

**NOTICE OF CITY COUNCIL BRIEFING SESSION  
MARCH 5, 2018  
CITY COUNCIL CONFERENCE ROOM  
401 S. ROGERS  
WAXAHACHIE TEXAS  
6:00 P.M.**

**Agenda**

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

1. Call to Order
2. Conduct a briefing to discuss items for the 7:00 p.m. regular meeting
3. Adjourn

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

# **A G E N D A**

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Chamber at City Hall, 401 S. Rogers on ***Monday, March 5, 2018 at 7:00 p.m.***

Council Members: Kevin Strength, Mayor  
Mark Singleton, Mayor Pro Tem  
Chuck Beatty, Councilmember  
David Hill, Councilmember  
Mary Lou Shipley, 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 City Council meeting of February 19, 2018
  - b. Minutes of the City Council Briefing Session of February 19, 2018
  - c. Minutes of the regular Planning and Zoning Commission meeting of February 27, 2018
  - d. Minutes of the Planning and Zoning Commission Briefing Session of February 27, 2018
  - e. Minutes of the Firemen's Relief and Retirement Fund meeting of February 19, 2018
  - f. Request by Clyde Hargrove, Bethany/Garden Valley, Ltd, for a Final Plat of Garden Valley West for 138 lots, being 22.707 acres out of J.B. & Ann Adams Survey, Abstract 5 (Property ID 263936 and 261716) – Owner: WP LEGACY LTD (FP-18-0005)
7. ***Introduce*** Honorary Councilmember
  8. Present Proclamation proclaiming March 2018 as ***"March for Meals Awareness Month"***

9. **Public Hearing** on a request by Chris Reeves, Quickway Signs, for a Specific Use Permit (SUP) to allow an Electronic Message Sign use within a Planned Development-General Retail (PD-GR) zoning district, located at 125 Park Place Blvd, being LOT 4A BLK A PARK PLACE PROFESSIONAL CENTER .6885 AC (Property ID 247587) – Owner: HOLTZ PROCUREMENT LTD (SU-18-0015)
10. **Consider** proposed Ordinance approving Zoning Change No. SU-18-0015
11. **Public Hearing** on a request by Jeff Crannell, CCM Engineering, for an Amendment to Ordinance No. 2752 for the Camden Park Phases 1 and 2 Planned Development District to increase Maximum Lot Coverage in the Single Family-3 base district from 35% to 50% by main building and accessory structures. (PD-18-0016)
12. **Consider** proposed Ordinance approving Zoning Change No. PD-18-0016
13. **Public Hearing** on a request by Steve Miller, Steve Miller Real Estate, for a Zoning Change from a Single Family-3 (SF3) zoning district to Planned Development-Single Family-3 (PD-SF3) with Concept Plan, located at 415 W. Light Street, being LOT 1 BLK 13 BULLARD-REV 0.323 AC (Property ID 172392) - Owner: COLE DONALD I & PEGGY E REVOCABLE LIVING TRUST (PD-18-0007)
14. **Consider** proposed Ordinance approving Zoning Change No. PD-18-0007
15. **Public Hearing** on a request by Chris Acker, Acker Construction, for a Zoning Change from a Single Family-3 (SF3) zoning district to Planned Development-Single Family-3 (PD-SF3) with Concept Plan, located at 1201 Wyatt Street, being LOT A&B BLK 212 TOWN - WAXAHACHIE 0.572 AC (Property ID 171515) - Owner: SOUTHFORK CAPITAL LLC (PD-18-0009)
16. **Consider** proposed Ordinance approving Zoning Change No. PD-18-0009
17. **Public Hearing** on a request by Chris Acker, Southfork Capital LLC, for a Replat of Block 212 and a portion of Block 214 of Town Addition, to create Lots 1-4, Block 212, and Lot 3, Block 214, Town Addition, 0.7431 acres (Property ID 171515) – Owner: SOUTHFORK CAPITAL LLC (RP-18-0010)
18. **Consider** approving RP-18-0010
19. **Consider** C-10's Car Show and Concert to be held September 15, 2018
20. **Consider** Rate Review Mechanism Tariff relating to Atmos Energy
21. **Discuss** Food and Food Handlers Ordinance and take any necessary action
22. Comments by Mayor, City Council, City Attorney and City Manager
23. 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  
February 19, 2018

(64)

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, February 19, 2018 at 7:00 p.m.

Council Members Present: Kevin Strength, Mayor  
Chuck Beatty, Councilmember  
David Hill, Councilmember

Council Members Absent: Mark Singleton, Mayor Pro Tem  
Mary Lou Shipley, Councilmember

Others Present: Michael Scott, City Manager  
Robert Brown, City Attorney  
Amber Villarreal, Assistant 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**

Planning Director Shon Brooks gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**5. Public Comments**

None

**6. Consent Agenda**

- a. Minutes of the City Council meeting of February 5, 2018
- b. Minutes of the City Council Briefing Session of February 5, 2018
- c. Minutes of the regular Planning and Zoning Commission meeting of February 13, 2018
- d. Minutes of the Planning and Zoning Commission Briefing Session of February 13, 2018
- e. Minutes of the Waxahachie Community Development Corporation meeting of February 13, 2018
- f. Minutes of the Tax Increment Reinvestment Zone #1 meeting of February 15, 2018
- g. Minutes of the Heritage Preservation Commission meeting of January 11, 2018
- h. Monthly Code Enforcement Report for January 2018
- i. Monthly Violation Activity Statistics for January 2018
- j. Monthly Fire and EMS Report for January 2018
- k. Consider Resolution authorizing reimbursement of Operating Fund from proceeds of future debt for engineering design services associated with Phase 1 improvements to the Wastewater Treatment Plant

(62)

1. Consider budget amendment for Sports Complex

**RESOLUTION NO. 1234**

**A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF PERFORMING ENGINEERING DESIGN SERVICES ASSOCIATED WITH PHASE 1 IMPROVEMENTS AT THE WASTEWATER TREATMENT PLANT.**

**Action:**

*Councilmember Chuck Beatty moved to approve items a. through l. on the Consent Agenda. Councilmember David Hill seconded, All Ayes.*

**7. Introduce Honorary Councilmember**

Mayor Strength announced there was no Honorary Councilmember in attendance.

8. **Request by Lykele Tamminga for a Preliminary Plat of Silo House Ranch for 4 lots, being 5.85 acres out of the S.C. White Survey, Abstract No. 1252 (Property ID 227069) in the Extra Territorial Jurisdiction – Owner: LYKELE K TAMMINGA (PP-17-0170)**

Mr. Brooks presented PP-17-0170 noting the request will replat four lots in the ETJ. He requested approval subject to Staff Comments.

**Action:**

*Councilmember David Hill moved to approve a request by Lykele Tamminga for a Preliminary Plat of Silo House Ranch for 4 lots, being 5.85 acres out of the S.C. White Survey, Abstract No. 1252 (Property ID 227069) in the Extra Territorial Jurisdiction – Owner: LYKELE K TAMMINGA (PP-17-0170) subject to Staff Comments. Councilmember Chuck Beatty seconded, All Ayes.*

9. **Public Hearing on a request by Jeff Crannell, CCM Engineering, for a Zoning Change from a Commercial (C) zoning district to a Freestanding Planned Development (PD), with Concept Plan, for a mixed-use development located East of existing Camden Park Subdivision, being 272 S M DURRETT 169.121 ACRES (Property ID 182052) - Owner: DARELL THOMPSON SCHWAB (PD-18-0001)**

Mayor Strength opened the Public Hearing.

Mr. Brooks requested approval for PD-18-0001, Camden Park. He noted this request is for 166.78 acres.

Mr. Jeff Crannell, Engineer for Camden Park, provided a brief overview of Camden Park Phase 3 noting the development will be mixed-use development providing quality entry-level housing. The area will include garden homes, a walking trail, amenity center with a swimming pool, and dog park.

(led)

There being no others to speak for or against PD-18-0001, Mayor Strength closed the Public Hearing.

**10. Consider proposed Ordinance approving Zoning Change No. PD-18-0001**

**ORDINANCE NO. 3000**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM COMMERCIAL (C) TO A FREESTANDING PLANNED DEVELOPMENT (PD), WITH CONCEPT PLAN LOCATED EAST OF THE EXISTING CAMDEN PARK SUBDIVISION IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 166.78 ACRES KNOWN AS PROPERTY ID 182052 OF THE S.M. DURRETT SURVEY, ABSTRACT NO. 272, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Chuck Beatty moved to approve Ordinance No. 3000. Councilmember David Hill seconded, All Ayes.*

**11. Public Hearing on a request by Jerry Potter for a Replat of Lots 2R, 3, and 4 of Dawn Estates and a portion of Evan R. Balch Survey, A-89 and John B. and Ann Adams Survey, A-5, to create Lots 2R-A, 3R-A, 3R-B, and 4R, Dawn Estates, 45.336 acres on the Extra Territorial Jurisdiction (Property ID 256867, 235628, 219382, and 247556) – Owner: JERRY R & SHERRY POTTER and EARL R & DORTHA POTTER (RP-18-0002)**

Mayor Strength opened the Public Hearing.

There being no others to speak for or against RP-18-0002, Mayor Strength closed the Public Hearing.

**12. Consider approving RP-18-0002**

**Action:**

*Councilmember Chuck Beatty moved to approve a request by Jerry Potter for a Replat of Lots 2R, 3, and 4 of Dawn Estates and a portion of Evan R. Balch Survey, A-89 and John B. and Ann Adams Survey, A-5, to create Lots 2R-A, 3R-A, 3R-B, and 4R, Dawn Estates, 45.336 acres on the Extra Territorial Jurisdiction (Property ID 256867, 235628, 219382, and 247556) – Owner: JERRY R & SHERRY POTTER and EARL R & DORTHA POTTER (RP-18-0002). Mayor Kevin Strength seconded, All Ayes.*

**13. Public Hearing on a request by Michael Davis, Bannister Engineering LLC, for a Replat of Lot 8, Oak Branch Ranch Estates, Section 1, to create Lots 8R1, and 8R2, and 8R3, Oak Branch Ranch Estates, Section 1, 5.582 acres in the Extra Territorial Jurisdiction (Property ID 200834) – Owner: KENNETH & DAWN LAMBERT (RP-18-0003)**

(Rea)

Mayor Strength opened the Public Hearing.

There being no others to speak for or against RP-18-0003, Mayor Strength closed the Public Hearing.

**14. Consider approving RP-18-0003**

**Action:**

*Councilmember Chuck Beatty moved to approve a request by Michael Davis, Bannister Engineering LLC, for a Replat of Lot 8, Oak Branch Ranch Estates, Section 1, to create Lots 8R1, and 8R2, and 8R3, Oak Branch Ranch Estates, Section 1, 5.582 acres in the Extra Territorial Jurisdiction (Property ID 200834) – Owner: KENNETH & DAWN LAMBERT (RP-18-0003) subject to Staff Comments. Councilmember David Hill seconded, All Ayes.*

**15. Public Hearing on a request by Ronald Forman, Settler's Glen, Ltd, for an Amendment to Ordinance No. 2153 for the Settler's Glen Planned Development District to increase the Maximum Lot Coverage in the Single Family-3 base district from 35% to 50% by main building and accessory structures. (PD-18-0012)**

Mayor Strength opened the Public Hearing.

Mr. Brooks provided a brief overview of PD-18-0012 (Settler's Glen), PD-18-0013 (North Grove), and PD-18-0014 (Sheppard's Place). He explained the three separate cases will increase the maximum lot coverage in the Single Family-3 base district from 35% to 50%.

There being no others to speak for or against PD-18-0012, Mayor Strength closed the Public Hearing.

**16. Consider proposed Ordinance approving Zoning Change No. PD-18-0012**

**ORDINANCE NO. 3001**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF-3) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF-3), LOCATED IN THE SETTLER'S GLEN SUBDIVISION IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 156.24 ACRES KNOWN AS THE SETTLER'S GLEN SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember David Hill moved to approve Ordinance No. 3001. Councilmember Chuck Beatty seconded, All Ayes.*

**17. Public Hearing on a request by Terry Weaver, JHDMC, LLC, for an Amendment to**

(led)

**Ordinance No. 2733 for the North Grove Planned Development District to increase the Maximum Lot Coverage in the Single Family-3 base district from 35% to 50% by main building and accessory structures. (PD-18-0013)**

Mayor Strength opened the Public Hearing.

There being no others to speak for or against PD-18-0013, Mayor Strength closed the Public Hearing.

**18. Consider proposed Ordinance approving Zoning Change No. PD-18-0013**

**ORDINANCE NO. 3002**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-SINGLE FAMILY-1, 2, AND 3, MULTI-FAMILY-1 AND GENERAL RETAIL (PD-SF-1,2, AND 3, MF-1, AND GR) TO PLANNED DEVELOPMENT-SINGLE FAMILY-1, 2, AND 3, MULTI-FAMILY-1 AND GENERAL RETAIL (PD-SF-1,2, AND 3, MF-1, AND GR), LOCATED IN THE NORTH GROVE SUBDIVISION IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 733.23 ACRES KNOWN AS THE SETTLER'S GLEN SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Chuck Beatty moved to approve Ordinance No. 3002. Councilmember David Hill seconded, All Ayes.*

**19. Public Hearing on a request by Terry Weaver, JHDMC, LLC, for an Amendment to Ordinance No. 2219 for the Sheppard's Place Planned Development District to increase the Maximum Lot Coverage in the Single Family-3 base district from 35% to 50% by main building and accessory structures. (PD-18-0014)**

Mayor Strength opened the Public Hearing.

There being no others to speak for or against PD-18-0014, Mayor Strength closed the Public Hearing.

**20. Consider proposed Ordinance approving Zoning Change No. PD-18-0014**

**ORDINANCE NO. 3003**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF-2) TO PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF-2), LOCATED IN THE SHEPPARD'S PLACE SUBDIVISION IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 79.664 ACRES KNOWN AS THE SHEPPARD'S PLACE SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**



(166)

**Action:**

*Councilmember David Hill moved to approve Ordinance No. 3003. Councilmember Chuck Beatty seconded, All Ayes.*

**21. Hear presentation from Ellis County Homeless Coalition**

Ms. Melissa Rawlins, 963 El Camino, Waxahachie, thanked council for inviting her to present. She reported the Ellis County Homeless Coalition did a homeless count on January 25<sup>th</sup> and identified five at that time. She explained the coalition would like a plan to be in place for an emergency shelter. Ms. Rawlins provided a list of areas of concern and five long-term solutions addressing the homeless issue in Waxahachie. She requested a partnership with city staff and the coalition to work together to find a solution to provide assistance to the homeless in Waxahachie.

Mayor Strength asked where Ms. Rawlins would like to put the emergency shelter, she noted she'd like it to be near 855 Cantrell Street where transitional housing will not be seen from the road, and individuals can sleep where they'd like and have different activities for them to learn skills to become contributing members in the community. Mayor Strength explained the city has worked diligently to enhance the entry portals in to Waxahachie and he does not think this location would follow that vision for Waxahachie. Mayor Strength inquired about funding and Ms. Rawlins noted her coalition is researching different funding options for a peaceful area of land to setup transitional housing for the homeless including veterans and ex-offenders. Mayor Strength suggested looking at property in the county where the city does not regulate the land.

Ms. Joy Ranton, Director, provided a brief overview of Daniel's Den. She reported it was established in 1996 and offers emergency shelter 24/7 to anyone in Ellis County. She explained most transients do not like shelters; therefore, Daniel's Den will assist with purchasing bus tickets for those who are walking in extremely hot or cold weather. She reiterated that Daniel's Den can provide housing and services but they cannot provide the willingness to those who do not want to stay.

**22. Consider proposed Ordinance adding overnight camping and temporary shelters to Chapter 21, Offenses and Miscellaneous Provisions of the Waxahachie City Code**

**ORDINANCE NO. 3004**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ADDING ARTICLE XIII, "OVERNIGHT CAMPING AND TEMPORARY SHELTERS," TO CHAPTER 21, "OFFENSES AND MISCELLANEOUS PROVISIONS," OF THE WAXAHACHIE CITY CODE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE**

**Action:**

*Councilmember David Hill moved to approve Ordinance No. 3004. Mayor Kevin Strength seconded, All Ayes.*

(lek)

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

Mayor Strength thanked Ms. Melissa Rawlins for her efforts and stated they will continue to work together.

City Attorney Robert Brown asked for prayers for the families in Florida affected by the recent school shooting.

**24. Adjourn**

There being no further business, the meeting adjourned at 7:42 p.m.

Respectfully submitted,

Amber Villarreal  
Assistant City Secretary

City Council  
February 19, 2018

(leb)

A briefing session of the Mayor and City Council of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, February 19, 2018 at 6:30 p.m.

Council Members Present: Kevin Strength, Mayor  
Chuck Beatty, Councilmember  
David Hill, Councilmember

Council Members Absent: Mark Singleton, Mayor Pro Tem  
Mary Lou Shipley, Councilmember

Others Present: Michael Scott, City Manager  
Robert Brown, City Attorney  
Amber Villarreal, Assistant City Secretary

**1. Call to Order**

Mayor Kevin Strength called the meeting to order.

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

City Manager Michael Scott reviewed the following items from the consent agenda: the Tax Increment Reinvestment Zone No. 1 board met last week and approved funding for three Walk of Fame stones for the Crossroads of Texas Film Festival; the reimbursement resolution for the engineering agreement with Kimley Horn; and the budget amendment for the sports complex allowing for the purchase of a new mower to be used on turf fields.

Planning Director Shon Brooks reviewed the zoning cases on the agenda. He noted PP-17-0170 was approved by the Planning and Zoning Commission and, at the time, the plat was not in compliance with the county regulations.

Mr. Brooks explained PD-19-0001 (Camden Park) is in compliance with city regulations. Councilmember David Hill inquired about the traffic flow from the subdivision. City Engineer James Gaertner explained a Traffic Impact Analysis will be required when the preliminary plat is submitted and they issue will be addressed then. Mr. Brooks noted Settler's Glen, North Grove, and Sheppard's Place are requesting to increase the maximum lot coverage from 35% to 50%. He explained he checked surrounding cities and this is following the trend of housing in the area.

City Manager Michael Scott reported the Ellis County Homeless Coalition will make a presentation to council. He also noted the overnight camping ordinance will be presented to council and no changes have been made to the ordinance since the January 19<sup>th</sup> meeting.

Mayor Strength inquired about the effects of the improvements at the lake. Parks and Recreation Director John Smith explained he will have a better understanding after the next holiday in which the lake will have high traffic. Mayor Strength suggested looking in to possibly installing security cameras at the bathrooms.

**3. Adjourn**

(leb)

There being no further business, the meeting adjourned at 6:48 p.m.

Respectfully submitted,

Amber Villarreal  
Assistant City Secretary

The Waxahachie Planning & Zoning Commission held a regular meeting on Tuesday, February 27, 2018 at 7:00 p.m. in the Council Chamber at 401 S. Rogers St., Waxahachie, Texas.

Members Present: Rick Keeler, Chairman  
Melissa Ballard, Vice Chairman  
Betty Square Coleman  
Bonney Ramsey  
David Hudgins

Members Absent: Jim Phillips  
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  
David Hill, Council Representative

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

Chairman Rick Keeler called the meeting to order and gave the invocation.

3. **Consent Agenda**

- a. Minutes of the regular Planning & Zoning Commission meeting of February 13, 2018
- b. Minutes of the Planning & Zoning Commission Briefing of February 13, 2018
- c. Request by Clyde Hargrove, Bethany/Garden Valley, Ltd, for a **Final Plat** of Garden Valley West for 138 lots, being 22.707 acres out of J.B. & Ann Adams Survey, Abstract 5 (Property ID 263936 and 261716) – Owner: WP LEGACY LTD (FP-18-0005)

**Action:**

*Mrs. Bonney Ramsey moved to approve items a. through c. on the Consent Agenda. Ms. Betty Square Coleman seconded, All Ayes.*

4. **Public Hearing on a request by Chris Reeves, Quickway Signs, for a Specific Use Permit (SUP) to allow an Electronic Message Sign use within a Planned Development-General Retail (PD-GR) zoning district, located at 125 Park Place Blvd, being LOT 4A BLK A PARK PLACE PROFESSIONAL CENTER .6885 AC (Property ID 247587) – Owner: HOLTZ PROCUREMENT LTD (SU-18-0015)**

Chairman Keeler opened the Public Hearing.

Ms. Kelly Dent, Planner, reported the applicant seeks to erect a monument sign for Waxahachie Family Dentistry replacing and relocating an already existing sign on the property. She stated

(6c)

the applicant needs to confirm there are no franchise utilities in the easement. Staff recommended approval as presented.

There being no others to speak for or against SU-18-0015, Chairman Keeler closed the Public Hearing.

**5. Consider recommendation of Zoning Change No. SU-18-0015**

**Action:**

*Vice Chairman Melissa Ballard moved to approve a request by Chris Reeves, Quickway Signs, for a Specific Use Permit (SUP) to allow an Electronic Message Sign use within a Planned Development-General Retail (PD-GR) zoning district, located at 125 Park Place Blvd, being LOT 4A BLK A PARK PLACE PROFESSIONAL CENTER .6885 AC (Property ID 247587) – Owner: HOLTZ PROCUREMENT LTD (SU-18-0015) subject to staff comments. Mr. David Hudgins seconded, All Ayes.*

Chairman Keeler moved to item 8.

**8. Public Hearing on a request by Alvernon Jones, Jr., Bad Boy Bail Bonds, for a Specific Use Permit (SUP) to allow Bail Bond Agency use within a Planned Development-4-Commercial (PD-4-C) zoning district, located at 201 Amanda Lane, Suite 102, being LOT B BLK 8 SOLON PLACE-REV 0.588 AC (Property ID 175691) – Owner: D P GARDENA PROPERTY INVESTMENTS (SU-18-0008)**

Chairman Keeler opened the Public Hearing.

Ms. Dent reported the applicant seeks a Specific Use Permit for a Bail Bonds Agency. She stated the location the applicant is seeking is a facility to a number of separate businesses, some of which may be less compatible with a Bail Bonds Agency. Ms. Dent noted current tenants include a pediatric nurse practitioner, human resources consultancy, barbershop, pastor and home healthcare business. The configuration of the building is such that the home healthcare business is completely separate, but the remaining businesses, including the suite where the applicant intends to establish his business, share a common kitchen, common restrooms, and common hallways.

The Commission expressed concern pertaining to Mr. Jones' business in the proposed facility due to the other types of businesses in the building.

Mr. Alvernon Jones, Jr., 844 Tandem Place, DeSoto, Texas, stated there is a door to the exterior to his suite. Planning Director Shon Brooks asked for clarification to the location of the exterior door. After further review and discussion, Mr. Jones stated his office door leads to the reception area then on to the common area hallway to the exterior door.

There being no others to speak for or against SU-18-0008, Chairman Keeler closed the Public Hearing.

**9. Consider recommendation of Zoning Change No. SU-18-0008**

(66)

**Action:**

*Vice Chairman Melissa Ballard moved to deny a request by Alvernon Jones, Jr., Bad Boy Bail Bonds, for a Specific Use Permit (SUP) to allow Bail Bond Agency use within a Planned Development-4-Commercial (PD-4-C) zoning district, located at 201 Amanda Lane, Suite 102, being LOT B BLK 8 SOLON PLACE-REV 0.588 AC (Property ID 175691) – Owner: D P GARDENA PROPERTY INVESTMENTS (SU-18-0008). Mrs. Bonney Ramsey seconded, All Ayes.*

6. **Public Hearing on a request by Jeff Crannell, CCM Engineering, for an Amendment to Ordinance No. 2752 for the Camden Park Phases 1 and 2 Planned Development District to increase Maximum Lot Coverage in the Single Family-3 base district from 35% to 50% by main building and accessory structures. (PD-18-0016)**

Chairman Keeler opened the Public Hearing.

Ms. Dent reported the applicant seeks to amend a prior Ordinance to allow for larger maximum lot coverage.

There being no others to speak for or against PD-18-0016, Chairman Keeler closed the Public Hearing.

7. **Consider recommendation of Zoning Change No. PD-18-0016**

**Action:**

*Mr. David Hudgins moved to approve a request by Jeff Crannell, CCM Engineering, for an Amendment to Ordinance No. 2752 for the Camden Park Phases 1 and 2 Planned Development District to increase Maximum Lot Coverage in the Single Family-3 base district from 35% to 50% by main building and accessory structures (PD-18-0016) subject to staff comments. Ms. Betty Square Coleman seconded, All Ayes.*

10. **Public Hearing on a request by Steve Miller, Steve Miller Real Estate, for a Zoning Change from a Single Family-3 (SF3) zoning district to Planned Development-Single Family-3 (PD-SF3) with Concept Plan, located at 415 W. Light Street, being LOT 1 BLK 13 BULLARD-REV 0.323 AC (Property ID 172392) - Owner: DONALD I & PEGGY E COLE REVOCABLE LIVING TRUST (PD-18-0007)**

Chairman Keeler opened the Public Hearing.

Ms. Dent reported the applicant seeks a Planned Development with the intention to eventually replat the lot into two lots so the newly-created lot could have a single family residence on it. She presented a concept plan depicting the layout of the two lots. Ms. Dent recommended approving noting the newly created lots would be smaller than the SF-3 zoning districts minimums and there would be a 12 foot Right-of-Way dedication required that would further reduce the size of the lots.

(UCL)

Mr. Steve Miller, Steve Miller Real Estate, 806 New York Avenue, Midlothian, representing the applicant was present.

Chairman Keeler asked if the lot is divided down the middle. Mr. Miller stated it will be and the existing house will be on one lot and a new home will be built on the other lot.

There being no others to speak for or against PD-18-0007, Chairman Keeler closed the Public Hearing.

**11. Consider recommendation of Zoning Change No. PD-18-0007**

**Action:**

*Mrs. Bonney Ramsey moved to approve a request by Steve Miller, Steve Miller Real Estate, for a Zoning Change from a Single Family-3 (SF3) zoning district to Planned Development-Single Family-3 (PD-SF3) with Concept Plan, located at 415 W. Light Street, being LOT 1 BLK 13 BULLARD-REV 0.323 AC (Property ID 172392) - Owner: DONALD I & PEGGY E COLE REVOCABLE LIVING TRUST (PD-18-0007) subject to staff comments. Vice Chairman Melissa Ballard seconded, All Ayes.*

**12. Public Hearing on a request by Chris Acker, Acker Construction, for a Zoning Change from a Single Family-3 (SF3) zoning district to Planned Development-Single Family-3 (PD-SF3) with Concept Plan, located at 1201 Wyatt Street, being LOT A&B BLK 212 TOWN - WAXAHACHIE 0.572 AC (Property ID 171515) - Owner: SOUTHFORK CAPITAL LLC (PD-18-0009)**

Ms. Dent reported the applicant seeks a Planned Development (PD) to replat a lot into five lots to build single family residences. She stated the area is within the Infill Overlay, and has historically been zoned for Sf-3, but the lot sizes for SF-3 have changed over time, thus creating the need for the PD. Ms. Dent recommended approval subject to the applicant ensuring the development name matches the replat name.

