and the City agree as follows:

- A. Tilson Homes will construct, at its sole cost, the 12-inch water line and appurtenances, along Interstate Highway 35 East from Compton Road to Cantrell Street along the easements shown in *Exhibits B and C*, and pursuant to the proposed engineering plans and specifications attached hereto as *Exhibit D*.
- B. The City will construct, at its sole cost, the 12-inch water bore under Interstate Highway 35 East south of Compton Road as shown on *Exhibit E*.
- C. Pursuant to and as authorized by Section 33.91 of the Waxahachie City Code, "Developer's liability fee," the Parties agree to establish a developer's liability fee for those portions of the 12-inch water line that Tilson Homes constructs across the Mitchell Property and across the Young-Sin Property. Based upon the actual cost to be determined at the conclusion of the installation of the water line (which shall include any and all land and or related costs), the City agrees to charge and collect from each person, firm, or corporation fronting on such 12-inch water line, and desiring to connect to the 12-inch water line, a "developer's liability fee" pro-rata charge, which shall be made against each lot or tract of land that abuts and has access to the 12-inch water line, with such fee to be assessed and collected as a condition of connecting to and utilizing the 12-inch water line. The charges shall be calculated at a per linear-foot charge of the lot or tract of land served. The actual

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per front foot charge will be determined as set forth in *Exhibit F*, which is attached hereto and made a part of this Agreement.

- D. The City agrees to deposit all developer's liability fee funds collected by it in the utility fund and to pay to Tilson Homes, on a monthly basis, the funds collected, less 2% of the amount collected for the City's administrative fee. Tilson Homes agrees that the 2% administrative fee to be retained by the City is reasonably calculated to partially off-set the City's costs of administering the developer's liability fee, and that such fee is a reasonable administrative charge. The City shall continue to collect and disperse the developer's liability fee funds until the City shall have paid to Tilson Homes the actual cost paid by Tilson Homes for the construction of the 12-inch water line (including land acquisition costs) across the Mitchell Property and across the Young-Sin Property, or for a period of 10 years beginning upon the City's final acceptance of the project, whichever shall be lesser in time. The City's obligation to disperse developer's liability fee funds shall not begin, however, until the 12-inch water line that Tilson Homes constructs across the Mitchell Property and across the Young-Sin Property was been completed and finally accepted by the City.
- E. Tilson Homes agree to reimburse the City \$3,000 for the City's cost of acquiring the needed water and sanitary sewer easement to complete the I-35 East Waterline Project through the Young-Sin Property.

Section 4. Recording; Covenant Running with the Property. This Agreement shall be recorded in the real property records of Ellis County, Texas. THIS AGREEMENT AND ALL OF ITS TERMS, CONDITIONS, AND PROVISIONS IS AND SHALL CONSTITUTE A RESTRICTION AND CONDITION UPON THE TILSON HOMES DEVELOPMENT AND ALL PORTIONS THEREOF AND A COVENANT RUNNING WITH THE TILSON HOMES DEVELOPMENT AND ALL PORTIONS THEREOF, AND IS AND SHALL BE BINDING UPON OWNERS AND ALL OF THEIR HEIRS, SUCCESSORS, AND ASSIGNS AND THE FUTURE OWNERS OF THE PROPERTY AND ANY PORTION THEREOF; provided, however, this Agreement shall not constitute an obligation of or be deemed a restriction or encumbrance with respect to any final platted residential lot upon which a completed home has been constructed.

Section 5. Miscellaneous.

A. This Agreement and any dispute arising out of or relating to this Agreement shall be governed by and construed in accordance with the laws of the State of Texas, without reference to its conflict of law rules. In the event of any dispute or action under this Agreement, venue for any and all disputes or actions shall be instituted and maintained in Ellis County, Texas.

B. It is acknowledged and agreed by the Parties that the terms hereof are not intended to and shall not be deemed to create a partnership, joint venture, joint enterprise, or other relationship between or among the Parties.

C. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the Parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

D. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Parties may have by law statute, ordinance, or otherwise. The failure by any Party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement with respect to any other or subsequent breach thereof, nor a waiver by such Party of its rights at any time thereafter to require exact and strict compliance with all the terms hereof. Any rights and remedies any Party may have with respect to the other arising out of this Agreement shall survive the cancellation, expiration or termination of this Agreement, except as otherwise expressly set forth herein.

E. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

F. Any of the representations, warranties, covenants, and obligations of the Parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination or expiration of this Agreement shall survive termination or expiration.

G. This Agreement is made subject to the existing provisions of the Charter of the City of Waxahachie, its present rules, regulations, procedures and ordinances, and all applicable laws, rules, and regulations of the State of Texas and the United States.

H. The undersigned officers and/or agents of the Parties hereto are the properly authorized persons and have the necessary authority to execute this Agreement on behalf of the Parties hereto.

I. This Agreement may be only amended or altered by written instrument signed by Tilson Homes and the City.

J. The headings and captions used in this Agreement are for the convenience of the Parties only and shall not in any way define, limit or describe the scope or intent of any provisions of this Agreement.

K. This Agreement is the entire agreement between the Parties with respect to the subject matters covered in this Agreement. There are no other collateral oral or written agreements between the Parties that in any manner relates to the subject matter of this Agreement, except as provided or referenced in this Agreement.

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L. In accordance with Section 2270.002 of the Texas Government Code (as added by Tex. H.B. 89, 85th Leg., R.S. (2017)), Tilson Homes verifies that it does not boycott Israel and will not boycott Israel during the Term of this Agreement.

EXECUTED by the Parties on the dates set forth below.

TILSON HOMES, LTD

CITY OF WAXAHCHIE, TEXAS

By: [Signature]

By: _____

Name: RICHARD WEBB

Date: _____

Title: VP STRATEGIC ASSETS

ATTEST:

Date: 4-25-2018

By: _____

City Secretary

STATE OF TEXAS §

COUNTY OF Harris §

Before me, the undersigned authority, on this 25th day of May, 2018, personally appeared Richard Webb, in the capacity as a duly authorized agent of Tilson Homes, Ltd, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]



By: [Signature]

Notary Public, State of Texas

My Commission Expires: 5-23-2020