Mr. Chris Acker, 5100 Honeysuckle Road, Midlothian, Applicant was available for questions.

Those who spoke against PD-18-0009:

Mr. Wendell Helms, 1002 E. Marvin, Waxahachie

There being no others to speak for or against PD-18-0009, Chairman Keeler closed the Public Hearing.

**13. Consider recommendation of Zoning Change No. PD-18-0009**

**Action:**

*Ms. Betty Square Coleman moved to approve a request by Chris Acker, Acker Construction, for a Zoning Change from a Single Family-3 (SF3) zoning district to Planned Development-Single Family-3 (PD-SF3) with Concept Plan, located at 1201 Wyatt Street, being LOT A&B BLK 212 TOWN - WAXAHACHIE 0.572 AC (Property ID 171515) - Owner: SOUTHFORK CAPITAL*



(60)

*LLC (PD-18-0009) subject to staff comments. Vice Chairman Melissa Ballard seconded, All Ayes.*

- 14. Consider request by Chris Acker, Southfork Capital LLC, for a Replat of Block 212 and a portion of Block 214 of Town Addition, to create Lots 1-4, Block 212, and Lot 3, Block 214, Town Addition, 0.7431 acres (Property ID 171515) – Owner: SOUTHFORK CAPITAL LLC (RP-18-0010)**

Ms. Dent stated this is a companion case to PD-18-0009 and presented a map depicting the site. She recommended approval noting the applicant has agreed to rename the subdivision and corresponding Planned Development and to ensure they are not already in use.

**Action:**

*Vice Chairman Melissa Ballard moved to approve a request by Chris Acker, Southfork Capital LLC, for a Replat of Block 212 and a portion of Block 214 of Town Addition, to create Lots 1-4, Block 212, and Lot 3, Block 214, Town Addition, 0.7431 acres (Property ID 171515) – Owner: SOUTHFORK CAPITAL LLC (RP-18-0010) subject to staff comments. Ms. Betty Square Coleman seconded, All Ayes.*

**15. Public Comments**

None

**8. Adjourn**

There being no further business, the meeting adjourned at 8:08 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary

The Waxahachie Planning & Zoning Commission held a briefing session on Tuesday, February 27, 2018 at 6:15 p.m. in the City Council Conference Room at 401 S. Rogers St., Waxahachie, Texas.

Members Present: Rick Keeler, Chairman  
Melissa Ballard, Vice Chairman  
Betty Square Coleman  
Bonney Ramsey  
David Hudgins

Members Absent: Jim Phillips  
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  
David Hill, 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 Thursday, March 1, 2018 at 5:30 p.m. City Council and the Planning and Zoning Commission will hold a joint work session to discuss modifications to the Zoning Ordinance.

Mr. Brooks reviewed a request for a monument ground sign noting it meets all the requirements. He referenced a request from CCM Engineering for an Ordinance amendment to allow for larger maximum lot coverage.

Mr. Brooks stated there is a Public Hearing on a request for a Specific Use Permit to allow a Bail Bond Agency use within a Planned Development-4-Commercial zoning district. He noted the requested facility has several different offices sharing a common kitchen, common restrooms, and common hallways. Mr. Brooks stated the issue is the applicant can only go in a Commercial zoning district and therefore is limited and he can't obtain his license from the State until he finds a location.

Ms. Kelly Dent, Planner reviewed a request for a zoning change from Single Family-3 to Planned Development-Single Family-3 with the intent to replat a lot and put a home on the new created lot noting it is not out of character with the homes in that area.

(6d)

Mr. Brooks stated Mr. Chris Acker seeks a Planned Development to replat a lot into five lots to build single family homes noting Mr. Acker's goal is to build on infill lots. He noted the item after the Public Hearing is a companion case being a Replat.

**3. Adjourn**

There being no further business, the meeting adjourned at 6:48 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary

A regular meeting of the Board of Trustees of the Waxahachie Firemen's Relief and Retirement Fund was held at Waxahachie Fire Station No. 1, 407 Water Street, Waxahachie, Texas on Monday, February 19, 2018 at 8:30 a.m.

Members Present: Gary Myers, Chairman  
Matt Dorsey, Vice Chairman  
Marcus Brown, Secretary  
Lee Statham  
David Hill, Councilmember

Members Absent: John Tillery  
Charles Harris, Finance Director

Others Present: Amber Villarreal, Assistant City Secretary

**1. Call to Order**

Chairman Gary Myers called the meeting to order.

**2. Consent Agenda**

- a. Minutes of the regular Firemen's Relief & Retirement Fund meeting of November 13, 2017
- b. Annuity checks for FR&R Retirees and other disbursements for the months of January, February, and March 2018

**Action:**

*Vice Chairman Matt Dorsey moved to approve items a. through b. on the Consent Agenda. Mr. David Hill seconded, All Ayes.*

**3. Consider 2017 Financial Report**

Chairman Gary Myers reviewed the 2017 Financial Report prepared by Helen Duvall, CPA. He reported the fund had an approximate 10.73% rate of return for the year. He explained the city contributed about \$633,000 to the fund and the fund paid out about \$1,000,000 in benefits.

**Action:**

*Vice Chairman Matt Dorsey moved to accept the 2017 Financial Report. Secretary Marcus Brown seconded. All Ayes.*

**4. Hear Fourth Quarter Report 2017 from Tim Sharpe, Graystone Consulting, and take any necessary action**

Mr. Tim Sharpe, Graystone Consulting, presented the Fourth Quarter Performance Report for 2017 noting it was a good quarter with the Dow up 10.9%, NASDAQ up 6.6%, AND The S&P 500 increased 6.6%. The bond market increased 0.4% for the quarter. He explained we have favorable international investments over US investments at this time. Mr. Sharpe noted the fund

(62)

has doubled since March 2004 and has been one of the top performing funds the past couple of years.

Mr. Jim Stoker, Graystone Consulting, reported the fund is doing about 1% better than the overall market in general.

Mr. Sharpe noted the Morgan Stanley research department has made a decision to remove Glovista and he will provide replacement recommendations for a new emerging market manager at a future meeting.

Mr. Sharpe explained he has begun replacing Wedgewood Partners in all his funds with Polen Capital Management Focus Growth. He noted other cities have reviewed their contract and he recommends signing as well. Polen Capital has less volatility.

**Action:**

*Mr. David Hill moved to release Wedgewood Partners and hire Polen Capital Management Focus Growth. Vice Chairman Matt Dorsey seconded, All Ayes.*

Mr. Sharpe recommended rebalancing the funds as follows:

	2/15/18	Rebalance
	Balance	Amounts
1. Delaware LCV	\$1,866,692	
2. LCV ETF	\$191,171	
3. Wedgewood LCG	\$1,657,006	-\$86,000
4. LCG ETF	\$487,840	
5. Great Lakes SMID Core	\$1,990,690	-\$20,000
6. Delaware International	\$1,964,760	
7. WCM Intl Growth	\$2,039,729	
8. Glovista EM	\$1,339,689	
9. BREIF	\$1,809,628	
10. Blackrock Strategic Income	\$1,678,695	+\$55,000
11. Federated Core FI	\$1,681,634	+\$123,000

**Action:**

*Vice Chairman Matt Dorsey moved to approve the rebalance as presented. Mr. Lee Statham seconded, All Ayes.*

**5. Discussion of investment managers and take any necessary action**

Mr. Sharpe and Mr. Stoker provided an overview of CPG Vintage Access Fund, LLC explaining they harness Morgan Stanley's private equity and private credit platform. Mr. Stoker explained Morgan Stanley approved this in Fall 2017 and it is now offered to their credit investors.

Mr. Sharpe explained the proposal is to have the fund make a 5% commitment to private equity and that would be split up over three (3) years. There is also a \$300,000 commitment to CPG needed. He explained CPG can recycle the profits and reinvest it into more funds. He noted the

(be)

fund wouldn't receive any funds until the investment period is over. He explained the expenses are as follows: 2% basis fee and CPG will take 20% of the profits.

After further discussion, Chairman Myers confirmed there will most likely be a negative cash flow on the quarterly reports over the next four years and Mr. Sharpe concurred.

**Action:**

*Vice Chairman Matt Dorsey moved to change the asset allocation to 5% private equity reducing the domestic equity. Mr. Marcus Brown seconded, All Ayes.*

**Action:**

*Vice Chairman Matt Dorsey moved to commit \$300,000 to CPG Vintage Access Fund, LLC. Mr. Marcus Brown seconded, All Ayes.*

**6. Set next meeting date and time of Firemen's Relief and Retirement Fund Board**

The Firemen's Relief and Retirement Board set their next meeting for Monday, March 12, 2018 at 8:30 a.m.

**7. Adjourn**

There being no further business, the meeting adjourned at 10:10 a.m.

Respectfully submitted,

Amber Villarreal  
Assistant City Secretary

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## Planning & Zoning Department

### Plat Staff Report

Case: FP-18-0005



#### MEETING DATE(S)

*Planning & Zoning Commission:* February 27, 2018

*City Council:* March 5, 2018

#### CAPTION

Request by Clyde Hargrove, Bethany/GardenValley, Ltd, for a Final Plat of Garden Valley West for 138 lots, being 22.707 acres out of J.B. & Ann Adams Survey, Abstract 5 (Property ID 263936 and 261716) – Owner: WP LEGACY LTD (FP-18-0005)

#### CASE INFORMATION

*Applicant:* Clyde L. Hargrove, Bethany/Garden Valley, LTD

*Property Owner(s):* WP Legacy, LTD

*Site Acreage:* 22.707 acres

*Number of Lots:* 138 lots

*Number of Dwelling Units:* 138 units

*Park Land Dedication:* Not required

*Adequate Public Facilities:* The Planning Department is awaiting the Letter of Acceptance of Public Infrastructure from the Public Works Department.

#### SUBJECT PROPERTY

*General Location:* NW and SW corner of intersection of Garden Valley Pkwy and Sagebrush Lane

*Parcel ID Number(s):* 263936 and 261716

*Current Zoning:* Planned Development-Single Family-3 (Ordinance 2917)

*Existing Use:* Currently undeveloped

*Platting History:* PLM2016-57 was approved by City Council on January 17, 2017.

(6f)

Site Aerial:



**STAFF CONCERNS**

1. None outstanding.

**APPLICANT RESPONSE TO CONCERNS**

1. Applicant submitted revisions, and all comments have been satisfied.

**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 Planning Department is awaiting the Letter of Acceptance of Public Infrastructure from the Public Works Department.

**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 five signed, hard-copy plats.

**STAFF CONTACT INFORMATION**

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

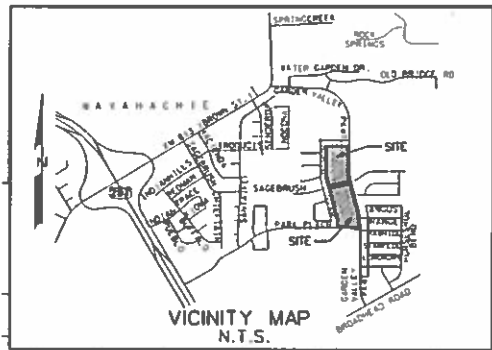
Reviewed by:  
Shon Brooks, AICP  
Director of Planning  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)



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**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held February 27, 2018, the Commission voted 5-0 to recommend approval of plat no. FP-18-0005.



- NOTES:**
1. D.E. - Drainage Easement
  2. U.E. - Utility Easement
  3. R.O.W. - Right of Way
  4. I.R.F. - Iron Rod Found
  5. I.R.S. - Iron Rod Set with plastic cap stamped "RDS INC"
  6. TYP - Typical
  7. H.O.A. - Home Owners Association
  8. W.M.E. - Water Maintenance Easement to City
  9. L.I.D.E. - Lot to Lot Drainage Easement, to be maintained by lot owners.
  10. F.R.E. - Fence Restriction Easement (the fences allowed in this area).
  11. S.U.E. - Sight & Utility Easement
  12. W.E. - Water Easement
  13. S.S.E. - Sanitary Sewer Easement
  14. C.W.S.E. - City of Waxahachie Utility Easement
  15. R.R. - Railroad Right of Way
  16. B.L. - Building Line
  17. C.I.R.F. - Capped Iron Rod found with red plastic cap stamped "ADVANCED RPLS 5427"
  18. P.R.E. - Private Right of Easement
  19. V.A.M. - Visibility, Access and Maintenance Easement to City
  20. 138 Residential Lots
  21. Street Name Change Indicator
  22. House to front on this street.
  23. Existing 100' Temporary Drainage Easement As Recorded in Ellis County Clerk Instrument No. 1532497 is Herby Abandoned By This Plat.
  24. 1/2 inch iron rods set at all boundary corners, block corners, points of curvature, points of tangency, and angle points in public right-of-way lines, and lot corners unless otherwise noted.
  25. "Setting a portion of this addition by meters and bounds is a violation of City Ordinance and state law and is subject to fines and withholding of utilities and building permits."
  26. Existing Zoning PD-SF-3 per Ordinance No. 2917. This plan has 138 PD-SF-3 lots.
  27. The minimum lot size is 5,000 square feet.
  28. The minimum dwelling living area is 1,200 square feet.
  29. Lots 1 thru 15 - Block 1 and Lots 1 thru 20 - Block 3 shall not have direct access to Garden Valley Parkway. Lots 20 thru 28 - Block 3 shall not have direct access to Park Place Blvd. Lots 1 & 37 - Block 5, Lots 1 & 27 - Block 2, Lots 1 & 42 - Block 3, and Lots 1 & 32 - Block 4 shall not have direct access to Sycamore Lane.
  30. The subject property lies within a Zone X (unhatched) (outside the 0.2% annual chance floodplain) according to Flood Insurance Rate Map, City of Waxahachie, Ellis County Texas, Map # 4819C0200F, Published June 3, 2013 by Federal Emergency Management Agency.
  31. See the Preliminary Drainage Plan for contours & other physical features.
  32. See Sheet 2 of 2 for the Lot Area Table, and additional line and curve data.



TYPICAL R.O.W. CORNER CLIP  
25' R.O.W.  
10' LOT  
PRIVATE R.O.W. EASEMENTS  
AT ALL INTERSECTIONS  
WITH SAGEBRUSH LANE

TYPICAL R.O.W. CORNER CLIP  
25' R.O.W.  
10' LOT  
PRIVATE R.O.W. EASEMENTS  
AT ALL INTERSECTIONS  
WITH SAGEBRUSH LANE

# **FINAL PLAT OF GARDEN VALLEY WEST**

22.707 ACRES (138 LOTS)  
OUT OF THE  
**J.B. & ANN ADAMS SURVEY  
ABSTRACT 6**  
IN THE  
**CITY OF WAXAHACHIE  
ELLIS COUNTY, TEXAS**  
EXISTING ZONING PD-SF-3  
PER ORD. 2917

**OWNER  
BETHANY/GARDEN VALLEY, LTD.  
101 VALLEY RIDGE  
RED OAK, TX 75154  
10721 227-4710 FAX 10721 227-3982  
DEED RECORDED IN INSTRUMENT 1721804 O.P.R.E.T.**

**ENGINEER  
HARRINGTON ENGINEERING, INC.  
P.O. BOX 140447  
DALLAS, TX 75214  
(214) 824-9324 FAX (214) 824-9325  
FIRM REGISTRATION NO. P-1284  
FEBRUARY 15, 2018**

**SURVEYOR  
RONALD D. SMITH, SURVEYOR, INC.  
P.O. BOX 1678  
FORNEY, TX 75126  
(972) 564-9640 FAX 10721 564-9657  
FIRM REGISTRATION NO. 101023-00  
SCALE: 1"=100'**

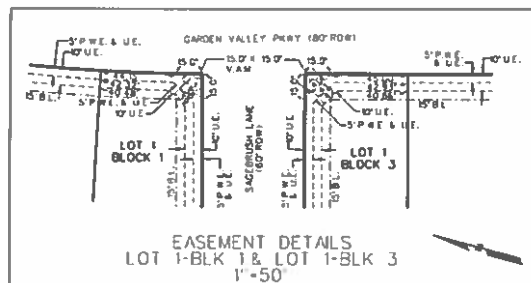
GARDEN VALLEY WEST - LOT AREA TABLE - 138 LOTS							
BLOCK 1		BLOCK 2		BLOCK 3		BLOCK 4	
Lot #	Area of Lot (SF)	Lot #	Area of Lot (SF)	Lot #	Area of Lot (SF)	Lot #	Area of Lot (SF)
1	6,437.07	1	6,357.71	1	6,213.14	1	6,215.50
2	5,435.17	2	5,368.35	2	5,248.03	2	5,250.00
3	5,435.49	3	5,368.34	3	5,248.03	3	5,250.00
4	8,836.96	4	5,368.34	4	5,248.03	4	5,250.00
5	5,764.16	5	5,616.97	5	5,248.03	5	5,250.00
6	5,250.00	6	10,383.49	6	5,248.03	6	5,250.00
7	5,250.00	7	5,250.00	7	5,248.03	7	5,250.00
8	5,250.00	8	5,250.00	8	5,248.03	8	5,250.00
9	5,250.00	9	5,250.00	9	5,248.03	9	5,250.00
10	5,250.00	10	5,250.00	10	5,248.03	10	5,250.00
11	5,250.00	11	5,250.00	11	5,248.03	11	5,250.00
12	5,250.00	12	5,250.00	12	5,248.03	12	5,250.00
13	5,097.74	13	6,215.50	13	5,248.03	13	5,250.00
14	7,808.53	14	6,215.50	14	5,248.50	14	5,250.00
15	9,467.21	15	5,250.00	15	5,168.20	15	5,250.31
16	5,707.29	16	6,250.00	16	5,506.19	16	10,745.62
17	5,250.00	17	5,250.00	17	5,530.74	17	8,130.88
18	5,250.00	18	5,250.00	18	6,593.30	18	5,250.12
19	5,250.00	19	5,250.00	19	10,835.53	19	5,250.00
20	5,805.25	20	5,250.00	20	11,976.20	20	5,250.00
21	10,050.07	21	5,250.01	21	6,567.45	21	5,250.00
22	8,288.34	22	5,723.06	22	5,305.23	22	5,250.00
23	5,184.51	23	7,777.62	23	5,250.03	23	5,250.00
24	5,250.00	24	5,399.72	24	5,187.62	24	5,250.00
25	5,250.00	25	5,399.72	25	8,142.63	25	5,250.00
26	5,250.00	26	5,404.04	26	9,804.23	26	5,250.00
27	5,250.00	27	6,395.07	27	8,313.44	27	5,250.00
28	5,250.00			28	5,000.08	28	5,250.00
29	5,250.00			29	5,000.00	29	5,250.00
30	5,250.00	ROW	90,264.02	30	5,000.00	30	5,250.00
31	6,159.19			31	5,000.00	31	5,250.00
32	7,582.17			32	5,000.00	32	6,215.50
33	5,782.35			33	5,000.00		
34	5,767.73			34	5,000.00	ROW	101,830.55
35	5,456.19			35	5,000.00	RESIDENTIAL	
36	5,239.83			36	5,000.00	AVG =	5,775.38
37	6,559.63			37	5,000.00	TOTAL ROW DEDICATION	
				38	5,000.00	4.41 ACRES	
				39	5,000.00		
				40	5,000.00		
				41	5,000.00		
				42	5,915.50		

LINE TABLE (BOUNDARY)		
LINE NO.	LENGTH (FT)	BEARING
L1	78.03	N 15°00'00" W
L2	741.59	N 00°00'00" E
L3	520.00	N 90°00'00" E
L4	555.69	S 00°00'00" E
L5	514.96	S 75°00'00" W
L6	146.00	N 15°00'00" W
L7	243.10	N 90°00'00" W
L8	172.84	N 00°00'00" E
L9	767.57	N 15°00'00" W
L10	514.96	N 75°00'00" E
L11	689.31	S 15°00'00" E
L12	173.69	S 00°00'00" E

CURVE TABLE (BOUNDARY)						
CURVE NO.	RADIUS (FT)	LENGTH (FT)	DELTA	TANGENT (FT)	CHORD (FT)	CHORD BEARING
C1	1040.00	272.11	14°59'29"	136.84	271.34	S 7°29'44" E
C2	420.00	126.39	17°14'32"	63.68	125.92	N 81°22'45" W
C3	480.00	144.45	17°14'32"	72.77	143.90	N 81°22'44" W
C4	960.00	251.33	15°00'00"	126.39	250.61	S 7°30'00" E

LINE TABLE (INTERIOR)		
LINE NO.	LENGTH (FT)	BEARING
L13	105.00	N 88°06'16" E
L14	105.00	S 86°56'10" W
L15	105.00	S 86°56'10" W
L16	106.02	S 87°55'40" W
L17	103.51	N 87°20'21" E
L18	179.09	S 41°00'08" E
L19	80.90	S 00°00'00" W
L20	26.38	S 00°00'00" W
L21	21.15	S 84°49'12" W
L22	18.33	S 59°50'15" E
L23	18.43	S 30°09'22" W
L24	18.34	S 59°52'03" E
L25	18.43	S 30°07'41" W
L26	18.38	N 60°00'00" W
L27	18.38	S 30°00'03" W
L28	18.38	S 45°00'00" E
L29	18.38	S 45°00'00" W
L30	150.93	N 48°17'27" E
L31	18.55	S 45°32'08" E
L32	18.38	S 45°00'00" W
L33	104.96	N 75°00'00" E
L34	23.79	N 33°03'50" W
L35	180.24	N 76°49'42" W
L36	74.83	N 76°49'42" W
L37	21.29	S 30°12'40" W
L38	17.19	S 30°12'40" W
L39	13.10	S 30°12'40" W
L40	21.21	S 60°00'00" E
L41	17.07	S 60°00'00" E
L42	12.93	S 60°00'00" E

CURVE TABLE (INTERIOR)						
CURVE NO.	RADIUS (FT)	LENGTH (FT)	DELTA	TANGENT (FT)	CHORD (FT)	CHORD BEARING
C5	250.00	65.45	15°00'00"	32.91	65.26	S 07°30'00" E
C6	250.00	65.45	15°00'00"	32.91	65.26	S 07°30'00" E
C7	380.00	91.98	13°52'07"	46.22	91.76	S 06°43'32" E
C8	1159.92	306.28	15°00'00"	154.02	305.41	N 07°30'00" W
C9	1429.92	374.35	15°00'00"	188.25	373.28	N 07°30'00" W
C10	1299.92	340.32	15°00'00"	171.14	339.35	N 07°30'00" W



# FINAL PLAT OF GARDEN VALLEY WEST

22.707 ACRES (138 LOTS)

OUT OF THE  
J.B. & ANN ADAMS SURVEY  
ABSTRACT 5

IN THE  
CITY OF WAXAHACHIE  
ELLIS COUNTY, TEXAS

EXISTING ZONING PD-SF-3  
PER ORD. 2917

OWNER  
BETHANY/GARDEN VALLEY, LTD.  
101 VALLEY RIDGE  
RED OAK, TX 75154  
(972) 827-4718 FAX (972) 827-3062

DEED RECORDED IN INSTRUMENT 1721004 O.P.E.C.T.

ENGINEER  
HARRINGTON ENGINEERING, INC.  
P.O. BOX 140447  
DALLAS, TX 75214  
(214) 824-0324 FAX (214) 824-0325  
FIRM REGISTRATION NO. P-1224  
FEBRUARY 18, 2010  
SHEET 2 OF 3

SURVEYOR  
RONALD D. SMITH, SURVEYOR, INC.  
P.O. BOX 1879  
FORNEY, TX 75126  
(972) 684-0840 FAX (972) 684-0857  
FIRM REGISTRATION NO. 101023-00  
SCALE 1"=100'

TRACT 1 - 10.712 ACRE LEGAL DESCRIPTION

WHEREAS, BETHANY/GARDEN VALLEY, LTD. is the Owner of a 10.712 acre tract of land situated in the J.B. and Ann Adams Survey, Abstract No. 5, City of Waxahachie, Ellis County, Texas and being all of that certain TRACT ONE, as conveyed to BETHANY/GARDEN VALLEY, LTD., as recorded in Ellis County Clerk Instrument No. 1721804, Official Public Records, Ellis County, Texas (from hereon called "O.P.R.E.C.T."); said 10.712 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with plastic cap stamped "RDS INC" set (from hereon called "1/2" I.R.S.") at the northeast corner of Park Place, Phase 2, on addition to the City of Waxahachie, Texas, according to the plat thereof recorded in Cabinet I, Side 194, Plat Records, Ellis County, Texas (from hereon called "P.R.E.C.T."), and being the common rear corner of Lot 2 Block 5 of the aforementioned Park Place, Phase 2 and Lot 19, Block 2 of Park Place, Phase 3, on addition to the City of Waxahachie, Texas, according to the plat thereof recorded in Cabinet I, Side 596, (Instrument No. 1603324), P.R.E.C.T.:

THENCE North 15 Degrees 00 Minutes 00 Seconds West a distance of 78.03 feet to a point in the East line of Lot 18 Block 2 of the aforementioned Park Place, Phase 3, to a 1/2 inch iron rod set, with cap stamped RDS, INC, (from hereon called "1/2" I.R.S.);

THENCE North 00 Degrees 00 Minutes 00 Seconds East a distance of 741.59 feet to a 1/2" I.R.S., said point being the northwest corner of the aforementioned 10.712 acre tract;

THENCE North 90 Degrees 00 Minutes 00 Seconds East a distance of 520.00 feet to a 1/2" I.R.S., said point being on the west line of Garden Valley Parkway to 80 foot right-of-way, said point also being the northeast corner of the aforementioned 10.712 acre tract;

THENCE South 00 Degrees 00 Minutes 00 Seconds East, along the west right-of-way line of the aforementioned Garden Valley Parkway, a distance of 555.69 feet to a 1/2" I.R.S., being the beginning of a tangent curve to the left having a radius of 1040.00 feet and a central angle of 14 degrees 59 minutes 29 seconds, a chord bearing of South 07 Degrees 29 Minutes 44 Seconds East, and a chord distance of 271.34 feet;

THENCE southeasterly along the west right-of-way line of the aforementioned Garden Valley Parkway, along the arc of said curve and arc length of 272.11 feet to a 1/2" I.R.S., said point being on the north line of Sagebrush Lane to 60 foot right-of-way, said point also being the southeast corner of the aforementioned 10.712 acre tract;

THENCE South 75 Degrees 00 Minutes 00 Seconds West along the north line of Sagebrush Lane, a distance of 514.96 feet to a 1/2" I.R.S. for corner, said point being on the easterly line of the aforementioned Park Place, Phase 2, said point also being the southwest corner of the aforementioned 10.712 acre tract;

THENCE North 15 Degrees 00 Minutes 00 Seconds West, departing the north line of Sagebrush Lane, along the easterly of the aforementioned Park Place, Phase 2 a distance of 146.00 feet to the POINT OF BEGINNING, containing 466,602.35 square feet or 10.712 acres more or less.

TRACT 2 - 11.995 ACRE LEGAL DESCRIPTION

WHEREAS, WP LEGACY, LTD. is the Owner of a 11.995 acre tract of land situated in the J.B. and Ann Adams Survey, Abstract No. 5, City of Waxahachie, Ellis County, Texas and being all of that certain TRACT TWO as conveyed to BETHANY/GARDEN VALLEY, LTD., as recorded in Ellis County Clerk Instrument No. 1721804, Official Public Records, Ellis County, Texas (from hereon called "O.P.R.E.C.T."); said 11.995 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with red plastic cap stamped "ADVANCED RPLS 5427" found for corner (from hereon called "1/2" C.I.R.F."), being the intersection of the western right-of-way line of Garden Valley Parkway, (an 80 foot right-of-way) as recorded in Cabinet G, Page 350, Plat Records, Ellis County, Texas, (from hereon called "P.R.E.C.T."), and the north right-of-way line of Park Place Boulevard to 60 foot right-of-way) as recorded in Volume 2225, Page 963, Deed Records Ellis County Texas, same being the beginning of a non-tangent curve to the right, having a central angle of 17 degrees 14 minutes 32 seconds, a radius of 420.00 feet, a chord bearing of North 81 degrees 22 minutes 45 seconds West, and a chord distance of 125.92 feet;

THENCE Westerly along the north right-of-way line of said Park Place Boulevard, along said curve, a distance of 126.39 feet to a 1/2" C.I.R.F., same being the beginning of a tangent curve to the left, having a central angle of 17 degrees 14 minutes 32 seconds, a radius of 480.00 feet, a chord bearing of North 81 degrees 22 minutes 44 seconds West, and a chord distance of 143.90 feet;

THENCE Westerly along said curve, an arc length of 144.45 feet to a 1/2" C.I.R.F., to the end of said curve;

THENCE North 90 degrees 00 minutes 00 seconds West, along the north right-of-way line of said Park Place Boulevard, a distance of 243.10 feet to a 1/2" iron rod set with plastic cap stamped "RDS INC" set (from hereon called "1/2" I.R.S."), at the southeast corner of Park Place, Phase 2, on addition to the City of Waxahachie, Texas, according to the plat thereof recorded in Cabinet I, Side 194, P.R.E.C.T.;

THENCE, along the east line of the aforementioned Park Place, Phase 2 the following:

North 00 Degrees 00 minutes 00 seconds East departing the north line of the aforementioned Park Place Boulevard right of way, a distance of 172.84 feet to a 1/2" I.R.S.;

North 15 degrees 00 minutes 00 seconds West, a distance of 767.57 feet to a 1/2" I.R.S., said point being on the south line of Sagebrush Lane to 60 foot right-of-way) as recorded in Cabinet I, Side 503, P.R.E.C.T., said point also being the northwest corner of the aforementioned 11.995 acre tract;

THENCE North 75 Degrees 00 Minutes 00 Seconds East, departing the east line of the aforementioned Park Place, Phase 2, along the southeasterly of the aforementioned Sagebrush Lane, a distance of 514.96 feet to a 1/2" I.R.S., said point being on the west line of Garden Valley Parkway to 80 foot right-of-way) as recorded in Cabinet I, Side 503, P.R.E.C.T., said point also being the northeast corner of the aforementioned 11.995 acre tract;

THENCE South 15 Degrees 00 Minutes 00 Seconds East, along the west right-of-way line of the aforementioned Garden Valley Parkway, at 459.34 feet passing a 1/2" C.I.R.F. at the northeast corner of Garden Valley Ranch, Phase 2, on addition to the City of Waxahachie, Texas, according to the plat thereof recorded in Cabinet II, Side 697, P.R.E.C.T., in a total distance of 689.31 feet to a 1/2" C.I.R.F., being the beginning of a tangent curve to the right having a radius of 960.00 feet and a central angle of 15 degrees 00 minutes 00 seconds, a chord bearing of South 07 Degrees 30 Minutes 00 Seconds East, and a chord distance of 250.61 feet;

THENCE southeasterly along the west right-of-way line of the aforementioned Garden Valley Parkway, along the arc of said curve an arc length of 251.33 feet to a 1/2" C.I.R.F., said point being the end of said curve;

THENCE South 00 Degrees 00 Minutes 00 Seconds East along the west right-of-way line of the aforementioned Garden Valley Parkway, a distance of 173.69 feet to the POINT OF BEGINNING, containing 522,492.07 square feet or 11.995 acres more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, BETHANY / GARDEN VALLEY, LTD., acting herein by and through its duly authorized officers, does hereby adopt this plat designating the heretofore described property as GARDEN VALLEY WEST in addition to the City of Waxahachie, Texas and does hereby dedicate, in fee simple, to the public use forever, the streets, alleys and easements shown thereon. The streets and the alleys are dedicated for street purposes. The Easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the Easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Waxahachie. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public's and City of Waxahachie's use thereof. The City of Waxahachie and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with construction, maintenance or efficiency of their respective systems in said easements. The City of Waxahachie and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

The area or areas shown on the plat as "VAM" (Visibility, Access and Maintenance) Easement(s) are hereby given and granted to the City, its successors and assigns, as an easement to provide visibility, right of access for maintenance upon and across said VAM Easement. The City shall have the right but not the obligation to maintain any and all landscaping within the VAM Easement. Should the City exercise this maintenance right, then it shall be permitted to remove and dispose of any and all landscaping improvements, including without limitation, any trees, shrubs, flowers, ground cover and fixtures. The City may withdraw maintenance of the VAM Easement at any time. The ultimate maintenance responsibility for the VAM Easement shall rest with the owner. No building, fence, shrub, tree or other improvements or growths, which in any way may endanger or interfere with the visibility, shall be constructed in, on, over or across the VAM Easement. The City shall also have the right but not the obligation to add any landscape improvements to the VAM Easement, to erect any traffic control devices or signs on the VAM Easement and to remove any obstruction thereon. The City, its successors, assigns, or agents shall have the right and privilege at all times to enter upon the VAM Easement or any part thereof for the purposes and with all rights and privileges set forth herein.

This plat approved subject to all pitting ordinances, rules, regulations and resolution of the City of Waxahachie, Texas.

WITNESS MY HAND, this the \_\_\_\_ day of \_\_\_\_, 2018.

BETHANY / GARDEN VALLEY, LTD., a Texas limited partnership

By:

Name: Clyde L. Hargrove  
Title: Manager

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 Clyde L. Hargrove, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_ day of \_\_\_\_, 2018.

Notary Public in and for the State of Texas

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

That I, Ronald D. Smith, do hereby certify that I prepared this plat from an actual and accurate survey of the land and the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Waxahachie.

RELEASED FOR REVIEW ONLY 02-15-18  
Ronald D. Smith, RPLS  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 4944

STATE OF TEXAS  
COUNTY OF DALLAS

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Ronald D. Smith, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_ day of \_\_\_\_, 2018.

Notary Public in and for the State of Texas



APPROVED BY: Planning and Zoning Commission  
City of Waxahachie

BY: \_\_\_\_\_  
Chairperson Date

APPROVED BY: City Council  
City of Waxahachie

BY: \_\_\_\_\_  
Mayor

Attest \_\_\_\_\_ Date

FINAL PLAT  
OF  
GARDEN VALLEY WEST  
22.707 ACRES (1158 LOTS)  
OUT OF THE  
J.B. & ANN ADAMS SURVEY  
ABSTRACT 5

IN THE  
CITY OF WAXAHACHIE  
ELLIS COUNTY, TEXAS

EXISTING ZONING PD-97-3  
PER ORD. 5917

OWNER  
BETHANY/GARDEN VALLEY, LTD.  
101 VALLEY RIDGE  
RED OAK, TX 75154

(872) 527-7110 FAX (872) 527-3982

DEED RECORDED IN INSTRUMENT 1721804 O.P.R.E.C.T

ENGINEER HARRINGTON ENGINEERING, INC. SURVEYOR RONALD D. SMITH, SURVEYOR, INC.  
P.O. BOX 140447  
DALLAS, TX 75214  
(214) 524-8324 FAX (214) 524-8325  
FIRM REGISTRATION NO. F-1224  
FEBRUARY 15, 2018  
SHEET 3 OF 3

P.O. BOX 1679  
FORNEY, TX 75126  
FAX (972) 584-0840  
FIRM REGISTRATION NO. 101023-00  
SCALE 1"=100'

(8)

# *PROCLAMATION*

**WHEREAS**, Meals on Wheels of Johnson & Ellis Counties, prepares and delivers meals to elderly and disabled persons who are unable to prepare meals for themselves; and

**WHEREAS**, for the past 17 years the citizens of Ellis County have benefited from the delivery of over a million meals to our homebound neighbors; and

**WHEREAS**, this organization has a volunteer force of over 300 people who donate their time, vehicle, gasoline and energy to deliver over 100,000 hot meals to Ellis County residents annually; and

**WHEREAS**, no client is ever refused service because of inability to pay; and

**WHEREAS**, these efforts have resulted in the improvement in the lives of the homebound and disabled in Johnson County with continued personal independence, daily visits by caring volunteers, well-balanced meals, and the assistance of professional caseworkers; and

NOW, THEREFORE, I, Kevin Strength, Mayor of the City of Waxahachie, along with the entire City Council do hereby proclaim March 2018 as

**“MARCH FOR MEALS AWARENESS MONTH”**

Proclaimed this 5<sup>th</sup> day of March, 2018.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY SECRETARY

(9)

## Planning & Zoning Department

### Zoning Staff Report

Case: SU-18-0015



#### MEETING DATE(S)

*Planning & Zoning Commission:* February 27, 2018

*City Council:* March 5, 2018

#### CAPTION

**Public Hearing** on a request by Chris Reeves, Quickway Signs, for a Specific Use Permit (SUP) to allow an **Electronic Message Sign** use within a Planned Development-General Retail (PD-GR) zoning district, located at 125 Park Place Blvd, being LOT 4A BLK A PARK PLACE PROFESSIONAL CENTER .6885 AC (Property ID 247587) – Owner: HOLTZ PROCUREMENT LTD (SU-18-0015)

#### CASE INFORMATION

*Applicant:* Chris Reeves, Quickway Signs

*Property Owner(s):* Holtz Procurement LTD

*Site Acreage:* 0.6885

*Current Zoning:* Planned Development-General Retail (Ordinance 2421)

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

#### SUBJECT PROPERTY

*General Location:* 125 Park Place Blvd

*Parcel ID Number(s):* 247587

*Existing Use:* Dentist office

*Development History:* The Final Plat for Park Place Professional Center was approved by City Council on April 6, 2009. The Minor Plat for Park Place Professional Center was approved by City Council on May 18, 2009. The Site Plan for this office was approved by City Council on August 17, 2009.

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	PD-GR	Office
East	PD-GR	Office
South	PD-GR	Currently undeveloped
West	PD-GR	Office

***Future Land Use Plan:*****Retail*****Comprehensive Plan:***

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

***Thoroughfare Plan:***

The site is located at the corner of Park Place Blvd. and Chieftain Dr., both local streets. Park Place Blvd is a 70' ROW. In the previous Comprehensive Plan, it would have been closest to a Major Thoroughfare C-1 (66' ROW), but in the current Comprehensive Plan, Park Place is closest to a E-3 Collector Street (64' ROW). There may be intentions to increase the width of Park Place Blvd. to a Secondary Thoroughfare D (80' ROW) in the future, but this should not affect this proposal.

***Site Image:*****PLANNING ANALYSIS**

The applicant seeks to erect a monument sign for Waxahachie Family Dentistry at 125 Park Place Blvd, replacing and relocating an already existing sign on the property.

The City Engineer is not opposed to the siting of the monument sign in the parking space that is the most southeastern of the lot, provided the applicant can furnish written evidence from franchise utilities that there are no utilities that would be impacted by such placement, and that the sign is located 15' back from the property line. Another option is for the applicant to site the sign close to the pond on the western edge of the property.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 11 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 02/09/2018.

**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. Ordinance No. 2421
2. Site plan
3. Proposed sign (2 pages)

**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 I  
[kdent@waxahachie.com](mailto:kdent@waxahachie.com)

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

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held February 27, 2018, the Commission voted 5-0 to recommend approval of zoning change SU-18-0015 subject to staff comments.



(9)

**ORDINANCE NO. 2421**

**AN ORDINANCE CHANGING THE ZONING ON 11.023 ACRES IN THE J. B. & ANN ADAMS SURVEY, LOCATED ON THE NORTHEAST CORNER OF PARK PLACE BLVD. & U. S. HWY. 287, SOUTH OF INDIAN HILLS SUBDIVISION, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY SHOWN ON EXHIBIT "A," FROM PLANNED DEVELOPMENT-79-GENERAL RETAIL (PD-79-GR) (8.444 AC) AND GENERAL RETAIL (GR) (2.579 AC) TO PLANNED DEVELOPMENT-GENERAL RETAIL (GR) FOR PARK PLACE PROFESSIONAL CENTER, 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**, proper application for the change of zoning has been made in accordance with the zoning ordinances in the City of Waxahachie, and same having been referred to the Planning and Zoning Commission, and said Planning and Zoning Commission has recommended the rezoning be changed from Planned Development-79-General Retail (PD-79-GR) (8.44ac), General Retail (GR) (2.579 ac) and Planned Development-General Retail (PD-GR) for Park Place Professional Center; 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 rezoning from Planned Development-79-General Retail (PD-GR)(8.44ac) General Retail (GR)(2.579ac) and Planned Development-General Retail (PD-GR) for Park Place Professional Center;

**NOW, THEREFORE**, the following described property is rezoned as follows:

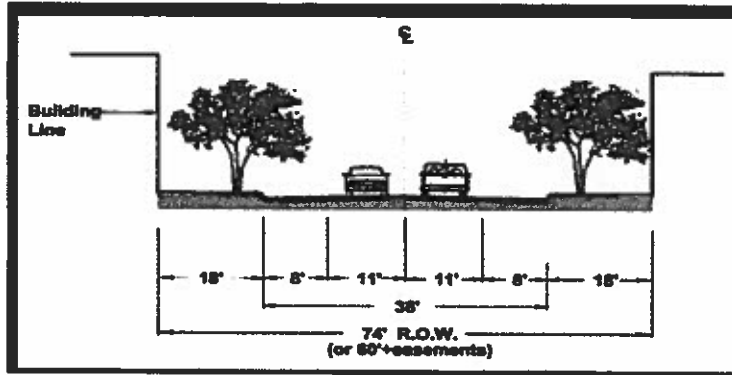
11.023 acres in the J.B. & Ann Survey, located on the Northeast corner of Park Place Blvd. & U.S. Hwy. 287, South of Indian Hills Subdivision, in the City of Waxahachie, Ellis County, Texas, and being more particularly shown on Exhibit "A" attached hereto is rezoned as follows:

1. Planned Development-79-General Retail to Planned Development-General Retail on approximately 11 acres situated on Park Place Boulevard and U.S. Hwy. 287 North.
2. The Planned Development district accommodates planned associations of uses developed as integral land use units. A planned development district may be used to permit new or innovative concepts
3. Base Zoning will be General Retail:
  - a. Minimum lot size will be 7,000 sq. feet
  - b. Minimum lot depth will be 100 feet
  - c. Minimum lot width will be 60 feet
  - d. Minimum setback
    - i. If facing Public Street, it will be twenty five (25') feet
    - ii. If faces Hwy. 287 frontage road, it will be forty (40') feet
  - e. Side yard setback will be twenty (20') feet
  - f. Interior Side Yards-When retail uses are platted adjacent to other retail and non-residential uses, no side yard is required provided:
    - i. Adequate fire lanes and circulation is provided on site.
    - ii. Appropriate building codes can be met.
  - g. Any building within one hundred fifty (150') feet of Indian Hills Subdivision shall not be greater than one story.

(9)

4. In addition to those uses already prohibited by General Retail Zoning, the following shall also be prohibited:
  - a. Multiple Family Dwelling or Apartment
  - b. Single Family Dwelling Attached
  - c. Single Family Dwelling Detached
  - d. Two Family Dwelling (Duplex)
  - e. Farm, Ranch, Garden Crops or Orchard
  - f. Golf Course or Country Club
  - g. Institution for alcoholic, narcotic or psychiatric patients
  - h. Antenna, non-commercial (amateur radio, television, or CB radio)
  - i. Portable sign
  - j. Pole sign
  - k. Searchlights
  - l. Building materials, hardware or home improvement center (outdoor)
  - m. Funeral Home or Mortuary
  - n. Veterinarian hospital with outside animal pens
  - o. Day camp for children
  - p. Commercial auto parking lot
  - q. New and used auto sales
  - r. Tire installation and repair (inside storage only)
  - s. Tire installation and repair (outside storage only)
  - t. Motel or hotel (less than 75 room)
  - u. Motel or hotel (over 75 rooms)
  - v. School, commercial trade
  - w. Laundromat
  - x. Amusement Commercial (outdoor)
5. Clarification shall be provided on the Site Plan for screening, landscaping, signs, lighting, project phasing, scheduling, and management associations.
6. Traffic Impact Analysis will be needed to determine proportional assessment for the deceleration lane on the Hwy. 287 Bypass Service Road.
7. No pole signs allowed, all other signs shall be in compliance with sign ordinance.
8. Property Owners' Association must be established to care for landscaping, trail and joint use signs.
9. Meandering eight foot (8') hike and bike trail will be built along TXU electrical easement.
10. Buffer between development and Indian Hills Subdivision must be fifty (50) feet per Memorandum of Agreement.
11. One tree must be planted for every 1,270 square feet per Memorandum of Agreement per Ordinance No.2285 or as amended.
12. Trees must be a minimum of three (3") inches and consist of a large species per City Ordinance.
13. Masonry wall between this development and Indian Hills Subdivision shall be built during first phase of development.
14. Grassy areas shall have solid sod, plugs or sprigs placed, no hydro-mulching or seeding allowed.
15. Along Park Place Blvd. and Public Road to be built there should be two large trees per 40' lineal feet of frontage - one shall be 3" and one shall be 4" caliper size.
16. Trees should be a minimum four (4) foot distance from any concrete pavement, utility lines, screening walls, or other structures.
17. Shared parking arrangements shall be encouraged when applicable.
18. On Public Road, on street parking (parallel) shall be built on the public street that the developer will build, and will count to the off-site parking requirements. This parking lane will be eight foot (8'). This will require a seventy four foot (74') right of way; within this R.O.W. will be the landscaping and sidewalks (see cross section below).

(9)



19. Sidewalks along Park Place and Public Street will be built by developer.
20. Pedestrian circulation shall be a priority throughout the development.
21. Site plans shall comply with all applicable ordinances at the time of their submittal.

The density, coverage, height, parking and off-street loading standards shall be set forth on the site plan or as specified for the GR, General Retail District.

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

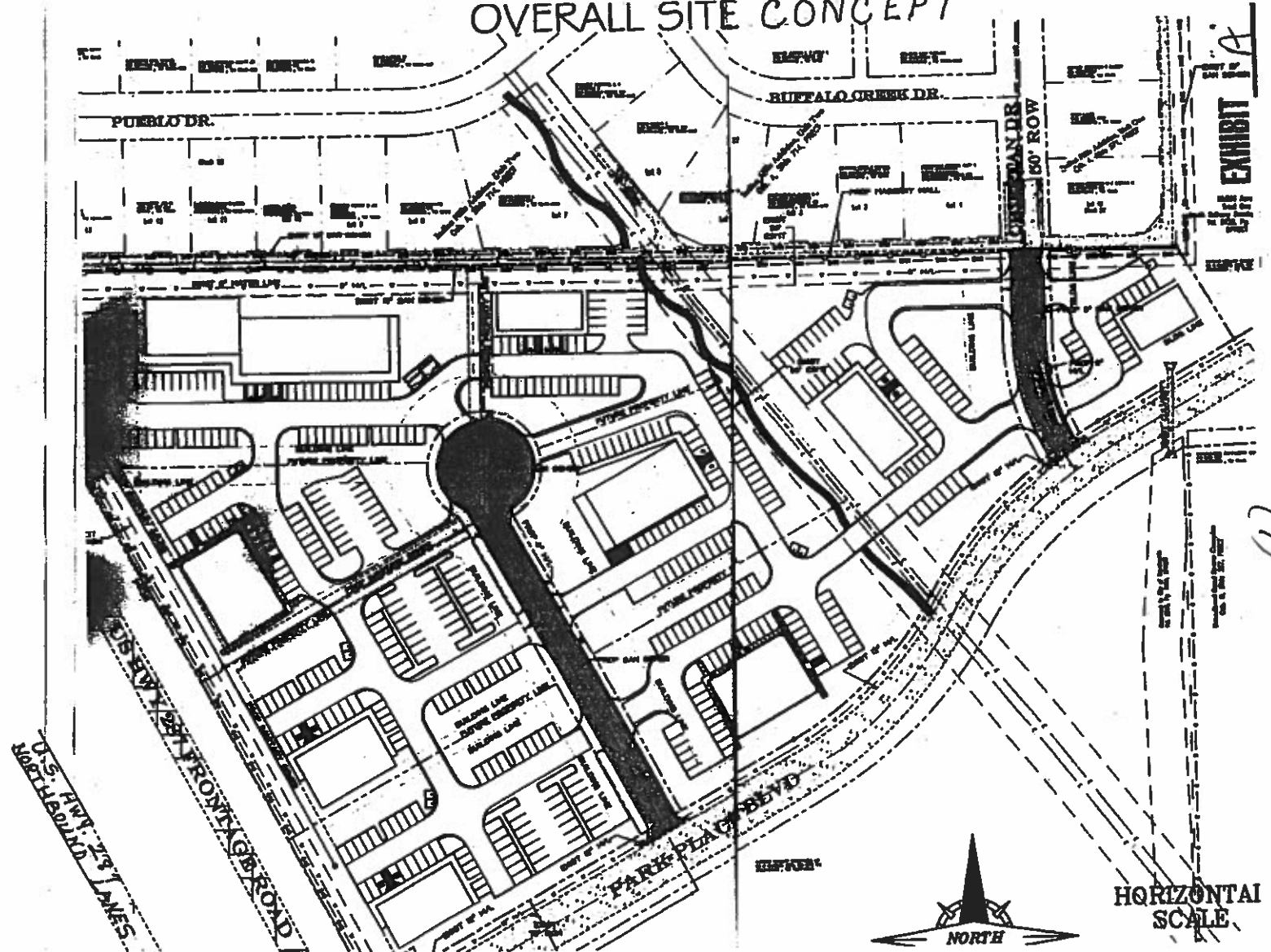
**PASSED, APPROVED AND ADOPTED** on this 20<sup>th</sup> day of August, 2007.

*Joe Jenkins*  
MAYOR

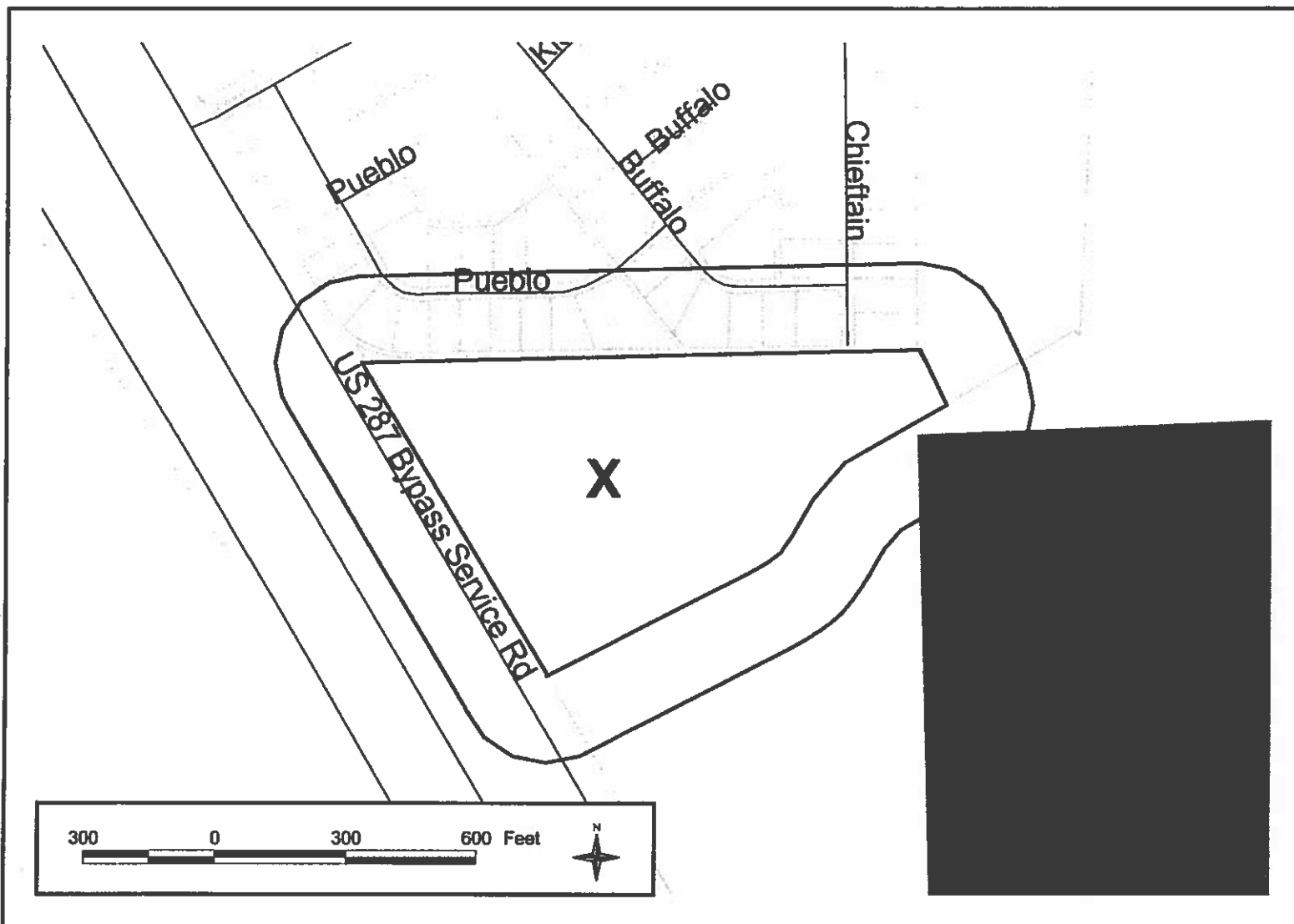
ATTEST:

*Nancy Cross*  
City Secretary

# OVERALL SITE CONCEPT



ZA2007-23



(4)



**Publication Information**

[illegible]

Witnessed at a 1/2 sec. and found to be a white female of full Indian blood and to be legally subject  
owner of said land. Lill G. Co. as owner in the City of Portland, Ore., including to the full  
consent to Grant A. This City of the Full Power of the County, June 1901.

19-00000, 19-00000, carry the east line of the tract, a distance of 174.00 feet to a 1/4" iron rod set into the ground labeled "Survey 1915 1047" in the north line of Park View Subdivision (to the corner of the City of Washington by District Boundary Line) recorded as Volume 2025, Page 123-4, 124-5 (1915) for the southeast corner of the tract.

[illegible]

INDEX is a uniaxially directed along the rim of said crater and continuing along the south rim of the bowl and the north rim of Red Stone Crater, a distance of 232.25 feet along trend - 1 0735' N, 232.24 feet to a 1/2" true and not cap exposed "Inferred" WGS POINT for a point of compass rose to the right trending a vector of 100.00 feet and azimuth angle of 8: 0734'

THESE continuing in a southeasterly direction along the top of hill away and continuing along the south toe of the hill and the south line of First Place Boulevard, a distance of 214.22 feet Gary Chapp - S 47°45'30" W 214.22 feet to a 1/4" iron rod set with cap marked "Re-survey 1975 1422" for corner.

DEPT. 5 052132 R, continuing story the north end of the bank and the north end of Post Place Highway, a distance of 347.00 feet to a 1/2" top and cut out cap marked "MILWAUKEE DEPT" in the southeast end of and below the bank and in the southeast end of the 1/2" top and cut out cap marked "MILWAUKEE DEPT" in the southeast end of the bank.

SEARCHED INDEXED SERIALIZED FILED  
MAR 21 1968  
FBI - NEW YORK

NOTICE IS HEREBY GIVEN THAT the above described land, being the eastern half of said Section 10 and the south half of Section 11, Township 12N, Range 12E, of the 4TH PR. MERIDIAN and containing 12.800 acres of land as surveyed on the 24th day of April 12, 1900 by John Paul Thompson, County.

10/20/98	
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97	10/20/98
98	10/20/98
99	10/20/98
100	10/20/98

**Walker Land Surveying Company**  
P.O. Box 3011, Chattanooga, Tennessee 37402  
Phone (423) 248-0821 Fax (423) 248-0828  
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PD-GENERAL R  
(3.444-AC.)

13.407 Acres  
J.B. & Ann Adams Survey  
Abstract No. 5

GENERAL RETAIL  
111 (2.579 AC)

OFFICE

SF-2

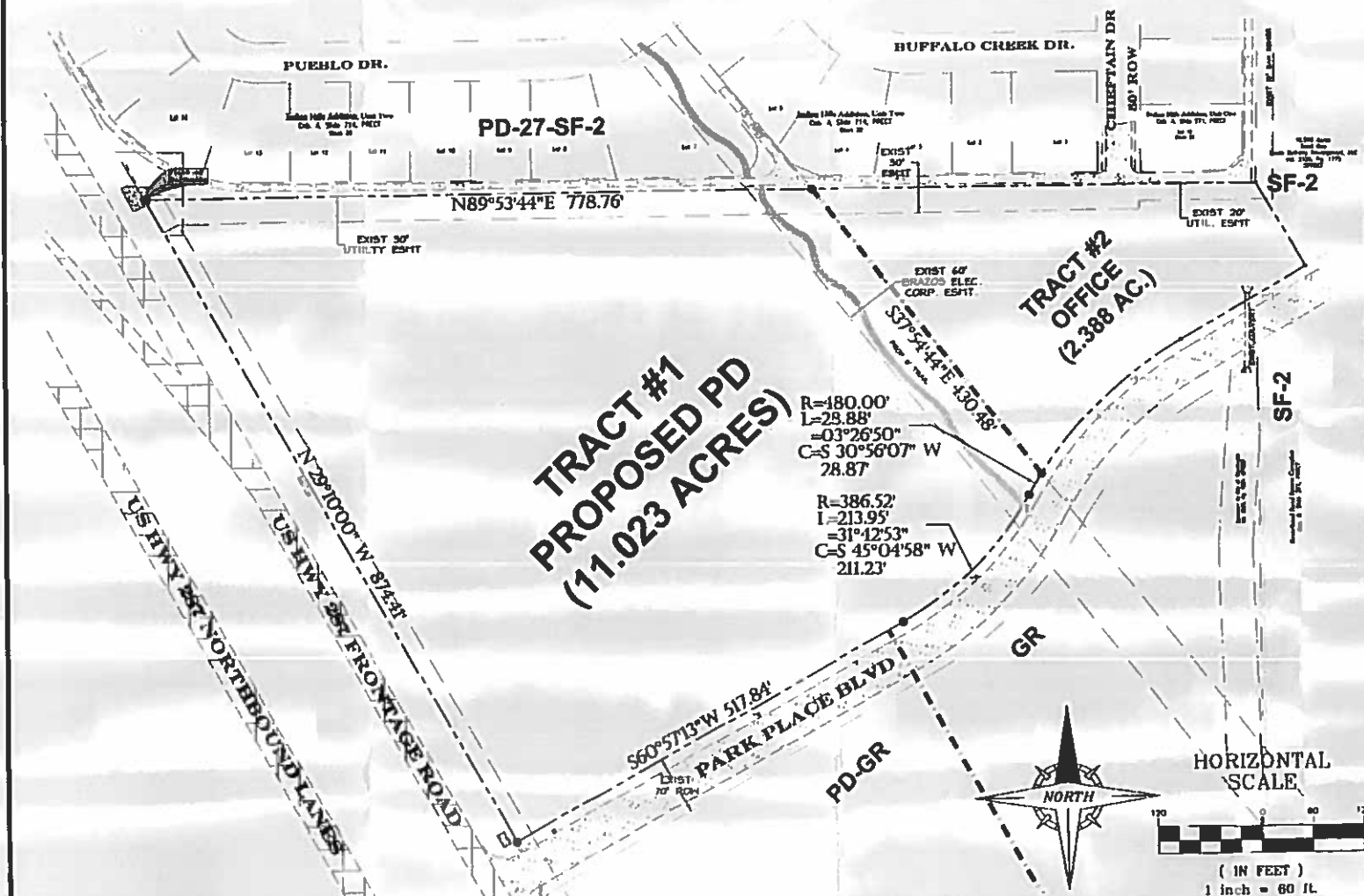
[illegible]

BOUNDARY & TOPOGRAPHIC SURVEY  
13.407 Acres  
J.D. & Ann Adams Survey, Abstract No. 5  
City of Waco, Texas

**SHEET TITLE:**  
**EXISTING PROPERTY BOUNDARY WITH**  
**CONTOURS, EXISTING UTILITIES AND**  
**EXISTING ZONING**

J. Bruce Selzer, D.D.S.  
Team Dentist, P.C. 9221

VICINITY MAP  
SIA



### TABLE #1. LEGAL IDENTIFICATION

196 [REDACTED] all that certain 11.823 acre parcel of land lying in the City of Waco, Texas and being situated to the S.E. of ADAM ADAMS SURVEY, ABSTRACT NO. 2, Hill County, Texas, and being a portion of the 6.5 773 acre tract of land conveyed to Johnnie Volney Powers, F.F. by the convey Deed executed to Volney 1904, Page 81 of the Official Public Records of Hill County, Texas (EXHIBIT), and being more particularly described as follows:

Intersecting at an "X" and for the northwest corner of said Kibben Valley Tract and the southeast corner of Indian Hills Addition, Unit Two, as exhibited in the City of Waukegan, Illinois, according to the Plat thereof recorded in Exhibit A, Book 714 of the Plat Records of Cook County, Illinois (1882-7).

THENCE N 09°39'04" E (Doub - N 67°47'00" E, 1272.11 feet), along the westerly south line of said Robins Valley Tract and the south line of Indian (18th) Addition, Unit One and Two, a distance of 179.76 feet to a 1/2" iron rod set with my marked end on one corner of the east and west corners of this tract.

**THEIRCE** 0177-5444-2, along the east line of this tract, a distance of 438.45 feet to a 141° bent and not with any number. "ULRIC AP#LS 1311" in the north line of Paul Jones Boulevard (70' right of way) not surveyed by the City of Westland by Current Warranty Deed recorded in Volume 2222, Page 386-4, CP#386-4 for the southeast corner of this tract, said bent and line is a new tangent curve to the full bearing a radius of 400.00 feet and a central angle of 93°29'29".

THENCE to a southwesterly direction along the arc of said curve and continuing along the south line of 64y feet and the south line of Park Place Boulevard, a distance of 26.00 feet along C-50nd - S 35°36'00" W, 26.27 feet to a 121° line and on with said segment "Advised" 271.9 - 2427" for a point of reverse curve to the right having a radius of 266.21 feet and central angle of 31°42'33".

**TRAILER** consisting in a multi-segment structure along the top of said tower and extending along the north face of the tower and the south face of Port 1200 (Bastion), a distance of 210 ft over 11 seg (Chase - 1 429020' W, 210.23' long) to a 150' base and an additional 100' (Chase - 1 429020' W, 210.23' long) to the corner.

TWENTY 30°37'15" W., continuing along the south line of this tract and the north line of Park Place Boulevard, a distance of 517.34 feet to a 1/2" iron rod set with cap marked 'Advanced FPL 4417' on the southwest line of said Kilden Valley Tract.

**TRINCH** N 29°00'00" W (Close Bearing Back Line), along the southwest line of said Ribbon Valley Tract and the western line of Highway 287, a distance of 674.6 feet to the POINT OF BEGINNING, and containing 11,933 acres of land as surveyed on the second Acre 11, 2007 by Ribbon Land Surveying Company.

**SHEET TITLE**  
**REZONING EXHIBIT**

**PREPARED BY**  
**ATLAS ASSOCIATES, INC.**  
P.O. BOX 185  
MILFORD, TX 76670  
972-921-4206 | fax 469-327-2537  
[sales@atlas-associates-inc.com](mailto:sales@atlas-associates-inc.com)

**PREPARED FOR**  
D & R DEVELOPMENT  
P.O. BOX 683  
RED OAK, TX 75154  
CONTACT: DOUG CURRY  
PHONE: 972-670-0508

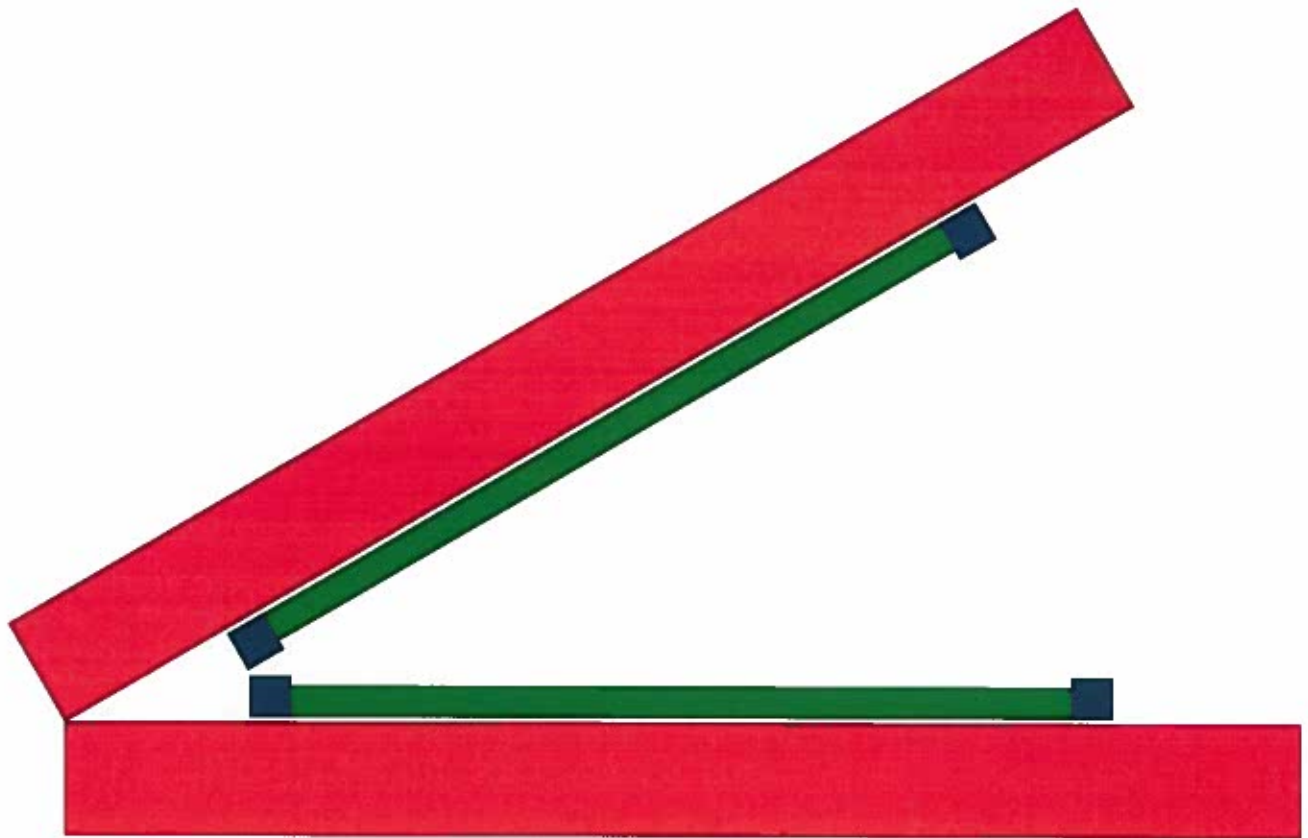
WAXAHACHIE FAMILY DENTISTRY - DETENTION POND						
BASE ELEVATION: 608.00						
NO.	ELEVATION	AREA	DEPTH	AVG. AREA	VOLUME	TOTAL VOLUME
	(ft)	(sq ft)	(ft)	(sq ft)	(cu ft)	(cu ft)
1	608.00	1.00	1.00	1.00	1.00	1.00
2	607.50	1.00	0.50	0.50	0.50	1.50
3	607.00	1.00	0.25	0.25	0.25	2.25
4	606.50	1.00	0.125	0.125	0.125	2.625
5	606.00	1.00	0.0625	0.0625	0.0625	3.125
6	605.50	1.00	0.03125	0.03125	0.03125	3.625
7	605.00	1.00	0.015625	0.015625	0.015625	4.125
8	604.50	1.00	0.0078125	0.0078125	0.0078125	4.625
9	604.00	1.00	0.00390625	0.00390625	0.00390625	5.125
10	603.50	1.00	0.001953125	0.001953125	0.001953125	5.625
11	603.00	1.00	0.0009765625	0.0009765625	0.0009765625	6.125
12	602.50	1.00	0.00048828125	0.00048828125	0.00048828125	6.625
13	602.00	1.00	0.000244140625	0.000244140625	0.000244140625	7.125
14	601.50	1.00	0.0001220703125	0.0001220703125	0.0001220703125	7.625
15	601.00	1.00	0.00006103515625	0.00006103515625	0.00006103515625	8.125
16	600.50	1.00	0.000030517578125	0.000030517578125	0.000030517578125	8.625
17	600.00	1.00	0.0000152587890625	0.0000152587890625	0.0000152587890625	9.125
18	599.50	1.00	0.00000762939453125	0.00000762939453125	0.00000762939453125	9.625
19	599.00	1.00	0.000003814697265625	0.000003814697265625	0.000003814697265625	10.125
20	598.50	1.00	0.0000019073486328125	0.0000019073486328125	0.0000019073486328125	10.625
21	598.00	1.00	0.00000095367431640625	0.00000095367431640625	0.00000095367431640625	11.125
22	597.50	1.00	0.000000476837158203125	0.000000476837158203125	0.000000476837158203125	11.625
23	597.00	1.00	0.0000002384185791015625	0.0000002384185791015625	0.0000002384185791015625	12.125
24	596.50	1.00	0.00000011920928955078125	0.00000011920928955078125	0.00000011920928955078125	12.625
25	596.00	1.00	0.000000059604644775390625	0.000000059604644775390625	0.000000059604644775390625	13.125
26	595.50	1.00	0.0000000298023223876953125	0.0000000298023223876953125	0.0000000298023223876953125	13.625
27	595.00	1.00	0.00000001490116119384765625	0.00000001490116119384765625	0.00000001490116119384765625	14.125
28	594.50	1.00	0.000000007450580596923828125	0.000000007450580596923828125	0.000000007450580596923828125	14.625
29	594.00	1.00	0.0000000037252902984619140625	0.0000000037252902984619140625	0.0000000037252902984619140625	15.125
30	593.50	1.00	0.00000000186264514923095703125	0.00000000186264514923095703125	0.00000000186264514923095703125	15.625
31	593.00	1.00	0.000000000931322574615478515625	0.000000000931322574615478515625	0.000000000931322574615478515625	16.125
32	592.50	1.00	0.0000000004656612873077392578125	0.0000000004656612873077392578125	0.0000000004656612873077392578125	16.625
33	592.00	1.00	0.00000000023283064365386962890625	0.00000000023283064365386962890625	0.00000000023283064365386962890625	17.125
34	591.50	1.00	0.000000000116415321826934814453125	0.000000000116415321826934814453125	0.000000000116415321826934814453125	17.625
35	591.00	1.00	0.0000000000582076609134674072265625	0.0000000000582076609134674072265625	0.0000000000582076609134674072265625	18.125
36	590.50	1.00	0.00000000002910383045673370361328125	0.00000000002910383045673370361328125	0.00000000002910383045673370361328125	18.625
37	590.00	1.00	0.000000000014551915228366851806640625	0.000000000014551915228366851806640625	0.000000000014551915228366851806640625	19.125
38	589.50	1.00	0.0000000000072759576141834259033203125	0.0000000000072759576141834259033203125	0.0000000000072759576141834259033203125	19.625
39	589.00	1.00	0.00000000000363797880709171295166015625	0.00000000000363797880709171295166015625	0.00000000000363797880709171295166015625	20.125
40	588.50	1.00	0.000000000001818989403545856475830078125	0.000000000001818989403545856475830078125	0.000000000001818989403545856475830078125	20.625
41	588.00	1.00	0.0000000000009094947017729282379150390625	0.0000000000009094947017729282379150390625	0.0000000000009094947017729282379150390625	21.125
42	587.50	1.00	0.00000000000045474735088646141895751953125	0.00000000000045474735088646141895751953125	0.00000000000045474735088646141895751953125	21.625
43	587.00	1.00	0.000000000000227373675443230709478759765625	0.000000000000227373675443230709478759765625	0.000000000000227373675443230709478759765625	22.125
44	586.50	1.00	0.0000000000001136868377216153547393798828125	0.0000000000001136868377216153547393798828125	0.0000000000001136868377216153547393798828125	22.625
45	586.00	1.00	0.00000000000005684341886080767736968994140625	0.00000000000005684341886080767736968994140625	0.00000000000005684341886080767736968994140625	23.125
46	585.50	1.00	0.000000000000028421709430403838684844970703125	0.000000000000028421709430403838684844970703125	0.000000000000028421709430403838684844970703125	23.625
47	585.00	1.00	0.0000000000000142108547152019193424224853515625	0.0000000000000142108547152019193424224853515625	0.0000000000000142108547152019193424224853515625	24.125
48	584.50	1.00	0.0000000000000071054273576009596712112442678125	0.0000000000000071054273576009596712112442678125	0.0000000000000071054273576009596712112442678125	24.625
49	584.00	1.00	0.000000000000003552713678800479835605622134375	0.000000000000003552713678800479835605622134375	0.000000000000003552713678800479835605622134375	25.125
50	583.50	1.00	0.000000000000001776356839400239917802811069375	0.000000000000001776356839400239917802811069375	0.000000000000001776356839400239917802811069375	25.625
51	583.00	1.00	0.0000000000000008881784197001199589014055346875	0.0000000000000008881784197001199589014055346875	0.0000000000000008881784197001199589014055346875	26.125
52	582.50	1.00	0.00000000000000044408920985005997945070276734375	0.00000000000000044408920985005997945070276734375	0.00000000000000044408920985005997945070276734375	26.625
53	582.00	1.00	0.000000000000000222044604925029989725351383671875	0.000000000000000222044604925029989725351383671875	0.000000000000000222044604925029989725351383671875	27.125
54	581.50	1.00	0.00000000000000011102230246251499486267569184375	0.00000000000000011102230246251499486267569184375	0.00000000000000011102230246251499486267569184375	27.625
55	581.00	1.00	0.000000000000000055511151231257497431337845921875	0.000000000000000055511151231257497431337845921875	0.000000000000000055511151231257497431337845921875	28.125
56	580.50	1.00	0.0000000000000000277555756156287487156689229609375	0.0000000000000000277555756156287487156689229609375	0.0000000000000000277555756156287487156689229609375	28.625
57	580.00	1.00	0.00000000000000001387778780781437435783446148046875	0.00000000000000001387778780781437435783446148046875	0.00000000000000001387778780781437435783446148046875	29.125
58	579.50	1.00	0.000000000000000006938893903907187178917230740234375	0.000000000000000006938893903907187178917230740234375	0.000000000000000006938893903907187178917230740234375	29.625
59	579.00	1.00	0.0000000000000000034694469519535935894586153701171875	0.0000000000000000034694469519535935894586153701171875	0.0000000000000000034694469519535935894586153701171875	30.125
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61	578.00	1.00	0.00000000000000000086736173798839839736465384254296875	0.00000000000000000086736173798839839736465384254296875	0.00000000000000000086736173798839839736465384254296875	31.125
62	577.50	1.00	0.000000000000000000433680868994199198682326921271484375	0.000000000000000000433680868994199198682326921271484375	0.000000000000000000433680868994199198682326921271484375	31.625
63	577.00	1.00	0.0000000000000000002168404344970995993411634606357421875	0.0000000000000000002168404344970995993411634606357421875	0.0000000000000000002168404344970995993411634606357421875	32.125
64	576.50	1.00	0.00000000000000000010842021724854979967058173031787109375	0.00000000000000000010842021724854979967058173031787109375	0.00000000000000000010842021724854979967058173031787109375	32.625
65	576.00	1.00	0.000000000000000000054210108624274899835290865158935546875	0.000000000000000000054210108624274899835290865158935546875	0.000000000000000000054210108624274899835290865158935546875	33.125
66	575.50	1.00	0.0000000000000000000271050543121374499176454325794677734375	0.0000000000000000000271050543121374499176454325794677734375	0.0000000000000000000271050543121374499176454325794677734375	33.625
67	575.00	1.00	0.0000000000000000000135525271560687249588227162897338671875	0.0000000000000000000135525271560687249588227162897338671875	0.0000000000000000000135525271560687249588227162897338671875	34.125
68	574.50	1.00	0.0000000000000000000067762635780343624794113581448669338671875	0.0000000000000000000067762635780343624794113581448669338671875	0.0000000000000000000067762635780343624794113581448669338671875	34.625
69	574.00	1.00	0.00000000000000000000338813178901718123970567907243346689338671875	0.00000000000000000000338813178901718123970567907243346689338671875	0.00000000000000000000338813178901718123970567907243346689338671875	35.125
70	573.50	1.00	0.00000000000000000000169406589450859061985283953621673346689338671875	0.00000000000000000000169406589450859061985283953621673346689338671875	0.00000000000000000000169406589450859061985283953621673346689338671875	35.625
71	573.00	1.00	0.00000000000000000000084703294725429530992641976810833673346689338671875	0.00000000000000000000084703294725429530992641976810833673346689338671875	0.00000000000000000000084703294725429530992641976810833673346689338671875	36.125
72	572.50	1.00	0.0000000000000000000004235164736271476549632098840541686689338671875	0.0000000000000000000004235164736271476549632098840541686689338671875	0.0000000000000000000004235164736271476549632098840541686689338671875	36.625
73	572.00	1.00	0.0000000000000000000002117582368135738274816049420270843346689338671875	0.000000000000000000000211758		





(9)

## Top View



- 4" Square Steel Tube
- 3" Angle Steel
- LED Sign box

(19)

## Waxahachie Family Dentistry

125 Park Place Blvd.

Waxahachie, TX 75165

972-937-4370

129.81 in



(10)

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

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ELECTRONIC MESSAGE SIGN USE WITHIN A PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) ZONING DISTRICT, LOCATED AT 125 PARK PLACE BLVD, BEING PROPERTY ID 247587, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 4A, BLOCK A IN THE PARK PLACE PROFESSIONAL CENTER SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, the described property is classified in said ordinance and any amendments thereto as PD-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-18-0015. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

**NOW, THEREFORE**, this property is rezoned from PD-GR to PD-GR, with an SUP in order to permit an Electronic Message Sign use on the following property: Lot 4A, Block A of the Park Place Professional Center subdivision, which is shown on Exhibit A, in accordance with the Proposed Sign Plan attached as Exhibit B.

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

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

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

\_\_\_\_\_  
MAYOR

ATTEST:

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

(11)

## Planning & Zoning Department

### Zoning Staff Report

Case: PD-18-0016



#### MEETING DATE(S)

*Planning & Zoning Commission:* February 27, 2018

*City Council:* March 5, 2018

#### CAPTION

**Public Hearing** on a request by Jeff Crannell, CCM Engineering, for an Amendment to Ordinance No. 2752 for the Camden Park Phases 1 and 2 Planned Development District to increase Maximum Lot Coverage in the Single Family-3 base district from 35% to 50% by main building and accessory structures. (PD-18-0016)

#### CASE INFORMATION

*Applicant:* Jeff Crannell, CCM Engineering

*Property Owner(s):* Owner's Name

*Site Acreage:* 69.283 acres

*Current Zoning:* Planned Development

*Requested Zoning:* Planned Development

#### SUBJECT PROPERTY

*General Location:* At the northeast corner of Parks School House Rd. and Peters Street.

*Parcel ID Number(s):* From Ellis CAD

*Existing Use:* Single family residential neighborhood

*Development History:* Ordinance No. 2752 was approved by City Council on July 21, 2014. The Final Plat for Camden Park Phase 1 was approved by City Council on September 5, 2017. The Preliminary Plat for Camden Park Phase 2 was approved by City Council on October 24, 2017.

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	LI-1	Burleson Honey
East	PD-SF-3 & 2F, C	Currently undeveloped
South	SF-3	Office
West	C	Gas Station



(11)

**Future Land Use Plan:**

Low Density Residential

**Comprehensive Plan:**

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

**Thoroughfare Plan:**

The site is accessed along Parks School House Rd. and Peters St. Parks School House Rd. is a Secondary Thoroughfare C (90' ROW), while Peters St. has a 50' ROW.

**Site Image:**



**PLANNING ANALYSIS**

The applicant seeks to amend Ordinance No. 2752 to allow for a larger maximum lot coverage.

**PD DEVELOPMENT STANDARDS**

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

Requirement	Base Zoning	Proposed
Maximum lot coverage	35%	50%

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, a notice was published in the Waxahachie Daily Light on 02/09/2018.

**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. Ordinance No. 2752
2. Location 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 I  
[kdent@waxahachie.com](mailto:kdent@waxahachie.com)

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

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held February 27, 2018, the Commission voted 5-0 to recommend approval of zoning change PD-18-0016.

(11)

**ORDINANCE NO. 2752**

**AN ORDINANCE CHANGING THE ZONING ON 69.283 ACRES IN THE SILAS M. DURRETT SURVEY, ABSTRACT NO. 272, WAXAHACHIE, ELLIS COUNTY, TEXAS, LOCATED AT THE NORTHEAST CORNER OF PARKS SCHOOL HOUSE ROAD AND PETERS STREET, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BY AMENDING THE REQUIREMENTS AND TERMS OF THE PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF-3) DISTRICT, 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**, proper notification for the change of zoning has been made in accordance with the zoning ordinances in the City of Waxahachie, and same having been referred to the Planning and Zoning Commission, and said Planning and Zoning Commission has recommended the amendment of the Planned Development-Single Family-3 (PD-SF-3) District; 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 amendment of the Planned Development-Single Family-3 (PD-SF-3), subject to the following Planned Development-Single Family-3 provisions.

**NOW, THEREFORE**, the following described property be, and the same here by amends the Planned Development-Single Family-3 (PD-SF-3) District to read as follows, subject to the following Planned Development-Single Family-3 provisions:

48.57 acres in the Silas M. Durrett Survey, Abstract No. 272, located at the northeast corner of Parks School House Road and Peters Street, Waxahachie, Ellis County, Texas.

**PLANNED DEVELOPMENT – SINGLE FAMILY-3**

Planned Development District permitting uses as prescribed in the Use Schedule of the Zoning Ordinance of Waxahachie, Texas, for Single Family-3 (SF-3), subject to the approval of a site plan by the Planning and Zoning Commission and City Council prior to the issuance of any Building Permit or Certificate of Occupancy for any structure or use on the premises. Such site plan shall set forth the building areas, off-street parking, points of access, any screening walls, open areas, building setbacks, utility easements, curbs, sidewalks, drives and drainage facilities, and shall meet all other city requirements. The following provisions shall be complied with where they differ from SF-3 requirements:

**1. Required lot breakdown for this 195 residential lot development is as follows:**

**A. 32 lots of a minimum size of 6,387 square feet (alley served)**

- Min Lot width – 60'
- Min Lot Depth -100'
- Front setback - 20'
- Rear Setback – 20'
- Side yard setback – 5'
- Side yard (corner) – 10'

**B. 70 lots of a minimum size of 7,000 square feet**

- Min Lot width – 60'
- Min Lot Depth -100'
- Front setback - 20'
- Rear Setback – 20'
- Side yard setback – 5'
- Side yard (corner) – 10'



(11)

C. 52 lots of a minimum size of 8,000 square feet

- Min Lot width – 64'
- Min Lot Depth – 100'
- Front setback – 20'
- Rear Setback – 20'
- Side yard setback – 7'
- Side yard (corner) – 15'

D. 23 lots of a minimum size of 9,000 square feet

- Min Lot width – 64'
- Min Lot Depth – 110'
- Front setback – 25'
- Rear Setback – 20'
- Side yard setback – 7'
- Side yard (corner) – 15'

E. 18 lots of a minimum size of 10,000 square feet

- Min Lot width – 70'
- Min Lot Depth – 110'
- Front setback – 25'
- Rear Setback – 20'
- Side yard setback – 7'
- Side yard (corner) – 10'

2. Minimum size of dwelling area for all lots shall be 1,300 square feet for 33% of the houses, 1,501 square feet for 33 % and 1,700 square feet for 33%.
3. Maximum lot coverage of 35%
4. Minimum dwelling masonry requirement 80%
5. Screening along Parks School House Road and Peters Street is to be placed five (5') feet within properties rear yards along with a Wall Maintenance Easement for the Home Owners Association, this screening should be detailed.
6. Pedestrian access should be provided at cul de sacs
7. All interior sidewalks should be a minimum of five (5') feet wide.
8. Lots 8,000 square feet or greater shall have "J" swing, side entry garages, or rear entry garages
9. Any front entry garage shall be three (3') feet behind front building plane, these should be able to encroach into the back yard three (3') feet
10. Diversity of lot widths should be provided
11. Park amenities should be provided, play equipment, landscaping, sidewalks, etc
12. Pond is private property that is controlled by applicant.

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

This ordinance is to be effective upon passage.

**PASSED, APPROVED AND ADOPTED** on this 21<sup>st</sup> day of July, 2014.



ATTEST:

*Lois Saunders*

City Secretary

*M. Kevin Stuey*  
MAYOR

(11)  
**ZA2014-17 CAMDEN PARK**



This information is designed for illustrative purposes only. The features depicted here are generalized. There remain inaccuracies in the data. If you discover errors please bring them to our attention. More site-specific studies may be required to draw accurate conclusions. Enlargements of this map to scales greater than the original can induce errors and may lead to misinterpretations of the data. Every effort is made to ensure the information displayed here is accurate however, the City of Waxahachie makes no claims to its accuracy or completeness.





## Camden Park Ph 1&2 Location Exhibit

 PD-18-0016

0 500 1,000 2,000 Feet



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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF-3) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF-3), LOCATED IN THE CAMDEN PARK PHASES 1 AND 2 SUBDIVISION IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 69.283 ACRES KNOWN AS THE CAMDEN PARK PHASES 1 AND 2 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**, a proper application for a PD has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number PD-18-0016. 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-SF-3 to PD-SF-3; 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-SF-3 to PD-SF-3; in order to amend Ordinance No. 2752 to increase the maximum lot coverage from thirty-five (35) percent to fifty (50) percent in the Camden Park Phases 1 and 2 subdivision, which is shown on Exhibit A.

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

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

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

\_\_\_\_\_  
MAYOR

ATTEST:

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



(13)

## Planning & Zoning Department

### Zoning Staff Report

Case: PD-18-0007



#### MEETING DATE(S)

Planning & Zoning Commission: February 27, 2018

City Council: March 5, 2018

#### CAPTION

**Public Hearing** on a request by Steve Miller, Steve Miller Real Estate, for a Zoning Change from a Single Family-3 (SF3) zoning district to **Planned Development-Single Family-3 (PD-SF3) with Concept Plan**, located at 415 W. Light Street, being LOT 1 BLK 13 BULLARD-REV 0.323 AC (Property ID 172392) - Owner: COLE DONALD I & PEGGY E REVOCABLE LIVING TRUST (PD-18-0007)

#### CASE INFORMATION

**Applicant:** Steve Miller, Steve Miller Real Estate

**Property Owner(s):** Donald I and Peggy E Cole Revocable Living Trust

**Site Acreage:** 0.323 acres

**Current Zoning:** Single Family-3

**Requested Zoning:** Planned Development-Single Family-3

#### SUBJECT PROPERTY

**General Location:** 415 W Light Street

**Parcel ID Number(s):** 172392

**Existing Use:** Single family residence

**Development History:** The site is located in the Bullard-Revision.

**Adjoining Zoning & Uses:**

Direction	Zoning	Current Use
North	SF-3	Single family residence
East	SF-3	Single family residence
South	SF-3	Single family residence
West	SF-3	Single family residence

**Future Land Use Plan:** Retail

**Comprehensive Plan:**

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

**Thoroughfare Plan:**

The site is located at the northwest corner of W Light Street and the alley extension of Dillon Street. W Light Street is a local street, currently 30' ROW, and the applicant knows he would be responsible for a 12' ROW dedication at the replat stage.



**Site Image:**

**PLANNING ANALYSIS**

The applicant seeks a Planned Development with the intention to eventually replat this lot into two lots, so that the newly-created lot could have a single family residence on it. This lot is larger than many of the other lots in the surrounding area, however a replat would decrease the yard size these homes have.

**PD DEVELOPMENT STANDARDS**

The attached concept plan provisions identify the development standard requirements in the base zoning district in comparison to the proposed development standards for this PD.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 22 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 02/09/2018.

**STAFF CONCERNS**

1. The replat will require a 12' ROW dedication along W Light Street.

**APPLICANT RESPONSE TO CONCERNS**

1. Applicant attended a meeting and submitted revisions provisions and drawings.

**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:
- ☒ Additional considerations may be needed:
  1. These newly created lots would be smaller than the SF-3 zoning districts minimums.
  2. There would be a 12' ROW dedication required that would further reduce the size of the lots.

**ATTACHED EXHIBITS**

1. Concept plan provisions
2. Site plan 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 a set of drawings that incorporate all comments.

**STAFF CONTACT INFORMATION**

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

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

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held February 27, 2018, the Commission voted 5-0 to recommend approval of zoning change PD-18-0007 subject to staff comments. It should be noted that this request is for a Planned Development (PD) Concept Plan. The second part of the PD process is the Detailed Site Plan. If the Concept Plan ordinance is adopted, then the applicant's Detailed Site Plan will be administratively reviewed and can be approved in accordance with the Concept Plan.

(13)

## EXHIBIT B CONCEPT PLAN PROVISIONS

The purpose and intent of this Planned Development (PD) is to divide the Lot known as Property ID 172392 located at 415 W Light Street in Waxahachie, Texas 75165 into Two Separate Lots. On the Existing Lot there is an Existing Home that is 1,172 sq ft with a Tin Garage and a Gravel Drive on the North East Corner of this Existing Lot. This Existing Home will stay and a New Home is proposed to be built on the South West Corner of this Existing Lot.

This property is owned by The Donald I and Peggy E Cole Revocable Living Trust and they are requesting to build this New Home to either Live In, Sell or possibly Rent for Retirement Income. They are both retired and disabled and live at 700 Dunaway Street in Waxahachie with their Son.

The Lot they are wanting to divide would face the variations as listed below:

	<u>Requirements</u>	<u>Existing</u>	<u>Proposed</u>
Maximum Height	Maximum Two Story	Single Story	Single Story
Minimum Lot Area	10,000 Sq Ft	14,069.88 Sq Ft	7,034.94 Sq Ft
Lot Acreage	.2296 Acres	.323 Acres	.1615 Acres
Minimum Lot Width	80 Feet	195 Feet	97.5/97.87 Feet
Minimum Lot Depth	100 Feet	70.52/72.95 Feet	70.52/72.95 Feet
Minimum Front Yard Depth (House)	30 Feet	22.1 Feet	31 Feet
Minimum Front Yard Depth (Garage)	Behind Line	N/A	37 Feet
Minimum Back Yard Depth	25 Feet	8 Feet	9.52 Feet
Minimum Side Yard Corner	15 Feet	10 Feet	15 Feet
Maximum Lot Coverage (Density)	35 %	8.3 %	20%
Minimum Dwelling Unit Area	1,200 Sq Ft	1,172 Sq Ft	1,200 Sq Ft
Enclosed Front Access Parking Spaces	2	1	1

Due to the size of the New Lot, and the depth of the lot only being 70.52 Ft deep, it would not meet the minimum lot depth of 100 feet. The minimum Front Yard Depth from the Front of the House which is 31 feet and the minimum Front Yard Depth from the Garage which is 37 feet, both include 12 feet for the required ROW.

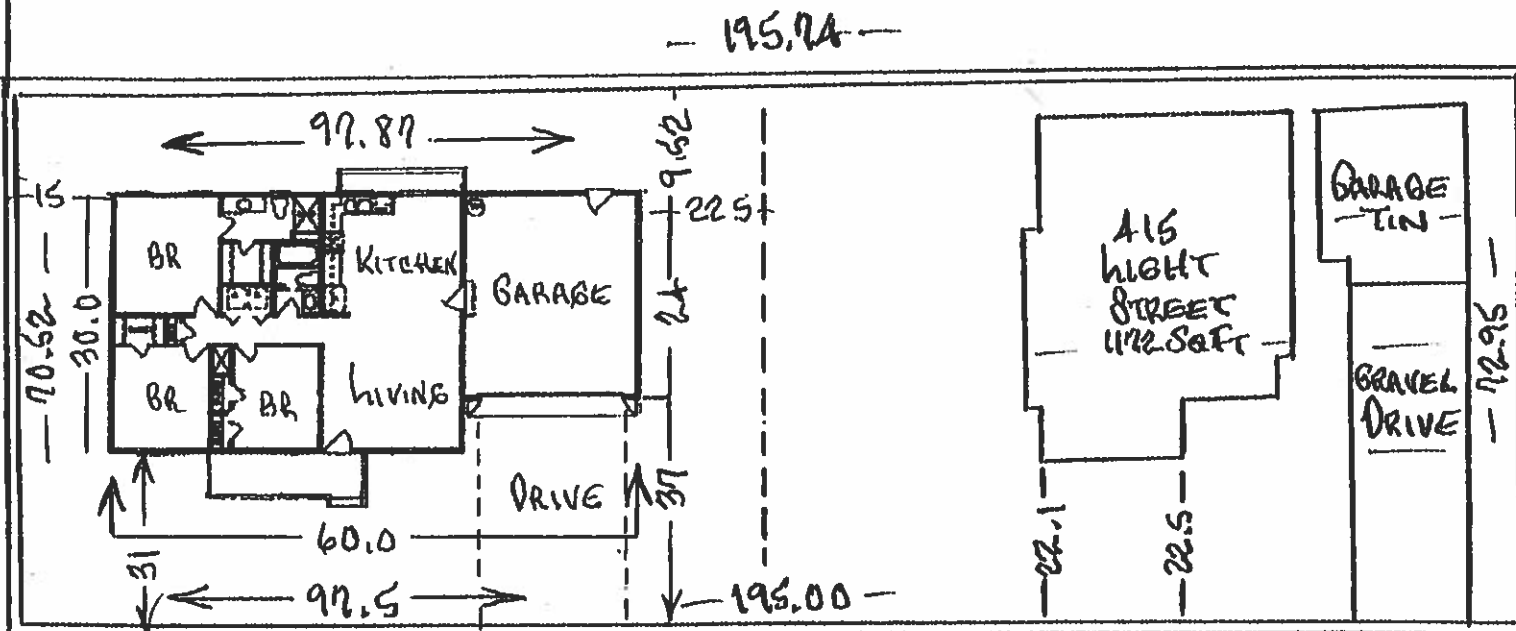
I have included several pictures of the neighborhood showing both Existing and New Homes that have been built over the last 12 months showing how close some of the homes are to the Property Lines and also showing the depth of the front and back yards showing that this new home would not be out of the neighborhood norm.

We have also completed a Utility Investigation for a Water and Sewer Tap and have been approved to move forward with the proper Zoning, Re-Plat and Approval by the City of Waxahachie and are ready to start that process.

Steve Miller  
Steve Miller Real Estate  
Direct – 214-718-2854  
Steve@SteveMillerRealEstate.com



DUTTON ROAD (ALLEY)



LIGHT STREET

OWENS STREET

(91)

PROPOSED  
CHANGES

EXISTING LOT = 14,069.88 SQ FT. (0.323 ACRES)

EXISTING LOT = 7,034.94 SQ FT (0.1615 ACRES)

PROPOSED LOT = 7,034.94 SQ FT (0.1615 ACRES)

(14)

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-3 (SF-3) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF-3), WITH CONCEPT PLAN LOCATED AT 415 W. LIGHT STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.323 ACRES KNOWN AS PROPERTY ID 172392 OF THE BULLARD-REV 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**, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number PD-18-0007. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from SF-3 to PD-SF-3, with Concept Plan; and

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

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

**NOW, THEREFORE**, this property is rezoned from SF-3 to PD-SF-3, with Concept Plan in order to allows the lot to be subdivided on the following property: Property ID 172392 of the Bullard-Rev subdivision, which is shown on Exhibit A, in accordance with the Concept Plan provisions attached as Exhibit B.

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

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

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

\_\_\_\_\_  
MAYOR

ATTEST:

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

(15)

# Planning & Zoning Department

## Zoning Staff Report

Case: PD-18-0009



### MEETING DATE(S)

*Planning & Zoning Commission:* February 27, 2018

*City Council:* March 5, 2018

### CAPTION

**Public Hearing** on a request by Chris Acker, Acker Construction, for a Zoning Change from a Single Family-3 (SF3) zoning district to **Planned Development-Single Family-3 (PD-SF3) with Concept Plan**, located at 1201 Wyatt Street, being LOT A&B BLK 212 TOWN - WAXAHACHIE 0.572 AC (Property ID 171515) - Owner: HALL ELIZABETH A (PD-18-0009)

### CASE INFORMATION

*Applicant:* Chris Acker, Southfork Capital, LLC

*Property Owner(s):* Southfork Capital, LLC

*Site Acreage:* 0.7431 acres

*Current Zoning:* Single Family-3

*Requested Zoning:* Planned Development-Single Family-3

### SUBJECT PROPERTY

*General Location:* 1201 Wyatt Street

*Parcel ID Number(s):* 171515

*Existing Use:* Currently undeveloped

*Development History:* This is part of the Town Addition.

Case No.	Direction from Site	Request	Result
PD-17-0172	Southeast	PD-SF-3	Denied at PZ Jan. 23, 2018

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	SF-3	Currently undeveloped
East	SF-3	Currently undeveloped
South	SF-3	Currently undeveloped
West	SF-3	Single family residence

**Future Land Use Plan:**

Low Density Residential

**Comprehensive Plan:**

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

**Thoroughfare Plan:**

The site is at the northeast corner of Ross and Wyatt Streets. Wyatt Street shows as a Major Thoroughfare B (110' ROW). Ross Street shows as a Secondary Thoroughfare B (80' ROW).

**Site Image:****PLANNING ANALYSIS**

The applicant is seeking a Planned Development, to allow for a replat of this lot into five lots, on which to build single family residences. This area is within the Infill Overlay, and has historically been zoned for SF-3, but the lot sizes for SF-3 have changed over time, thus creating the need for the PD.

**PD DEVELOPMENT STANDARDS**

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

Requirement	Base Zoning	Proposed
Minimum lot size	10,000sf	Lot sizes range from 5,600 to 7,500 and are similar in size to the majority of lots in this area
Masonry construction	75%	Hardie Lap and Hardie Shake siding to conform with existing homes in the area
Front yard setback	30'	18'6"
Rear yard setback	25'	25'
Side yard setback	10' (15' if onto a ROW)	10% of lot width

In addition, the applicant guarantees that no elevations will be duplicated in this five-lot development, with each home having a unique style and color palate, all homes will be Energy Star-rated, and all HVAC units will be screened via landscape or fencing.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 18 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 02/09/2018.

**STAFF CONCERNS**

1. Ensure the development name matches the replat name.

**APPLICANT RESPONSE TO CONCERNS**

1. Applicant met with staff, and submitted revised concept plan provisions.

**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 staff comments:
- ☒ Further considerations may need to be taken into account:
  1. Ensure the development name matches the replat name.

**ATTACHED EXHIBITS**

1. Concept plan provisions

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

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

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

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held February 27, 2018, the Commission voted 5-0 to recommend approval of zoning change PD-18-0009 subject to staff comments. It should be noted that this request is for a Planned Development (PD) Concept Plan. The second part of the PD process is the Detailed Site Plan. If the Concept Plan ordinance is adopted, then the applicant's Detailed Site Plan will be administratively reviewed and can be approved in accordance with the Concept Plan.

## EXHIBIT B

### CONCEPT PLAN PROVISIONS

#### Purpose and Intent

The purpose and intent of this Planned Development (PD) is to build new single family homes for sale. Any conditions found within the Single Family Residential-3 (SF-3) zoning district or Zoning Ordinance that are not written herein, shall default to the City of Waxahachie's Code of Ordinances, as amended

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

Zoning District SF-3 is the intended base zoning classification underlying this PD. The SF-3 zoning district is intended to be similar to the SF-2 except composed of detached, single-family residences on lots of not less than ten thousand (10,000) square feet.

#### PD District Development Standards

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

- To build new single family homes and sell them.

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

- New single family home construction.

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

- Lot sizes range from 5,600 to 7,500 and are similar in size to the majority of lots in this area.
- Hardie Lap and Hardie Shake siding to conform with existing homes in the area
- 30 Year architectural roofing shingles
- All rear yards to be fenced with a 6' tall privacy cedar fence.
- No elevation will be duplicated on any lot in this addition (each home will be of a unique style and color palate)
- Minimum 7/12 roof pitch
- All homes will be energy star rated
- Front yard setback 18'6"
- Rear yard setback 25'
- Side yard setback 10% of lot width.
- All HVAC condensing units shall be screened from public streets via landscape or fencing

(16)

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-3 (SF-3) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF-3), WITH CONCEPT PLAN LOCATED AT THE NORTHEAST CORNER OF WYATT STREET AND EAST ROSS STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.572 ACRES KNOWN AS PROPERTY ID 171515 OF THE TOWN 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**, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number PD-18-0009. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from SF-3 to PD-SF-3, with Concept Plan; and

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

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

**NOW, THEREFORE**, this property is rezoned from SF-3 to PD-SF-3, with Concept Plan in order to subdivide the property for sale: Property ID 171515 of the Town subdivision, which is shown on Exhibit A, in accordance with the Concept Plan provisions attached as Exhibit B.

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

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

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

\_\_\_\_\_  
MAYOR

ATTEST:

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

117)

## Planning & Zoning Department

### Plat Staff Report

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**Case: RP-18-0010**

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#### MEETING DATE(S)

*Planning & Zoning Commission:* February 27, 2018

*City Council:* March 5, 2018

#### CAPTION

**Consider** request by Chris Acker, Southfork Capital LLC, for a Replat of Block 212 and a portion of Block 214 of Town Addition, to create Lots 1-4, Block 212 and Lot 3, Block 214, Town Addition, 0.7431 acres (Property ID 171515) – Owner: HALL ELIZABETH A (RP-18-0010)

#### CASE INFORMATION

*Applicant:* Chris Acker, Southfork Capital, LLC

*Property Owner(s):* Southfork Capital, LLC

*Site Acreage:* .7431 acres

*Number of Lots:* 5 lots

*Number of Dwelling Units:* 5 units

*Park Land Dedication:* The cash in lieu of park land dedication for this case is estimated at **\$2,000.00** (5 residential dwellings at \$400.00 per dwelling).

*Adequate Public Facilities:* This will be on City water and sewer.

#### SUBJECT PROPERTY

*General Location:* 1201 Wyatt Street

*Parcel ID Number(s):* 171515

*Current Zoning:* Single Family-3

*Existing Use:* Currently undeveloped

*Platting History:* This is part of the Town Addition.



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

1. Applicant will rename the subdivision to match with the corresponding Planned Development district.

**APPLICANT RESPONSE TO CONCERNS**

1. Applicant has agreed to partner with the County and City to ensure proposed subdivision name is not already in use.

**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. Applicant has agreed to rename the subdivision and corresponding Planned Development and to ensure they are not already in use.

**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 I

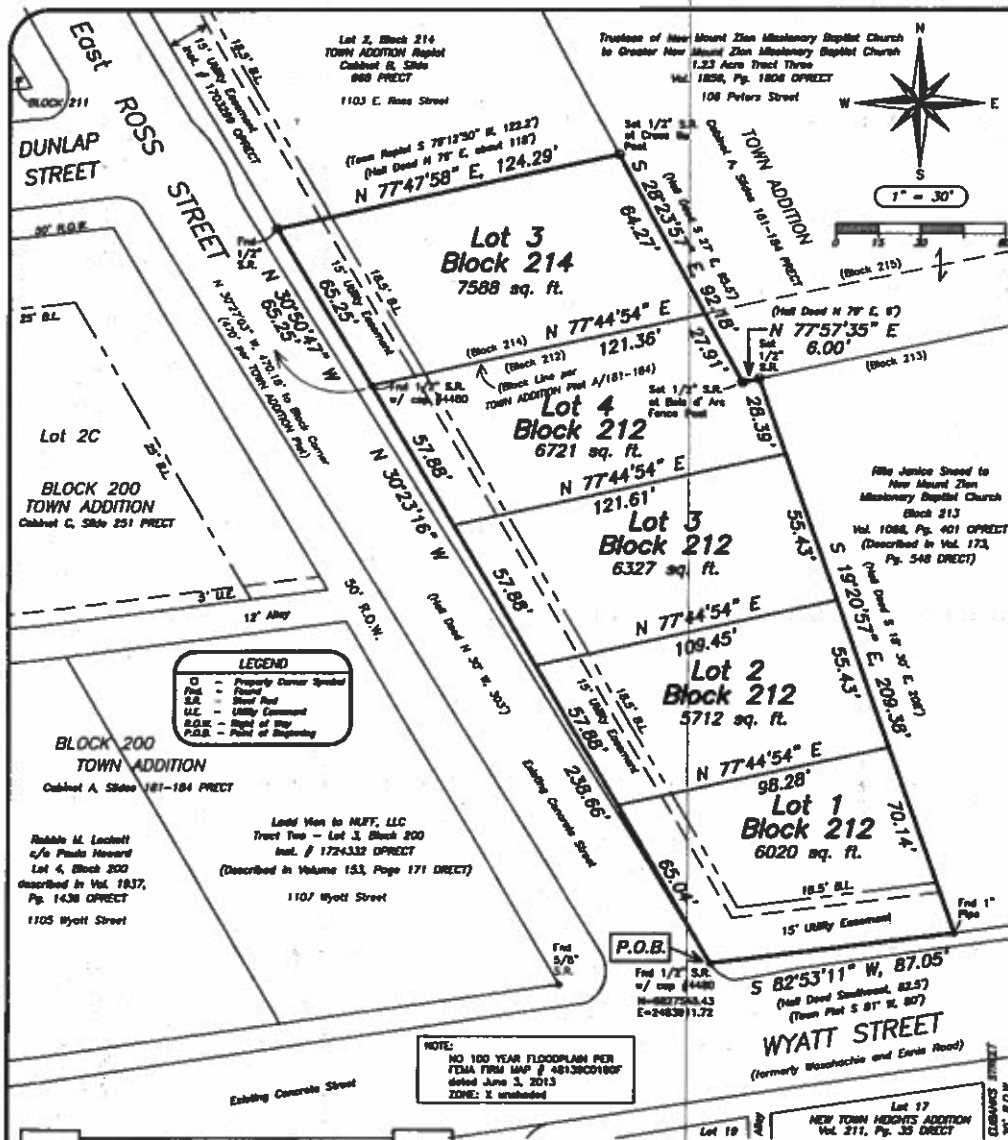
[kdent@waxahachie.com](mailto:kdent@waxahachie.com)*Reviewed by:*

Shon Brooks, AICP

Director of Planning

[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held February 27, 2018, the Commission voted 5-0 to recommend approval of plat no. RP-18-0010 subject to staff comments.



# OWNER'S CERTIFICATE

STATE OF TEXAS  
COUNTY OF ELLIS

WHEREAS WE, Southland Capital, LLC, are the Owners of a tract of land situated in the City of Waxahachie, Ellis County, Texas and being BLOCK 212 and a portion of BLOCK 214 of TOWN ADDITION, and being more particularly described as follows:

## FIELD NOTES - 0.7431 Acre

BEING of that certain lot, tract or parcel of land being a portion of the Samuel Ramsey Survey, Abstract No. 813 as conveyed to Elizabeth Hall by deed as recorded in Instrument Number 1818373 of the Official Public Records of Ellis County, Texas (OPRECT) and described in Volume 180, Page 17 of the Official Records of Ellis County, Texas (OPRECT), said Hall tract being all of Block 212 and a portion of Block 214 of TOWN ADDITION, an addition to the City of Waxahachie, Ellis County, Texas, according to the Plat thereof as recorded in Cabinet A, Sheet 181 through 184 of the Plat Records of Ellis County, Texas (PRECT), and now as conveyed to Southland Capital, LLC by deed as recorded in Instrument Number 173707 OPRECT, and being more particularly described as follows:

BEGINNING at a 1/2" steel rod found with cap number 4480 for the southwest corner of this tract and same for said Block 212 and same for said Lot 1 of Block 212 at the intersection of the north line of WYATT STREET, a public right of way, formerly known as WAXAHACHIE and DINES ROAD, and the east line of East ROSS STREET, a 60' wide right of way; (with the bearing basis for this description from GPS observation, Texas Co-Ordinate System, North Central Zone, and having a beginning co-ordinate of Northing = 9827545.43, Easting = 2463811.72);

THENCE along the west line of this tract and same for said Lot 1 tract and the west line of said East ROSS STREET as follows (Hall Deed N 30° W, 300.7);

N 30°23'16" W, 236.06 feet along the west line of said Block 212 to a 1/2" steel rod found with cap number 4480 for the northeast corner of said Block 212 and the southwest corner of said Block 214;

N 30°20'47" W, 65.25 feet along the west line of said Block 214 to a 1/2" steel rod found for the northeast corner of this tract and same for said Lot 1 tract and the southwest corner of Lot 2 in Block 214 of TOWN ADDITION, according to the Plat thereof as recorded in Cabinet A, Sheet 188 PRECT;

THENCE N 77°47'58" E, 124.29 feet (Hall Deed N 78° E, about 118' and Town Plot S 78°12'50" E, 122.27) along the north line of this tract and same for said Lot 1 tract to a 1/2" steel rod set at the point for the northerly northeast corner of this tract and same for said Lot 1 tract and the southwest corner of said Lot 2 in the east line of said Block 214 and in the west line of Block 213 of said TOWN ADDITION as recorded in Cabinet A, Sheet 181-184 PRECT and in the west line of a called 1.23 acre Tract Three as conveyed to Greater New Mount Zion Missionary Baptist Church by deed as recorded in Volume 1806, Page 1806 OPRECT;

THENCE along the east line of this tract and same for said Lot 1 tract as follows:  
S 28°23'57" E, 92.18 feet (Hall Deed S 27° E, 95.87) along the west line of said 1.23 acre tract to a 1/2" steel rod set at the point for the southwest corner of said 1.23 acre tract at an inner corner of this tract and same for said Lot 1 tract;

N 77°57'35" E, 6.00 feet (Hall Deed N 78° E, 6') along the south line of said 1.23 acre tract to a 1/2" steel rod set for the southerly northeast corner of this tract and the northeast corner of Block 213 and same for a tract of land conveyed to New Mount Zion Missionary Baptist Church (church tract) by deed as recorded in Volume 1086, Page 401 OPRECT;

S 19°20'37" E, 208.36 feet (Hall Deed S 18°30' E, 200') along the east line of said Block 212 and the east line of said Block 213 and same for said church tract to a 1" pipe found for the southeast corner of this tract and same for said Lot 1 tract and same for said Block 212 and the southwest corner of said Block 213 and same for said church tract in the north line of said WYATT STREET;

THENCE S 82°53'11" W, 87.05 feet (Hall Deed Southwest, 82.5' and Town Plot S 81° W, 80') along the south line of this tract and same for said Block 212 and same for said Lot 1 tract to the POINT OF BEGINNING and containing approximately 0.7431 acre of land.

(also known as 1201 Wyatt Street)

## CITY OF WAXAHACHIE, TEXAS

### REPLAT APPROVAL

APPROVED BY: Planning and Zoning Commission  
City of Waxahachie

By: Chairperson  
Date:

APPROVED BY: City Council  
City of Waxahachie

By: Mayor  
Date:

Attest  
Date:

## Owners:

Southland Capital, LLC  
1813 Chisholm #103  
Waxahachie, Texas 75165  
Phone: 409-383-5838  
Chris Acker

## NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That WE, Southland Capital, LLC, do hereby adopt this plat designating the herein above described property as a REPLAT of LOTS 1 through 4 in BLOCK 212 and LOT 3 in BLOCK 214 of TOWN ADDITION, an addition to the City of Waxahachie, Texas, (being a REPLAT of BLOCK 212 and a portion of BLOCK 214 of TOWN ADDITION) and do hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for public purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No building, fence, wall, structure or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Waxahachie. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the Public's and City of Waxahachie's use thereof. The City of Waxahachie and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, walls, structures or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Waxahachie and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, improving, maintaining, repairing, reading meters, and adding to or removing all or parts of their respective systems without the necessity of any time procuring permission from anyone.

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

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

By:

Authorized Signature of Owner

Printed Name and Title

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 Chris Acker, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

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

Notary Public in and for the State of Texas

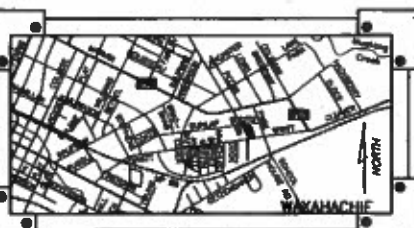
My Commission Expires On:

## REPLAT Lots 1 - 4, Block 212 Lot 3, Block 214 TOWN ADDITION ( 0.7431 Acre )

BEING a REPLAT of BLOCK 212 and a Portion of BLOCK 214 of TOWN ADDITION, in the City of Waxahachie, Ellis County, Texas

ELLIS ASSOCIATES  
SURVEYORS  
212 North College Tel. 872-937-7474  
Waxahachie, Texas 75165  
TBPLS License No. 10067100

Drawn: K. Bohannon Date: January 10, 2018 Job: 17-318-BASE-REPLAT



LOCATION MAP SCALE: 1" = 2000'

(19)



## Memorandum

To: Honorable Mayor and City Council  
From: Anita Brown *AB*  
Thru: Michael Scott, City Manager *MS*  
Date: February 22, 2018  
Re: C-10's Car Show and Concert, September 15, 2018

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I would like to place the following item on the agenda for the City Council meeting that will be held on Monday, March 5<sup>th</sup>:

Request street closures for the C-10's car show and concert (see attached map)

Jackson Street from Main to Jefferson from noon to 11 pm

Franklin Street from College to Jackson from noon to 11 pm

The bulk of this event will take place in Getzendaner Park, but like last year, the organizers want to have an evening concert and gathering downtown on Saturday night. In addition to street closures, trash cans and portable toilets are being requested. Alcohol will be sold to event goers by a third party (DMA, Chamber) if one can be secured.

This event was a great success last year and promises to be even bigger this year.

Thank you for your consideration of this request.

2018 C-10's Car Show + Concert


Saturday, Sept. 15, 2018







## Memorandum

To: Honorable Mayor and City Council  
From: Doug Barnes, Director of Economic Development  
Thru: Michael Scott, City Manager   
Date: February 27, 2018  
Re: Rate Review Mechanism Tariff

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The City of Waxahachie, along with 171 other Mid-Texas Cities Served by Atmos Energy Corporation, Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Steering Committee of Cities Served by Atmos ("Cities"). In 2007, the Cities and Atmos Mid-Tex settled a rate application filed by the Company pursuant to Section 104.301 of the Texas Utilities Code for an interim rate adjustment commonly referred to as a GRIP filing (arising out of the Gas Reliability Infrastructure Program legislation). That settlement created a substitute rate review process, referred to as Rate Review Mechanism ("RRM"), as a substitute for future filings under the GRIP statute.

Since 2007, there have been several modifications to the original RRM Tariff. The Ordinance that resolved the Company's application under the RRM Tariff in 2017 also terminated the existing RRM Tariff and required a renegotiation of the terms of that tariff. Negotiations have taken place over the past several months, and have resulted in a revised RRM Tariff that has been agreed to by the Company.

The RRM Tariff on which the 2017 rates were based allowed a rate of return on equity of 10.50%. The revised RRM Tariff reduces that to 9.8%. The revised RRM Tariff also captures the reduction in federal income tax rates from 35% to 21%, and should result in a rate reduction effective by mid-March, 2018. Prior RRM tariffs allowed Cities only three months to review the Company's filing. The new revised Tariff expands that time period by two months. New applications by the Company should be made on or about April 1 of each year, with new rates effective October 1.

City staff recommends acceptance of the revised RRM Tariff.

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING A TARIFF AUTHORIZING AN ANNUAL RATE REVIEW MECHANISM ("RRM") AS A SUBSTITUTION FOR THE ANNUAL INTERIM RATE ADJUSTMENT PROCESS DEFINED BY SECTION 104.301 OF THE TEXAS UTILITIES CODE, AND AS NEGOTIATED BETWEEN ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "COMPANY") AND THE STEERING COMMITTEE OF CITIES SERVED BY ATMOS; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE.**

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

WHEREAS, the City and similarly-situated Mid-Tex municipalities created the Steering Committee of Cities Served by Atmos to efficiently address all rate and service matters associated with delivery of natural gas; and

WHEREAS, the Steering Committee formed an Executive Committee to direct legal counsel and to recommend certain specific actions to all aligned Mid-Tex Cities through resolution or ordinance; and

WHEREAS, pursuant to the terms of a November 2007 agreement between the Steering Committee and Atmos Mid-Tex that settled the Company's interim rate filing under Section 104.301 of the Texas Utilities Code (a "GRIP" rate case), the Steering Committee and the Company collaboratively developed a Rate Review Mechanism ("RRM") Tariff, ultimately authorized by the City in 2008, that allows for an expedited rate review process as a substitute for the GRIP process; and

WHEREAS, the City has kept some form of a RRM Tariff in place until 2017 when it adopted an ordinance approving an RRM Tariff filing settlement and specifically calling for

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termination of the existing RRM Tariff and negotiation of a replacement RRM Tariff following the Railroad Commission's decision in a then-pending Atmos Texas Pipeline case (GUD No. 10580); and

WHEREAS, the Steering Committee's Executive Committee has recently approved a settlement with the Company on the attached RRM Tariff that contains certain notable improvements, from a consumer perspective, over the prior RRM Tariff, including a reduced rate of return on equity, acceptance of certain expense adjustments made by the Railroad Commission in the Order in GUD No. 10580, and the addition of two months to the time for processing a RRM Tariff application; and

WHEREAS, the RRM Tariff contemplates reimbursement of Cities' reasonable expenses associated with RRM Tariff applications; and

WHEREAS, the Steering Committee's Executive Committee recommends that all Steering Committee member cities adopt this ordinance and the attached RRM Tariff; and

WHEREAS, the attached RRM Tariff is just, reasonable and in the public interest,

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

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

**Section 2.** That the attached RRM Tariff re-establishing a form of Rate Review Mechanism is just and reasonable and in the public interest, and is hereby adopted.

**Section 3.** That Atmos Mid-Tex shall reimburse the Cities' reasonable expenses associated with adoption of this Ordinance and the attached RRM Tariff and in processing future RRM Tariff applications filed pursuant to the attached tariff.

**Section 4.** That to the extent any resolution or ordinance previously adopted by the City is inconsistent with this Ordinance, it is hereby repealed.



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**Section 5.** That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

**Section 6.** That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance , and the remaining provisions of this Ordinance shall be interpreted as if the offending section or clause never existed.

**Section 7.** That this Ordinance shall become effective from and after its passage.

**Section 8.** That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs, Atmos Energy Corporation, Mid-Tex Division, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to Mid-Tex Cities, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED this 5<sup>th</sup> day of March, 2018.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
City Attorney

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**ATMOS ENERGY CORPORATION  
MID-TEX DIVISION**

<b>RATE SCHEDULE:</b>	<b>RRM – Rate Review Mechanism</b>	
<b>APPLICABLE TO:</b>	<b>ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on and after 04/01/2018</b>	<b>PAGE: 1</b>

**I. Applicability**

Applicable to Residential, Commercial, Industrial, and Transportation tariff customers within the city limits of cities identified in Exhibit A that receive service from the Mid-Tex Division of Atmos Energy Corporation ("Company"). This Rate Review Mechanism ("RRM") provides for an annual adjustment to the Company's Rate Schedules R, C, I and T ("Applicable Rate Schedules"). Rate calculations and adjustments required by this tariff shall be determined on a System-Wide cost basis.

**II. Definitions**

"Test Period" is defined as the twelve months ending December 31 of each preceding calendar year.

The "Effective Date" is the date that adjustments required by this tariff are applied to customer bills. The annual Effective Date is October 1.

Unless otherwise provided in this tariff the term Final Order refers to the final order issued by the Railroad Commission of Texas in GUD No. 10170 and elements of GUD No. 10580 as specified in Section III below.

The term "System-Wide" means all incorporated and unincorporated areas served by the Company.

"Review Period" is defined as the period from the Filing Date until the Effective Date.

The "Filing Date" is as early as practicable, but no later than April 1 of each year.

**III. Calculation**

The RRM shall calculate an annual, System-Wide cost of service ("COS") that will be used to adjust applicable rate schedules prospectively as of the Effective Date. The Company may request recovery of its total cost of service but will include schedules showing the computation of any adjustments. The annual cost of service will be calculated according to the following formula:

$$\text{COS} = \text{OM} + \text{DEP} + \text{RI} + \text{TAX} + \text{CD}$$

Where:

OM = all reasonable and necessary operation and maintenance expenses from the Test Period adjusted for known and measurable items and prepared

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**ATMOS ENERGY CORPORATION**  
**MID-TEX DIVISION**

<b>RATE SCHEDULE:</b>	<b>RRM – Rate Review Mechanism</b>	
<b>APPLICABLE TO:</b>	<b>ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on and after 04/01/2018</b>	<b>PAGE: 2</b>

consistent with the rate making treatments approved in the Final Order. Incentive compensation (Management Incentive Plan, Variable Pay Plan and Long Term Incentive Plan) related to Atmos' Shared Services Unit will be applied consistent with treatment approved in GUD 10580. Additionally, O&M adjustments will be incorporated and applied as modified by a final order, not subject to appeal, issued by the Railroad Commission of Texas in subsequent rate cases involving the Atmos Mid-Tex or West Texas divisions. Known and measurable adjustments shall be limited to those changes that have occurred prior to the Filing Date. OM may be adjusted for atypical and non-recurring items. Shared Services allocation factors shall be recalculated each year based on the latest component factors used during the Test Period, but the methodology used will be that approved in the Final Order in GUD 10580.

**DEP** = depreciation expense calculated at depreciation rates approved by the Final Order. Additionally, if depreciation rates are approved in a subsequent final order, not subject to appeal, issued by the Railroad Commission of Texas for the Mid-Tex division those rates would be applicable for subsequent RRM filings.

**RI** = return on prudently incurred investment calculated as the Company's pretax return multiplied by rate base at Test Period end. Rate base is prepared consistent with the rate making treatments approved in the Final Order, and as in GUD 10580 as specifically related to capitalized incentive compensation (Management Incentive Plan, Variable Pay Plan and Long Term Incentive Plan) for Atmos' Shared Services Unit. However, no post Test Period adjustments will be permitted. Additionally, adjustments will be incorporated and applied as modified by a final order, not subject to appeal, issued by the Railroad Commission of Texas in subsequent rate cases involving the Atmos Mid-Tex or West Texas divisions. Pretax return is the Company's weighted average cost of capital before income taxes. The Company's weighted average cost of capital is calculated using the methodology from the Final Order including the Company's actual capital structure and long term cost of debt as of the Test Period end (adjusted for any known and measurable changes that have occurred prior to the filing date) and the return on equity of 9.8%. However, in no event will the percentage of equity exceed 58%. Regulatory adjustments due to prior regulatory rate base adjustment disallowances will be maintained. Cash working capital will be calculated using the lead/lag days approved in the Final Order. With respect to pension and other postemployment benefits, the Company will record a regulatory asset or liability for these costs until the amounts are included in the next annual rate adjustment implemented under this tariff. Each year, the Company's filing under this Rider RRM will clearly state the level of pension

**ATMOS ENERGY CORPORATION  
MID-TEX DIVISION**

<b>RATE SCHEDULE:</b>	<b>RRM – Rate Review Mechanism</b>	
<b>APPLICABLE TO:</b>	<b>ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on and after 04/01/2018</b>	<b>PAGE: 3</b>

and other postemployment benefits recovered in rates.

**TAX** = income tax and taxes other than income tax from the Test Period adjusted for known and measurable changes occurring after the Test Period and before the Filing Date, and prepared consistent with the rate making treatments approved in the Final Order. Atmos Energy shall comprehensively account for, including establishing a regulatory liability to account for, any statutory change in tax expense that is applicable to months during the Test Period in the calculation to ensure recovery of tax expense under new and old income tax rates.

**CD** = interest on customer deposits.

#### **IV. Annual Rate Adjustment**

The Company shall provide schedules and work papers supporting the Filing's revenue deficiency/sufficiency calculations using the methodology accepted in the Final Order. The result shall be reflected in the proposed new rates to be established for the effective period. The Revenue Requirement will be apportioned to customer classes in the same manner that Company's Revenue Requirement was apportioned in the Final Order. For the Residential Class, 50% of the increase may be recovered in the customer charge. However, the increase to the Residential customer charge shall not exceed \$0.60 per month in the initial filing and \$0.70 per month in any subsequent year. The remainder of the Residential Class increase not collected in the customer charge will be recovered in the usage charge. For all other classes, the change in rates will be apportioned between the customer charge and the usage charge, consistent with the Final Order. Test Period billing determinants shall be adjusted and normalized according to the methodology utilized in the Final Order.

#### **V. Filing**

The Company shall file schedules annually with the regulatory authority having original jurisdiction over the Company's rates on or before the Filing Date that support the proposed rate adjustments. The schedules shall be in the same general format as the cost of service model and relied-upon files upon which the Final Order was based. A proof of rates and a copy of current and proposed tariffs shall also be included with the filing. The filing shall be made in electronic form where practical. The Company's filing shall conform to Minimum Filing Requirements (to be agreed upon by the parties), which will contain a minimum amount of information that will assist the regulatory authority in its review and analysis of the filing. The Company and regulatory authority will endeavor to hold a technical conference regarding the filing within twenty (20) calendar days after the Filing Date.

**ATMOS ENERGY CORPORATION**  
**MID-TEX DIVISION**

<b>RATE SCHEDULE:</b>	<b>RRM – Rate Review Mechanism</b>	
<b>APPLICABLE TO:</b>	<b>ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on and after 04/01/2018</b>	<b>PAGE: 4</b>

A sworn statement shall be filed by an Officer of the Company affirming that the filed schedules are in compliance with the provisions of this Rate Review Mechanism and are true and correct to the best of his/her knowledge, information, and belief. No testimony shall be filed, but a brief narrative explanation shall be provided of any changes to corporate structure, accounting methodologies, allocation of common costs, or atypical or non- recurring items included in the filing.

## **VI. Evaluation Procedures**

The regulatory authority having original jurisdiction over the Company's rates shall review and render a decision on the Company's proposed rate adjustment prior to the Effective Date. The Company shall provide all supplemental information requested to ensure an opportunity for adequate review by the relevant regulatory authority. The Company shall not unilaterally impose any limits upon the provision of supplemental information and such information shall be provided within seven (7) working days of the original request. The regulatory authority may propose any adjustments it determines to be required to bring the proposed rate adjustment into compliance with the provisions of this tariff.

The regulatory authority may disallow any net plant investment that is not shown to be prudently incurred. Approval by the regulatory authority of net plant investment pursuant to the provisions of this tariff shall constitute a finding that such net plant investment was prudently incurred. Such finding of prudence shall not be subject to further review in a subsequent RRM or Statement of Intent filing.

During the Review Period, the Company and the regulatory authority will work collaboratively and seek agreement on the level of rate adjustments. If, at the end of the Review Period, the Company and the regulatory authority have not reached agreement, the regulatory authority shall take action to modify or deny the proposed rate adjustments. The Company shall have the right to appeal the regulatory authority's action to the Railroad Commission of Texas. Upon the filing of an appeal of the regulatory authority's order relating to an annual RRM filing with the Railroad Commission of Texas, the regulatory authority having original jurisdiction over the Company's rates shall not oppose the implementation of the Company's proposed rates subject to refund, nor will the regulatory authority advocate for the imposition of a third party surety bond by the Company. Any refund shall be limited to and determined based on the resolution of the disputed adjustment(s) in a final, non-appealable order issued in the appeal filed by the Company at the Railroad Commission of Texas.

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**ATMOS ENERGY CORPORATION  
MID-TEX DIVISION**

<b>RATE SCHEDULE:</b>	<b>RRM – Rate Review Mechanism</b>	
<b>APPLICABLE TO:</b>	<b>ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on and after 04/01/2018</b>	<b>PAGE: 5</b>

In the event that the regulatory authority and Company agree to a rate adjustment(s) that is different from the adjustment(s) requested in the Company's filing, the Company shall file compliance tariffs consistent with the agreement. No action on the part of the regulatory authority shall be required to allow the rate adjustment(s) to become effective on October 1. To the extent that the regulatory authority does not take action on the Company's RRM filing by September 30, the rates proposed in the Company's filing shall be deemed approved effective October 1. Notwithstanding the preceding sentence, a regulatory authority may choose to take affirmative action to approve a rate adjustment under this tariff. In those instances where such approval cannot reasonably occur by September 30, the rates finally approved by the regulatory authority shall be deemed effective as of October 1.

To defray the cost, if any, of regulatory authorities conducting a review of the Company's annual RRM filing, the Company shall reimburse the regulatory authorities on a monthly basis for their reasonable expenses incurred upon submission of invoices for such review. Any reimbursement contemplated hereunder shall be deemed a reasonable and necessary operating expense of the Company in the year in which the reimbursement is made. A regulatory authority seeking reimbursement under this provision shall submit its request for reimbursement to the Company no later than December 1 of the year in which the RRM filing is made and the Company shall reimburse regulatory authorities in accordance with this provision on or before December 31 of the year the RRM filing is made.

To the extent possible, the provisions of the Final Order shall be applied by the regulatory authority in determining whether to approve or disapprove of Company's proposed rate adjustment.

This Rider RRM does not limit the legal rights and duties of a regulatory authority. Nothing herein shall abrogate the jurisdiction of the regulatory authority to initiate a rate proceeding at any time to review whether rates charged are just and reasonable. Similarly, the Company retains its right to utilize the provisions of Texas Utilities Code, Chapter 104, Subchapter C to request a change in rates. The provisions of this Rider RRM are implemented in harmony with the Gas Utility Regulatory Act (Texas Utilities Code, Chapters 101-105).

The annual rate adjustment process set forth in this tariff shall remain in effect during the pendency of any Statement of Intent rate filing.

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**ATMOS ENERGY CORPORATION  
MID-TEX DIVISION**

<b>RATE SCHEDULE:</b>	<b>RRM – Rate Review Mechanism</b>	
<b>APPLICABLE TO:</b>	<b>ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on and after 04/01/2018</b>	<b>PAGE: 6</b>

**VII. Reconsideration, Appeal and Unresolved Items**

Orders issued pursuant to this mechanism are ratemaking orders and shall be subject to appeal under Sections 102.001(b) and 103.021, et seq., of the Texas Utilities Code (Vernon 2007).

**VIII. Notice**

Notice of each annual RRM filing shall be provided by including the notice, in conspicuous form, in the bill of each directly affected customer no later than forty-five (45) days after the Company makes its annual filing pursuant to this tariff. The notice to customers shall include the following information:

- a) a description of the proposed revision of rates and schedules;
- b) the effect the proposed revision of rates is expected to have on the rates applicable to each customer class and on an average bill for each affected customer;
- c) the service area or areas in which the proposed rates would apply;
- d) the date the annual RRM filing was made with the regulatory authority; and
- e) the Company's address, telephone number and website where information concerning the proposed rate adjustment can be obtained.

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**ATMOS ENERGY CORPORATION**  
**MID-TEX DIVISION**

<b>RATE SCHEDULE:</b>	<b>RRM – Rate Review Mechanism</b>	
<b>APPLICABLE TO:</b>	<b>ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on and after 04/01/2018</b>	<b>PAGE: 7</b>

## Exhibit A

### ACSC Cities

Abilene	Cleburne	Frost	Lincoln Park
Addison	Clyde	Gainesville	Little Elm
Albany	College Station	Garland	Lorena
Allen	Colleyville	Garrett	Madisonville
Alvarado	Colorado City	Grand Prairie	Malakoff
Angus	Comanche	Grapevine	Mansfield
Anna	Commerce	Groesbeck	Mckinney
Argyle	Coolidge	Gunter	Melissa
Arlington	Coppell	Haltom City	Mesquite
Aubrey	Copperas Cove	Harker Heights	Midlothian
Azle	Corinth	Haskell	Murphy
Bedford	Crandall	Haslet	Newark
Bellmead	Crowley	Hewitt	Nocona
Benbrook	Dalworthington Gardens	Highland Park	North Richland Hills
Beverly Hills	Denison	Highland Village	Northlake
Blossom	Denton	Honey Grove	Oak Leaf
Blue Ridge	Desoto	Hurst	Ovilla
Bowie	Draper	Hutto	Palestine
Boyd	Duncanville	Iowa Park	Pantego
Bridgeport	Eastland	Irving	Paris
Brownwood	Edgecliff Village	Justin	Parker
Buffalo	Emory	Kaufman	Pecan Hill
Burkburnett	Ennis	Keene	Petrolia
Burleson	Eules	Keller	Plano
Caddo Mills	Everman	Kemp	Ponder
Canton	Fairview	Kennedale	Pottsboro
Carrollton	Farmers Branch	Kerens	Prosper
Cedar Hill	Farmersville	Kerrville	Quitman
Celeste	Fate	Killeen	Red Oak
Celina	Flower Mound	Krum	Reno (Parker County)
Centerville	Forest Hill	Lake Worth	Rhome
Cisco	Forney	Lakeside	Richardson
Clarksville	Fort Worth	Lancaster	Richland
	Frisco	Lewisville	Richland Hills



(20)

**ATMOS ENERGY CORPORATION  
MID-TEX DIVISION**

<b>RATE SCHEDULE:</b>	<b>RRM – Rate Review Mechanism</b>	
<b>APPLICABLE TO:</b>	<b>ALL CITIES IN THE MID-TEX DIVISION AS IDENTIFIED IN EXHIBIT A TO THIS RATE SCHEDULE</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on and after 04/01/2018</b>	<b>PAGE: 8</b>

River Oaks	Temple
Roanoke	Terrell
Robinson	The Colony
Rockwall	Trophy Club
Roscoe	Tyler
Rowlett	University Park
Royse City	Venus
Sachse	Vernon
Saginaw	Waco
Sansom Park	Watauga
Seagoville	Waxahachie
Sherman	Westlake
Snyder	Westover Hills
Southlake	Westworth Village
Springtown	White Settlement
Stamford	Whitesboro
Stephenville	Wichita Falls
Sulphur Springs	Woodway
Sweetwater	Wylie



## Memorandum

To: Honorable Mayor and City Council

From: Ryan Studdard, Director of Building and Community Services

Thru: Michael Scott, City Manager

Date: March 5<sup>th</sup> 2018

Re: Repeal and Replace Ordinance #2520 Food and Food Handlers

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**Purpose of changes listed below:**

- Update TFER chapter from §229 dated 2006 to the new §228 dated 2015
- Update terms and definitions where applicable per the new TFER.
- Replace all environmental health language with Building and Community Services.
- Update language in Article III to include the new Notice of Improvement Plan and to reference sec 1-12 of this code.

To simplify the ordinance, all sections removed were identified as duplicate and/or the same standards are reflected in the 2015 TFER §228 rules listed below:

- TFER §228.69 Preventing Contamination from Premises
- TFER §228.33 Certified Food Protection Manager and Food Handler Requirements
- TFER §228.223 Bed and Breakfast
- TFER §228.221 Mobile Food Units
- TFER §228.222 Temporary Food Establishments
- TFER §228.62 Approved Sources (a) Compliance with Food Law (c) Milk (4) Fish (6) Meat & Poultry (G) Exotic animals and Game animals
- TFER §228.150 Sewage Retention, Drainage, & Delivery (e) Conveying Sewage
- TFER §228.106 Functionality of Equipment (d) Vending Machines

(21)

**Revised Ordinance Section Order**

**Food and Food Handlers**

**Article I. – In General**

Sec. 1 – Adoption of regulations

Sec. 2 – Definition of terms

Sec. 3 – Conflicts

**Article II. – Food Service Establishments**

Sec. 4 – Food Establishment permits – General requirements

Sec. 5 – Food Manager Certification and Food Handler Safety Certification

Sec. 6 – Classification of permits

Sec. 7 – Waxahachie Farmers Market

Sec. 8 – Submission and review of plans

Sec. 9 – Fees

Sec. 10 – Permit denial, suspension, and revocation

Sec. 11 – Emergency closure of a food establishment

Sec. 12 – Disposal of contaminated foods

Sec. 13 – Seizure, destruction of uninspected products

Sec. 14 – Appeal from condemnation

**Article III. – Penalties for violation**

Sec. 15 – Penalties for violation

(21)

## Chapter 13 - FOOD AND FOOD HANDLERS

### ARTICLE I. - IN GENERAL

#### ~~Sec. 13-1.~~ Sec. 1 - Adoption of regulations.

- (a) The following statutes, in their current form and as they may hereafter be amended, are adopted and incorporated into this article as if they were set forth at length herein:
- (1) The "Texas Food, Drug and Cosmetic Act," Texas Health and Safety Code, Chapter 431.
  - (2) The "Minimum Standards of Sanitation and Health Protection Measures," Texas Health and Safety Code, Chapter 341.
- (b) The following regulations adopted by the Texas Board of Health, in their current form and as they may hereafter be amended, are adopted and incorporated into this article as if they were set forth at length herein. If there is a conflict between a rule and any section of this article, the more restrictive provision shall apply.
- (1) The "Sanitary Rules for Food and Drug Establishments," 25 Texas Administrative Code, § 229.41, et seq.
  - (2) The rules for "Texas Food Establishments Rules," 25 Texas Administrative Code, § 229.161 228, et seq.
- ~~(c) The director will assure that a current copy of each rule manual will be kept on file in the office of the City Secretary.~~
- (d) A food establishment's owner, manager, or operator commits an offense if an employee, owner, manager, or operator of the food establishment violates a rule adopted pursuant to subsection (b).

#### ~~Sec. 13-2.~~ Sec. 2 - Definitions of terms.

~~*Bed and breakfast inn or facility.* A dwelling occupied as a permanent residence by the owner or renter which serves breakfast and provides or offers sleeping and lodging accommodations in no more than five (5) rooms for transient guests for compensation.~~

~~*Beverage.* A liquid for drinking, including water.~~

~~*Change of ownership.* A change of owner or operator of a food establishment business, and does not refer to a change of owner of the building where the business is located.~~

~~*Commissary.* A fixed food service establishment permitted and regularly inspected by the director of environmental health.~~

~~*Employee.* Any person manufacturing, packaging, producing, processing, storing, selling, offering for sale, vending, preparing, serving, or handling any food in a food establishment.~~

~~*Farmer's market.* An outdoor, open-air operation running from late May until the beginning of November, consisting of unprocessed fresh fruits, vegetables, or other produce.~~

~~*Food.* Any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.~~

~~*Food establishment.* Any place where food is manufactured, packaged, produced, processed, transported, stored, sold, commercially prepared, vended, or otherwise handled. The term includes any such place regardless of the duration of the permit or whether there is a charge for the food. The term does not include private homes where food is prepared or served for guests and individual family consumption.~~

(21)

~~Food handler. Any person, who prepares, serves, packages, or handles open food or drink, or who handles clean utensils, pots, or single service.~~

~~Mobile food unit. A vehicle mounted food service operation designed to be readily movable.~~

~~Pushcart. A mobile food unit, powered by human beings only, that is limited to serving non-potentially hazardous food(s). A push cart is classified as a mobile food establishment.~~

~~Temporary food service establishment. A food establishment that operates for a period of no more than fourteen (14) consecutive days in conjunction with a single event or celebration.~~

The word "director" means the Director of Building and Community Services.

The words "authorized agent" means an employee of the Department of Building and Community Services.

Whenever the word "municipality" or the word "city" is used in the code adopted by this article, it shall be construed to mean the City of Waxahachie, Texas.

Whenever the words "corporate counsel" or "city attorney" is used in the code adopted by this article, it shall be construed to mean the city attorney of this city.

The words "food establishment" means a food service establishment, a retail food store, a temporary food establishment, a mobile food unit, and/or a roadside food vendor.

Time/Temperature Controlled for Safety (TCS) food (TCS)--(formerly Potentially Hazardous Food (PHF)) A food that requires time/temperature controlled for safety to limit pathogenic microorganism growth or toxin formation. An animal food that is raw or heat-treated. A plant food that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixture of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation.

#### ~~Sec. 13-3.~~ Sec. 3 - Conflicts.

In the event of any conflict between the provisions of the code adopted by this article, the provisions of this Code of Ordinances, state law or city ordinances, rules or regulations, the stricter provisions shall prevail and be controlling.

#### ~~Sec. 13-4.~~ Definitions.

~~Whenever the word "municipality" or the word "city" is used in the code adopted by this article, it shall be construed to mean the City of Waxahachie, Texas.~~

~~Whenever the words "corporate counsel" or "city attorney" is used in the code adopted by this article, it shall be construed to mean the city attorney of this city.~~

#### ~~Sec. 13-5.~~ Sec. 12 - Disposal of contaminated foods.

At any time that the ~~health officer~~ authorized agent shall find any food, food products, drinks or beverages which are contaminated, spoiled or unfit for human consumption, it shall be the duty of the ~~health officer~~ agent to immediately condemn such food or beverage. The owner of such contaminated food shall be required to dispose of the same in a manner approved by the ~~health officer~~ authorized agent at the owner's expense.

#### ~~Secs. 13-6 - 13-10.~~ Reserved.

## ARTICLE II. - FOOD SERVICE ESTABLISHMENTS<sup>(3)</sup>

(21)

~~Sec. 13-11.~~ Sec. 4 - Food establishment permits—General requirements.

- (a) No person shall operate a food establishment without a current, valid food establishment permit issued by the City of Waxahachie ~~Environmental Health Department~~ Department of Building and Community Services.
- (b) A separate permit shall be required for every food establishment with separate and distinct facilities and operations, whether situated in the same building or at separate locations.
- (c) Permits issued under the provisions of this article are not transferable. A permit shall be valid for the period of time shown on the face of the permit, unless earlier suspended or revoked by the director or his designees. All permits expire on December 31 of the permitting year and should be posted in the establishment conspicuously for customer view.
- (d) A letter of renewal will be sent to all current food establishments at the end of the calendar year to renew their permit. Any permit that lapses for nonpayment of the annual permit fee required in this section will be reinstated upon payment of an additional fee of twenty-five dollars (\$25.00) for each thirty-day period in which the permit has been allowed to lapse.
- (e) The application for a new permit shall be made on an application form prescribed by the director for each classification of permit.
  - ~~(1) At a minimum the application shall require the applicant's name, type of business organization, the name and address of the owner or principal officer of the business, the nature of the business, the location of the business, copy of a valid driver's license, and such other information as the director of environmental health deems necessary.~~
  - ~~(2) Applications for permits for mobile food units or temporary event establishments which operate from a fixed food facility located outside of the city shall include a copy of the facility's current, valid, permit (state or local) and the most recent facility inspection report (state or local).~~
- ~~(f) The environmental health department may not renew an expired or expiring permit until the owner or operator of the food establishment provides proof of compliance with current minimum health department requirements.~~
- ~~(g) The owner or operator of a food establishment shall post and maintain the current permit in a conspicuous public place in the establishment for which the permit was issued.~~
- ~~(h) Upon change of ownership of a business, the new owner shall be required to apply for a new permit and meet current food establishment standards as defined in this Code and state law before a permit will be issued by the environmental health department.~~
- ~~(i) The following types of establishments are exempt from the requirements of this article:~~
  - ~~(1) Group homes;~~
  - ~~(2) Vending machines;~~
  - ~~(3) Facilities operated by nonprofit organizations for their members, families, and invited guests. Facilities are not exempt when food service is provided in conjunction with a child care facility, retirement center, hospital, school, indigent feeding program, or public fundraising events; and~~
  - ~~(4) Private schools that do not have a kitchen.~~
- ~~(j) Criminal offenses.~~
  - ~~(1) A person commits an offense if the person knowingly owns, operates, or is in control of a food establishment that is operating without a valid food permit.~~
  - ~~(2) A person commits an offense if the person owns or operates a food establishment and knowingly fails to post and maintain a permit in accordance with subsection (g).~~

(21)

- ~~(3) A person commits an offense if the person owns or operates a food establishment and knowingly operates with violations after an inspection by the health department deemed the establishment in violation of minimum requirements.~~

~~Sec. 13-12.~~ Sec. 6 - Classification of permits.

Food establishment permits shall be classified according to as one of the following ~~the duration of operation and location of such operation.~~

- ~~(a) The duration of a permit shall fall within one of these categories, annual, temporary, seasonal, or semi-annual as follows:~~

- ~~(1) *Annual.* An establishment that operates throughout the year.~~
- ~~(2) *Temporary.* An establishment that operates fourteen (14) consecutive days or fewer, in conjunction with a special event.~~
- ~~(3) *Seasonal.* An establishment that operates more than fourteen (14) consecutive days but less than one hundred eighty (180) days each year, and not associated with a special event.~~
- ~~(4) *Semi-annual food establishments.* An establishment that is operating temporarily at an event that is reoccurring throughout the year.~~

- ~~(b) The location classification of a permit shall fall within one (1) of three (3) categories, permanent, mobile, or non-permanent as follows:~~

~~(1) *Permanent food establishments.*~~

- a. Food service establishment: Restaurants, cafeterias, snack bars, bakeries, snow cone stands, caterer's commissaries, private school cafeterias, halfway house food services, hospital kitchens/cafeterias, institutional food services, etc., where food is prepared and served;
- b. Retail food stores handling prepackaged, potentially hazardous foods;
- c. Retail food stores handling, processing or selling open foods;
- d. Food warehouses/wholesalers;
- e. Bars/lounges; and
- f. Bed and breakfast establishments.

~~(2) *Mobile food establishments.*~~

- a. Retail food unit handling prepackaged food.
- b. Retail food unit (including trailers, mobile barbecues, snow cone units, etc.) handling, processing, or selling open food. A separate permit is required for each different type of mobile unit owned or operated by an individual or company.
- c. Mobile produce unit.

All mobile food units handling open TCS foods shall operate from a central preparation facility or other fixed food service establishment that is regularly inspected by the local or state health department. All mobile food units handling TCS foods shall report at least once a day to their central preparation facility to clean and service the mobile unit. The following are exempt from these requirements: catering operations with their own central preparation facility, snow cone trailers, corn roasters, and pre-packaged ice cream units.

(f) Mobile food units are required to be continuously moving. A mobile food unit shall not sit for longer than one (1) hour at one location.



(21)

- d. Mobile units delivering or selling meat, poultry, fish, seafood or shellfish (except retail grocery delivery trucks and units that are otherwise prohibited by this article). Except for wholesale fish truckers, any person who operates, sells, or engages in the distribution of any meat, poultry, fish, sea foods, or shellfish in the city shall operate from a fixed and permitted place of businesses. Roadside vending of meat, poultry, fish, seafood, or shellfish shall not be permitted in the city.
  - e. Pushcarts; and
  - f. Catering units.
- (3) ~~Nonpermanent~~ Temporary food establishments - Can operate at a designated fixed location for a temporary period of time not to exceed fourteen (14) days, and only in conjunction with a special event recognized by the city. Temporary food vendors who prepare TCS food items must have a certified food manager on-site at all times during operation.
- a. Concession trailers, tents, and booths set up in association with an event;
  - b. Vendors set up in association with the Waxahachie Farmer's Market;
  - c. Catering services contracted to provide food service in association with an event; and
  - d. Food manufacturers serving samples of product in association with an event.

~~Sec. 13-13~~ Sec. 10 - Permit denial, suspension, and revocation.

- (a) ~~The director of environmental health~~ may deny a permit, or after notice of violation, suspend or revoke a permit for failure to comply with the requirements of this article or any state law adopted by this article.
- (b) Notice of a permit denial shall be served upon the owner or operator of the food establishment either in person or by certified mail, return receipt requested, at the mailing address specified in the permit application.

~~Sec. 13-14~~ Sec. 8 - Submission and review of plans.

- (a) When a food establishment is newly constructed or extensively remodeled, when a food establishment has a change of ownership, or when an existing structure is converted to use as a food establishment, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the Department of Building and Community Services ~~director of the environmental health department~~ for review and approval before construction, remodeling or conversion is begun.
- (b) ~~The director~~ An authorized agent shall inspect the food establishment prior to the start of operations to determine compliance with the approved plans and specifications, the requirements of this article and the regulations of the Texas Department of State Health Services.

~~Sec. 13-15~~ Sec. 9 - Fees.

The city council shall adopt a schedule of fees for:

- (a) All food establishment permits; change of ownership; re-issuance of a permit after expiration; and additional printed permits. ~~The environmental health department~~ Department of Building and Community Services will not issue a permit until all fees have been paid.
- (b) The following fee schedule applies to all permits issued under this chapter:
  - (1) *Permanent food establishment permits (annual fees):*



(21)

One hundred twenty-five dollars (\$125.00) facilities with one thousand (1,000) or less square feet.

One hundred seventy-five dollars (\$175.00) facilities with one thousand one (1,001) to five thousand (5,000) square feet.

Two hundred twenty-five dollars (\$225.00) facilities with five thousand one (5,001) to ten thousand (10,000) square feet.

Three hundred dollars (\$300.00) facilities with ten thousand one (10,001) or more square feet.

- (2) *Mobile food establishments.* Mobile food vendors that meet the specifications of a mobile food establishment will be charged a fee of one hundred fifty dollars (\$150.00) to operate from January 1 to December 31.
- (3) *Nonpermanent food establishments.* Caterers or vendors that operate from a state approved facility not within the city limits may operate throughout the year in conjunction with an event. The fee of one hundred twenty dollars (\$120.00) will apply to operate from January 1 to December 31.
- (4) *Temporary food establishments.* Food vendors who participate in temporary events within the city limits will be charged a fee for a temporary food establishment permit per each event. The fees for the permit will be as follows:
  - a. Vendors selling and preparing foods that require temperature control and extensive food preparation will be charged sixty dollars (\$60.00) per each event.
  - b. Vendors selling and preparing foods that do not require temperature control such as snow cone stands, prepackaged foods, and juices/beverages only will be charged twenty-five dollars (\$25.00) per each event.
- (5) *Seasonal food establishments.* Food vendors who operate as a seasonal food establishment will be charged a fee of sixty dollars (\$60.00) to operate their establishment more than fourteen (14) days but less than one hundred eighty (180) days.
- (6) *Farmers market permits.* Persons who participate in the Waxahachie Farmers Market will be charged a fee of thirty dollars (\$30.00) to operate only at the location of the market during the set days of the market. This fee will be charged in addition to the fees for space rental and space reservation.
- (7) *Change of ownership.* A fee of twenty-five dollars (\$25.00) will be applied to all food establishments that have a change of ownership in addition to the fee for renewal of permit. A new application will need to be completed. The fees are due upon submittal of the change of information.
- (8) *Reissuance of permit after expiration.* If a permitted food establishment allows their permit to expire past January 1 of the following year a fee of twenty-five dollars (\$25.00) per each thirty-day period will be assessed to reissue the permit in addition to the fee for renewal of permit.
- (9) *Additional printed permits.* Additional copies of a food establishment permit will cost five dollars (\$5.00) per copy. The initial permit will be sent to the permitted food establishment free of charge.
- (10) *Nonprofit organizations.* Nonprofit organizations, as designated by the Internal Revenue Service as a 501(c) organization or by approval of the city manager, may operate throughout the year in conjunction with an event. The fee of sixty dollars (\$60.00) will apply to operate from January 1 to December 31.

(21)

- ~~(a) No person shall sell or offer for sale any food item that has exceeded its expiration date, unless the food has been separated from other in-date food and marked as expired.~~
- ~~(b) No person shall process wild game in a food operations area where meat, fish or poultry is processed, unless approved by the Texas Department of State Health Services.~~
- ~~(c) The director of environmental health is authorized to detain suspected contaminated, adulterated, or otherwise unwholesome food.~~
- ~~(d) No person shall offer for sale, or give away or dispose of any food for human consumption pronounced by the director to be unfit for human consumption.~~
- ~~(e) Accumulation of garbage or other wastes within, under, or around any building or room used as a food establishment shall be prohibited. All garbage shall be removed from the premises as often as necessary to prevent overflow or odor. All food establishments shall have a minimum of three (3) times per week garbage collection through the city's authorized collection company. It will be the discretion of the director of environmental health to require additional garbage collection for any food establishment.~~
- ~~(f) A person commits an offense if the person owns or operated a food establishment that is in violation of any provision of this section.~~

~~(Ord. No. 2520, 5-4-09)~~

~~Sec. 13-17.~~ Sec. 5 - Food manager certification and food handler safety certification.

- ~~(a) The owner or operator of an establishment which handles open food and has food handlers on duty at any time shall make certain that at least one (1) certified food manager is on duty during all hours of operation.~~
- ~~(b) The owner or operator of a new food establishment shall provide proof to the environmental health department, prior to opening the establishment, that the establishment meets the certified food manager requirements of this article.~~
- ~~(c) When an existing food establishment has a change of ownership, the new owner or operator of the establishment must show the environmental health department that it is in compliance with the certified food manager requirements of this article by providing proof of completion of the certified food manager course prior to the effective date of ownership.~~
- ~~(d) The following establishments are exempt from the requirements of this section:~~
  - ~~(1) Temporary food establishments serving items that are prepackaged, precooked, and/or do not require temperature control;~~
  - ~~(2) Establishments selling only uncut produce (farmer's markets and produce stands);~~
  - ~~(3) Food warehouses/wholesalers; and~~
  - ~~(4) Bed and breakfast homes.~~
- ~~(e) All person(s) operating a food establishment of any type or working in a facility preparing or handling food items for consumption and handling clean utensils, pots, or service items are required to obtain a food handler safety certification. These requirements extend to busboys, hosts and hostesses, cleaning personnel, or any other person employed by the establishment or facility. All certificates must be available on site for authorized agent's review during inspections. Persons possessing a food manager certification are exempt from this requirement.~~
- ~~(f) The owner or operator of a food establishment shall ensure that all the food handlers obtain a food handler safety certification before starting to work at the food establishment. Proof of completion must be presented to the field inspector at the time of inspection.~~
- ~~(g) Criminal offenses.~~

(21)

- ~~(1) A person commits an offense if the person is the owner or operator of a food establishment and violates a provision of this section.~~
- ~~(2) A person commits an offense if the person is the food manager of a food establishment and fails to obtain a food manager certificate from the Texas Department of State Health Services.~~
- ~~(3) A person commits an offense if the person operating or working in a food establishment does not obtain a food handlers safety certification.~~

~~Sec. 13-18.~~ Sec. 11 - Emergency closure of a food establishment.

When an authorized agent ~~the director~~ finds any food establishment in a condition which poses an imminent risk to the health or safety of the public or the employees of the establishment, the director shall be authorized to close such food establishment and prevent its use as a food establishment until such unsanitary conditions have been removed or abated, and until it no longer endangers public health, and suspend summarily its food establishment permit.

~~Sec. 13-19.~~ Sec. 7 - Waxahachie Farmer's Market.

- ~~(a) No person shall vend fresh fruits, vegetables, or other produce or operate a farmer's~~ farmer's market without a valid food establishment permit issued by the Department of Building and Community Services ~~-environmental health department.~~
- ~~(b) Fresh fruits, vegetables, or other produce displays shall be confined to the area assigned by the director of the farmers market and be elevated at least twelve (12) inches above the ground.~~
- ~~(c) Fresh produce shall not be cut or sliced.~~
- ~~(d) Individual vendors selling produce at the farmer's market must obtain a food establishment permit from the environmental health department~~ Department of Building and Community Services. The permit will be valid for the farmer's market only, and cannot be used in conjunction with any other event.
- ~~(e) An individual vendor commits an offense if the vendor violates any provision of this section.~~

~~(Ord. No. 2520, 5-4-09)~~

~~Sec. 13-20. Bed and breakfast inn or facility.~~

~~Establishments identified as a bed and breakfast inn or facility as defined in section 13-2, shall meet the following requirements in order to operate their establishment:~~

- ~~(a) Obtain a permit from the City of Waxahachie Environmental Health Department to operate a bed and breakfast (approval of the specific use permit is required for application of permit);~~
- ~~(b) Establishment must be in compliance with the minimum requirements for a bed and breakfast establishment set forth by state rule located in 25TAC 229.174;~~
- ~~(c) Pass each semi-annual routine health inspections; and~~
- ~~(d) The establishment shall not sell or prepare food for the purpose of resale. The preparation of food will be limited to breakfast only and intended solely for the transient guest(s) staying in the house.~~

~~(Ord. No. 2520, 5-4-09)~~

~~Secs. 13-21 - 13-25. Reserved.~~

ARTICLE III. ~~MOBILE AND TEMPORARY FOOD PERMITS~~<sup>(4)</sup>

(21)

~~Sec. 13-26. Roadside vending.~~

~~Roadside vending of unprocessed potentially hazardous food is prohibited. Roadside vending of any food item must be approved by the director of environmental health and permitted through the environmental health department before sale can occur.~~

~~Sec. 13-27. Mobile food units.~~

~~(a) A mobile food unit includes:~~

- ~~(1) Vehicles manufactured for commissary use;~~
- ~~(2) Vehicles that sell pre-packaged food and drink items; and~~
- ~~(3) Pushcarts.~~

~~(b) All mobile food units handling open potentially hazardous foods shall operate from a commissary or other fixed food service establishment that is regularly inspected by the local or state health department. All mobile food units handling potentially hazardous foods shall report at least once a day to their commissary to clean and service the mobile unit. The following are exempt from these requirements: catering operations with their own commissary, snow cone trailers, corn roasters, and pre-packaged ice cream units.~~

~~(c) All mobile food units are required to meet the following conditions unless the director approves otherwise:~~

- ~~(1) Mobile food units must provide valid proof of completion of food handler safety course for all food handlers;~~
- ~~(2) Valid state driver's license;~~
- ~~(3) Proof of liability insurance on mobile food unit vehicle;~~
- ~~(4) Proof of business liability insurance that encompasses the whole scope of the mobile food unit.~~

~~(d) Mobile food units shall provide only single-service articles for use by the consumer.~~

~~(e) The mobile food unit permit sticker for a mobile food unit shall be displayed in a conspicuous location.~~

~~(f) Mobile food units are required to be continuously moving. A mobile food unit shall not sit for longer than one (1) hour at one location.~~

~~Sec. 13-28. Temporary food permits.~~

~~(a) A temporary food establishment can operate at a designated fixed location for a temporary period of time not to exceed fourteen (14) days, and only in conjunction with a special event recognized by the city.~~

~~(b) Home preparation or storage of food that will be distributed to the public is not allowed.~~

~~(c) All temporary food establishments that handle or prepare unpackaged foods are required to meet the following conditions, unless the director approves otherwise:~~

- ~~(1) Hand washing facilities;~~
- ~~(2) Multi compartment sink;~~
- ~~(3) Hot and cold water from an approved source shall be made available;~~
- ~~(4) Available sanitary sewerage facilities or a system that complies with liquid waste disposal code requirements;~~
- ~~(5) Suitable flooring (i.e. asphalt, concrete, removable platforms, duckboards, or other suitable materials approved by the director that effectively control dust and mud);~~

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- ~~(6) An overhead covering and a minimum of three (3) side walls;~~
- ~~(7) Hot and cold holding equipment with thermometers readily available. All meat, dairy, and perishable food products must be stored at 40° Fahrenheit or colder or at 135° Fahrenheit or hotter.~~
- ~~(d) Temporary food vendors cannot prepare potentially dangerous food items (potentially dangerous food items are food that requires temperature control; this includes food of animal origin that is raw) unless the following provisions are met:~~
  - ~~(1) Must have a person on site at all times during operation of the establishment that possesses a certified food manager license.~~
  - ~~(2) Facilities used for operation of the temporary establishment must meet the provisions listed under subsection (c) in addition to the following:~~
    - ~~a. Cooking, refrigeration, and all other required equipment must be located inside a concession trailer unit designed specifically for food preparation;~~
    - ~~b. Refrigeration equipment must be manufactured for its specific use (coolers with ice or containers using dry ice are not acceptable);~~
    - ~~c. Food preparation must take place inside the concession trailer unit.~~
  - ~~(3) Temporary food vendors serving pre-cooked, pre-packaged, and/or items that do not require temperature control are exempt from this requirement.~~
- ~~(e) A temporary food establishment that does not have conveniently available hot and cold running water and a sanitary sewerage facility must furnish the following, when all food items are not prepackaged:~~
  - ~~(1) At least five (5) gallons of portable water in a sturdy plastic dispensing container to be used for hand washing, utensil cleaning, and sanitizing; if portable water replenishment is not readily available, additional containers of portable water may be required.~~
  - ~~(2) One (1) sturdy pail or tub with soap, water, and a small amount of chlorine liquid bleach (approximately fourteen ounce) for hand washing.~~
  - ~~(3) Disposable paper towels, hand cleaning soap, or detergent.~~
  - ~~(4) Two (2) sturdy plastic pails or tubs of at least two (2) gallons capacity; one for washing and one with chlorine liquid bleach/water solution of fifty (50) parts per million.~~
  - ~~(5) An adequate size container of household liquid chlorine bleach and chlorine test strips for verifying a chlorine concentration of at least fifty (50) parts per million.~~
  - ~~(6) A sturdy five (5) gallon plastic container with a small opening and a funnel to receive and store liquid wastes until proper disposal can be made to a sanitary sewer system.~~
  - ~~(7) Convenient solid waste containers, with plastic liners.~~
- ~~(f) Ice used for human consumption must be stored separately from ice used to refrigerate drink bottles, cans, or cartons.~~
- ~~(g) All condiments, including onions, relish, sauces, peppers, catsup, mustard, etc., available for customer self-service must be available in single self-service packets or be dispensed from a sanitary dispenser.~~
- ~~(h) Preparing or displaying food in an unprotected area is not allowed. This includes preparing foods in/on open pit barbecues, charcoal grills, butane or propane cookers, or similar methods.~~
- ~~(i) A temporary food establishment shall provide only single service articles for use by the consumer.~~
- ~~(j) All foods, food containers, utensils, napkins, straws, and single service materials must be stored well above the floor and adequately protected from contamination.~~

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~~(k) Animals and tobacco in all forms are prohibited in food preparation and service areas.~~

~~(l) A person commits an offense if the person violates any provision of this section.~~

~~Secs. 13-29—13-34. Reserved.~~

#### ARTICLE IV.—MILK AND DAIRY PRODUCTS<sup>(6)</sup>

~~Sec. 13-35. Adoption of regulations.~~

~~All milk and dairy products processed or sold within the city shall be regulated in accordance with the rules for "Dairy Products," Texas Health and Safety Code, Chapter 435, copies of which are on file in the office of the city secretary.~~

~~The city health officer shall inspect the equipment and sanitation of the dairies and milk plants and grade the milk according to the provisions of Subchapter A of the Texas Health and Safety Code, Chapter 435, and all amendments thereto, in accordance with the rules and regulations promulgated by the state health officer pursuant thereto. The grading and labeling of milk and dairy products sold and offered for sale within the city according to the definitions set forth by the board and represented in said code for grades "A," "B," "C" and "D" raw milk and milk products, and for grades "A," "B" and "C" pasteurized milk and milk products, is hereby made mandatory. These specifications are on file with the city secretary for public examination.~~

~~(Ord. No. 2520, 5-4-09)~~

~~Sec. 13-36. Delivery containers.~~

~~All pasteurized milk and milk products shall be placed in their final delivery containers in the plant in which they are pasteurized and all raw milk and milk products sold for consumption in the raw state shall be placed in their final delivery container at the farm at which they are produced.~~

~~Sec. 13-37. Adulterated, misbranded or ungraded milk or milk products.~~

~~No person shall, within the city, or its police jurisdiction, produce, sell, offer or expose for sale, or have in possession with intent to sell, any milk or milk product which is adulterated, misbranded, or ungraded within the meaning of and under the penalty of said code. Violations of this section shall be sufficient cause for the revocation of permits for the sale of milk or milk products.~~

~~Sec. 13-38. Future dairies and milk plants.~~

~~All future dairies and milk plants from which milk or milk products are supplied to the city, which are constructed, reconstructed, or extensively altered shall conform in their construction to the grade A requirements of said code and the rules and regulations promulgated pursuant thereto.~~

~~Sec. 13-39. Enforcement of article provisions.~~

~~This article shall be enforced by the city health officer in accordance with the interpretations thereof contained in Subchapter A of the Texas Health and Safety Code, Chapter 435.~~

~~(Ord. No. 2520, 5-4-09)~~

~~Secs. 13-40—13-45. Reserved.~~

#### ARTICLE V.—MEAT, POULTRY, AND FISH<sup>(6)</sup>



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~~Sec. 13-46. Adoption of regulations.~~

~~All meat and poultry products processed or sold within the city shall be regulated in accordance with the terms of the rules for "Meat and Poultry Inspection", 25 Texas Administrative Code, 5 221.1 et. seq. and the Texas Health and Safety Code, Title 6, Chapter 443 Meat and Poultry Inspection Act. All fish and aquatic products processed or sold within the city shall be regulated in accordance with the terms of the Texas Health and Safety code, Title 6, Chapter 436 Texas Aquatic Life Act. Copies of all regulations are on file in the office of the city secretary.~~

~~Sec. 13-47. Slaughtering of animals, livestock, and fowl.~~

~~(a) No person shall slaughter or cause to be slaughtered any animal intended for consumption by the person or person's household, nonpaying guests, or employees,~~

~~(b) A person commits an offense if the person erects, maintains, or uses any structure, enclosure, or other place as a slaughter house for the purpose of slaughtering animals intended for human consumption.~~

~~(c) An exception to subsection (a) or (b) will be present if the slaughter was performed on nonresidential premises which had at the time of the slaughter a current, valid permit issued by the United States Department of Agriculture or the Texas Department of State Health Services to slaughter animals for human consumption.~~

~~Sec. 13-48. Sale of uninspected products prohibited.~~

~~It shall be unlawful for any person to sell for human consumption any meat, poultry, or fish products which have not been inspected and passed under the supervision of the Bureau of Animal Industry of the United States Department of Agriculture, the Texas Department of State Health Services, or the city, and so properly labeled as provided for by the provisions of this article.~~

~~Sec. 13-49.~~ Sec. 13 - Seizure, destruction of uninspected products.

If any meat, poultry, or fish products are found within the city which have not been properly labeled and inspected as provided by this article, they shall be seized and destroyed or excluded from the city by the director authorized agent.

~~Sec. 13-50.~~ Sec. 14 - Appeal from condemnation.

When the action of the director authorized agent in condemning any meat or poultry or product is questioned, appeal shall be made to the city manager whose decision shall be final.

~~Sec. 13-51. Permitting required.~~

~~It shall be unlawful for any person to slaughter, manufacture, or process any meat, poultry, or fish and seafood product within the city until such person has applied for and been granted a meat inspection permit by the director of environmental health.~~

~~Sec. 13-52. Fee.~~

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~~Before any permit shall be issued to an applicant therefore under the provisions of this article, the applicant shall pay a fee of one hundred dollars (\$100.00) to the city. Such fee shall not be prorated.~~

~~Sec. 13-53. Connection to city sewers.~~

~~Any person operating a slaughterhouse or a meat or poultry processing and manufacturing business who desires to connect to the city sanitary sewer shall provide preliminary sewage treatment of all sewage except domestic sewage, before a permit shall be issued to connect to the city sanitary sewer, the nature and scope of such preliminary treatment to be approved by the director of environmental health before the permit is to be granted.~~

~~Sec. 13-54. Duration.~~

~~Every permit issued under the provisions of this article shall be valid for the calendar year.~~

~~Sec. 13-55. Revocation.~~

~~Any permit issued under the provisions of this article may be revoked by the director for the violation by the permittee of any applicable provision of this Code, state law or city ordinance, rule or regulation.~~

~~{Ord. No. 2520, 5-4-09}~~

~~Sec. 13-56. Minimum handling requirements.~~

~~The following minimum handling requirements must be met for any establishment wishing to operate as a meat, poultry, fish, and/or seafood handler, wholesaler, manufacturer, or any other type of associated operation:~~

- ~~(a) From the time it is shipped until the time it is sold, meat, poultry, fish, and seafood intended for human consumption shall be refrigerated to a temperature of 34° Fahrenheit or less.~~
- ~~(b) The processing and packaging of meat, poultry, fish and/or seafood shall be conducted in a refrigerated room:
  - ~~(1) Where the temperature is kept at 50° Fahrenheit or less; and~~
  - ~~(2) Undergoes a mid shift cleanup after four (4) hours of operation, including all processing equipment.~~~~
- ~~(c) Meat, poultry, fish, and seafood shall not be refrigerated on undrained ice.~~

~~Secs. 13-57 - 13-65. Reserved.~~

ARTICLE ~~III~~VI. PENALTIES FOR VIOLATIONS<sup>(7)</sup>

~~Sec. 13-66.~~Sec. 15 - Penalties for violation.

Any person who shall violate any provision of this ordinance and code adopted by the provisions of these articles shall be deemed guilty of a misdemeanor punishable as provided in section 1-12 of this code, and shall may also be reprimanded as follows:

- (a) Verbal warning of violations;



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- (b) Written notice to appear in court for each violation of Improvement plan;
- (c) Closure of establishment;
- (d) Revocation of permit; and/or
- (e) Civil penalties filed through city ~~attorneys~~ attorney's office.

Each day such violation(s) continues, shall be deemed a separate offense and will be reprimanded as a separate offense.

~~Sec. 13-67-13-70. Reserved.~~

#### ~~ARTICLE VII. VENDING MACHINES~~

~~Sec. 13-71. Adoption of standards for food, beverage vending machines.~~

~~The definitions; the requiring of permits for the installation and operation of vending machines; the prohibiting of the sale of adulterated or misbranded food or drink; the enforcement of this article; and the fixing of penalties shall be regulated in accordance with the terms of the unabridged form of the Vending of Food and Beverages, A Sanitation Ordinance and Code, 1965 Recommendations of the Public Health Service, a certified copy of which shall be on file in the office of the city secretary.~~

~~Sec. 13-72. Conflicts.~~

~~In the event of any conflict between the provisions of the code adopted by this article and the provisions of this Code of Ordinances, state law or city ordinances, rules or regulations, the provisions of this Code of Ordinances, state law or city ordinances, rules or regulations shall prevail and be controlling.~~

~~Sec. 13-73. Definitions.~~

~~Whenever the word "municipality" or the word "city" is used in the code adopted by this article, it shall be construed to mean the City of Waxahachie, Texas.~~

~~Whenever the words "corporate counsel" or "city attorney" are used in the code adopted by this article, it shall be construed to mean the city attorney of this city.~~

~~Sec. 13-74. Penalty for violation.~~

~~Any person who shall violate any provision of the ordinance and code adopted by the provisions of this article shall be deemed guilty of a misdemeanor, and shall be punished as provided in section 1-12 of this Code. Each day such violation continues shall be deemed a separate offense.~~

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

**AN ORDINANCE AMENDING THE FOOD AND FOOD HANDLERS PROVISIONS, BY REPEALING AND REPLACING ORDINANCE NO. 2520 OF THE CODE OF ORDINANCES, CITY OF WAXAHACHIE, AND SETTING AN EFFECTIVE DATE**

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

THAT ORDINANCE 2520 OF THE CODE OF ORDINANCES, CITY OF WAXAHACHIE, IS HEREBY REPEALED AND REPLACED TO READ AS FOLLOWS:

**ARTICLE I - IN GENERAL**

**Sec. 1 - Adoption of regulations.**

- (a) The following statutes, in their current form and as they may hereafter be amended, are adopted and incorporated into this article as if they were set forth at length herein:
  - (1) The "Texas Food, Drug and Cosmetic Act," Texas Health and Safety Code, Chapter 431.
  - (2) The "Minimum Standards of Sanitation and Health Protection Measures," Texas Health and Safety Code, Chapter 341.
- (b) The following regulations adopted by the Texas Board of Health, in their current form and as they may hereafter be amended, are adopted and incorporated into this article as if they were set forth at length herein. If there is a conflict between a rule and any section of this article, the more restrictive provision shall apply.
  - (1) The "Sanitary Rules for Food and Drug Establishments," 25 Texas Administrative Code, §229, et seq.
  - (2) The rules for "Texas Food Establishments Rules," 25 Texas Administrative Code, §228, et seq.
- (c) A food establishment's owner, manager, or operator commits an offense if an employee, owner, manager, or operator of the food establishment violates a rule adopted pursuant to subsection (b).

**Sec. 2 - Definitions of terms.**

The word "director" means the Director of Building and Community Services.

The words "authorized agent" means an employee of the Department of Building and Community Services.

Whenever the word "municipality" or the word "city" is used in the code adopted by this article, it shall be construed to mean the City of Waxahachie, Texas.

Whenever the words "corporate counsel" or "city attorney" is used in the code adopted by this article, it shall be construed to mean the city attorney of this city.

The words "food establishment" means a food service establishment, a retail food store, a temporary food establishment, a mobile food unit, and/or a roadside food vendor.

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Time/Temperature Controlled for Safety (TCS) food (TCS)--(formerly Potentially Hazardous Food (PHF) A food that requires time/temperature controlled for safety to limit pathogenic microorganism growth or toxin formation. An animal food that is raw or heat-treated. A plant food that is heat-treated or consists of raw seed sprouts, cut melons, cut leafy greens, cut tomatoes or mixture of cut tomatoes that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation, or garlic-in-oil mixtures that are not modified in a way so that they are unable to support pathogenic microorganism growth or toxin formation.

### Sec. 3 - Conflicts.

In the event of any conflict between the provisions of the code adopted by this article, the provisions of this Code of Ordinances, state law or city ordinances, rules or regulations, the stricter provisions shall prevail and be controlling.

## **ARTICLE II - FOOD SERVICE ESTABLISHMENTS**

### Sec. 4 - Food establishment permits—General requirements.

- (a) No person shall operate a food establishment without a current, valid food establishment permit issued by the Department of Building and Community Services.
- (b) A separate permit shall be required for every food establishment with separate and distinct facilities and operations, whether situated in the same building or at separate locations.
- (c) Permits issued under the provisions of this article are not transferable. A permit shall be valid for the period of time shown on the face of the permit, unless earlier suspended or revoked by the director or his designees. All permits expire on December 31 of the permitting year and should be posted in the establishment conspicuously for customer view.
- (d) A letter of renewal will be sent to all current food establishments at the end of the calendar year to renew their permit. Any permit that lapses for nonpayment of the annual permit fee required in this section will be reinstated upon payment of an additional fee of twenty-five dollars (\$25.00) for each thirty-day period in which the permit has been allowed to lapse.
- (e) The application for a new permit shall be made on an application form prescribed by the director for each classification of permit.

### Sec. 5 - Food manager certification and food handler safety certification.

- (a) The owner or operator of an establishment which handles open food and has food handlers on duty at any time shall make certain that at least one (1) certified food manager is on duty during all hours of operation.
- (e) All person(s) operating a food establishment of any type or working in a facility preparing or handling food items for consumption and handling clean utensils, pots, or service items are required to obtain a food handler safety certification. These requirements extend to busboys, hosts and hostesses, cleaning personnel, or any other person employed by the establishment or facility. All certificates must be available on site for authorized agent's review during inspections.

Sec. 6 - Classification of permits.

Food establishment permits shall be classified as one of the following:

(1) *Permanent food establishments.*

- a. Food service establishment: Restaurants, cafeterias, snack bars, bakeries, snow cone stands, caterer's commissaries, private school cafeterias, halfway house food services, hospital kitchens/cafeterias, institutional food services, etc., where food is prepared and served;
- b. Retail food stores handling prepackaged, potentially hazardous foods;
- c. Retail food stores handling, processing or selling open foods;
- d. Food warehouses/wholesalers;
- e. Bars/lounges; and
- f. Bed and breakfast establishments.

(2) *Mobile food establishments.*

- a. Retail food unit handling prepackaged food.
- b. Retail food unit (including trailers, mobile barbecues, snow cone units, etc.) handling, processing, or selling open food. A separate permit is required for each different type of mobile unit owned or operated by an individual or company.
- c. Mobile produce unit.
- d. All mobile food units handling open TCS foods shall operate from a central preparation facility or other fixed food service establishment that is regularly inspected by the local or state health department. All mobile food units handling TCS foods shall report at least once a day to their central preparation facility to clean and service the mobile unit. The following are exempt from these requirements: catering operations with their own central preparation facility, snow cone trailers, corn roasters, and pre-packaged ice cream units.
- e. Mobile food units are required to be continuously moving. A mobile food unit shall not sit for longer than one (1) hour at one location.
- f. Mobile units delivering or selling meat, poultry, fish, seafood or shellfish (except retail grocery delivery trucks and units that are otherwise prohibited by this article). Except for wholesale fish truckers, any person who operates, sells, or engages in the distribution of any meat, poultry, fish, sea foods, or shellfish in the city shall operate from a fixed and permitted place of businesses. Roadside vending of meat, poultry, fish, seafood, or shellfish shall not be permitted in the city.
- g. Pushcarts; and
- h. Catering units.

(3) *Temporary food establishments* - Can operate at a designated fixed location for a temporary period of time not to exceed fourteen (14) days, and only in conjunction with a special event recognized by the city. Temporary food vendors who prepare TCS food items must have a certified food manager on-site at all times during operation.

- a. Concession trailers, tents, and booths set up in association with an event;
- b. Vendors set up in association with the Waxahachie Farmer's Market;

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- c. Catering services contracted to provide food service in association with an event; and
- d. Food manufacturers serving samples of product in association with an event.

Sec. 7 – Waxahachie Farmer's Market.

- (a) No person shall vend fresh fruits, vegetables, or other produce or operate a farmer's market without a valid food establishment permit issued by the Building and Community Services Department.
- (b) Fresh fruits, vegetables, or other produce displays shall be confined to the area assigned by the director of the farmers market and be elevated at least twelve (12) inches above the ground.
- (c) Fresh produce shall not be cut or sliced.
- (d) Individual vendors selling produce at the farmer's market must obtain a food establishment permit from the Department of Building and Community Services. The permit will be valid for the farmer's market only, and cannot be used in conjunction with any other event.

Sec. 8 - Submission and review of plans.

- (a) When a food establishment is newly constructed or extensively remodeled, when a food establishment has a change of ownership, or when an existing structure is converted to use as a food establishment, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the Department of Building and Community Services for review and approval before construction, remodeling or conversion is begun.
- (b) An authorized agent shall inspect the food establishment prior to the start of operations to determine compliance with the approved plans and specifications, the requirements of this article and the regulations of the Texas Department of State Health Services.

Sec. 9 - Fees.

The city council shall adopt a schedule of fees for:

- (a) All food establishment permits; change of ownership; re-issuance of a permit after expiration; and additional printed permits. The Department of Building and Community Services will not issue a permit until all fees have been paid.
- (b) The following fee schedule applies to all permits issued under this chapter:
  - (1) *Permanent food establishment permits (annual fees):*
    - One hundred twenty-five dollars (\$125.00) facilities with one thousand (1,000) or less square feet.
    - One hundred seventy-five dollars (\$175.00) facilities with one thousand one (1,001) to five thousand (5,000) square feet.
    - Two hundred twenty-five dollars (\$225.00) facilities with five thousand one (5,001) to ten thousand (10,000) square feet.

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Three hundred dollars (\$300.00) facilities with ten thousand one (10,001) or more square feet.

- (2) *Mobile food establishments.* Mobile food vendors that meet the specifications of a mobile food establishment will be charged a fee of one hundred fifty dollars (\$150.00) to operate from January 1 to December 31.
- (3) *Nonpermanent food establishments.* Caterers or vendors that operate from a state approved facility not within the city limits may operate throughout the year in conjunction with an event. The fee of one hundred twenty dollars (\$120.00) will apply to operate from January 1 to December 31.
- (4) *Temporary food establishments.* Food vendors who participate in temporary events within the city limits will be charged a fee for a temporary food establishment permit per each event. The fees for the permit will be as follows:
  - a. Vendors selling and preparing foods that require temperature control and extensive food preparation will be charged sixty dollars (\$60.00) per each event.
  - b. Vendors selling and preparing foods that do not require temperature control such as snow cone stands, prepackaged foods, and juices/beverages only will be charged twenty-five dollars (\$25.00) per each event.
- (5) *Seasonal food establishments.* Food vendors who operate as a seasonal food establishment will be charged a fee of sixty dollars (\$60.00) to operate their establishment more than fourteen (14) days but less than one hundred eighty (180) days.
- (6) *Farmers market permits.* Persons who participate in the Waxahachie Farmers Market will be charged a fee of thirty dollars (\$30.00) to operate only at the location of the market during the set days of the market. This fee will be charged in addition to the fees for space rental and space reservation.
- (7) *Change of ownership.* A fee of twenty-five dollars (\$25.00) will be applied to all food establishments that have a change of ownership in addition to the fee for renewal of permit. A new application will need to be completed. The fees are due upon submittal of the change of information.
- (8) *Reissuance of permit after expiration.* If a permitted food establishment allows their permit to expire past January 1 of the following year a fee of twenty-five dollars (\$25.00) per each thirty-day period will be assessed to reissue the permit in addition to the fee for renewal of permit.
- (9) *Additional printed permits.* Additional copies of a food establishment permit will cost five dollars (\$5.00) per copy. The initial permit will be sent to the permitted food establishment free of charge.
- (10) *Nonprofit organizations.* Nonprofit organizations, as designated by the Internal Revenue Service as a 501(c) organization or by approval of the city manager, may operate throughout the year in conjunction with an event. The fee of sixty dollars (\$60.00) will apply to operate from January 1 to December 31.

**Sec. 10 - Permit denial, suspension, and revocation.**

- (a) The director may deny a permit, or after notice of violation, suspend or revoke a permit for failure to comply with the requirements of this article or any state law adopted by this article.
- (b) Notice of a permit denial shall be served upon the owner or operator of the food establishment either in person or by certified mail, return receipt requested, at the mailing address specified in the permit application.

**Sec. 11 - Emergency closure of a food establishment.**

When an authorized agent finds any food establishment in a condition which poses an imminent risk to the health or safety of the public or the employees of the establishment, the director shall be authorized to close such food establishment and prevent its use as a food establishment until such unsanitary conditions have been removed or abated, and until it no longer endangers public health, and suspend summarily its food establishment permit.

**Sec. 12 - Disposal of contaminated foods.**

At any time that the authorized agent shall find any food, food products, drinks or beverages which are contaminated, spoiled or unfit for human consumption, it shall be the duty of the agent to immediately condemn such food or beverage. The owner of such contaminated food shall be required to dispose of the same in a manner approved by the authorized agent at the owner's expense.

**Sec. 13 - Seizure, destruction of uninspected products.**

If any meat, poultry, or fish products are found within the city which have not been properly labeled and inspected as provided by this article, they shall be seized and destroyed or excluded from the city by the authorized agent.

**Sec. 14 - Appeal from condemnation.**

When the action of the authorized agent in condemning any meat or poultry or product is questioned, appeal shall be made to the city manager whose decision shall be final.

**ARTICLE III - PENALTIES FOR VIOLATIONS****Sec. 15 - Penalties for violation.**

Any person who shall violate any provision of this ordinance and the provisions of these articles shall be deemed guilty of a misdemeanor punishable as provided in section 1-12 of this code, and may also be reprimanded as follows:

- (a) Verbal warning of violations;
- (b) Written notice of Improvement plan;
- (c) Closure of establishment;
- (d) Revocation of permit; and/or

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(e) Civil penalties filed through city attorney's office.

Each day such violation(s) continues, shall be deemed a separate offense and will be reprimanded as a separate offense.

**PASS, APPROVED, AND ADOPTED ON THIS THE \_\_\_\_\_ day of \_\_\_\_\_, 2018.**

\_\_\_\_\_  
MAYOR

ATTEST:

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