

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, November 18, 2019 at 7:00 p.m.***

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

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

5. ***Consent Agenda***

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

- a. Minutes of the City Council meeting of November 4, 2019
 - b. Minutes of the City Council briefing of November 4, 2019
 - c. Consider proposed Ordinance releasing certain designated Extraterritorial Jurisdiction comprising approximately 28.215 acres at the approximate address of 831 Interstate 35 Red Oak, Texas 75154
 - d. Set Public Hearings date of January 6, 2020 at 7:00 p.m. for first Public Hearing and 7:30 p.m. for second Public Hearing for a request by Chip G. Boyd, Chief Operating Officer, JH-Development, LLC, for annexation of approximately +/- 110ac tract generally situated off of Farm to Market Road No. 877
 - e. Consider Budget Adjustment to increase appropriations in the Water Fund for the costs of a damaged vehicle repair in the Utilities Department
 - f. Consider Interlocal Agreement for Communications Site Agreement with Ellis County
6. ***Introduce*** Honorary Councilmember
 7. ***Present*** Proclamation recognizing the 25th anniversary of The Dove's Nest
 8. ***Present*** Proclamation proclaiming November 30, 2019 as "Small Business Saturday"

9. *Canvass* and accept votes of City Council Special Election held on November 5, 2019
10. *Public Hearing* on a request by James Pool, Cross Development, for a Specific Use Permit (SUP) for **Auto Repair (Major)** use within a Commercial zoning district, located at 2001 Corporate Parkway (Property ID 273977) – Owner: LEDBETTER REAL ESTATE LTD (SU-19-0133)
11. *Consider* proposed Ordinance approving SU-19-0133
12. *Public Hearing* on a request by Amanda Doty, B&M Assessment Services, for a Specific Use Permit (SUP) for **Rooftop Solar Panel System** use within a Single Family-2 zoning district, located at 403 Johnston Blvd (Property ID 174966) – Owner: GLYNNIE J & BILLY R STONE (SU-19-0129)
13. *Consider* proposed Ordinance approving SU-19-0129
14. *Public Hearing* on a request by Brandon Edgley, Marc Jones Construction LLC DBA Sunpro Solar, for a Specific Use Permit (SUP) for **Rooftop Solar Panel System** use within a Planned Development-Single Family-3 zoning district, located at 128 Garden Grove Drive (Property ID 272737) – Owner: ROLAND F & MARSHA L MAHARRY (SU-19-0130)
15. *Consider* proposed Ordinance approving SU-19-0130
16. *Public Hearing* on a request by Keri Blalock, My Own Power, for a Specific Use Permit (SUP) for **Rooftop Solar Panel System** use within a Single Family-2 zoning district, located at 305 Richmond Lane (Property ID 172239) – Owner: AVAMAE B & VAUGHN FRANKS (SU-19-0131)
17. *Consider* proposed Ordinance approving SU-19-0131
18. *Public Hearing* on a request by Stuart Shaw, Cypress Creek Waxahachie LP, for a Zoning Change from a Single Family-2 and Planned Development District-49-General Retail, Multi-Family-Two Family zoning district to Planned Development-Multiple Family-2, with Concept Plan, located NW of Post Oak Drive at Highway 287 (Property ID 184249) - Owner: AMERITAI PARTNERSHIP (PD-19-0132)
19. *Consider* proposed Ordinance approving PD-19-0132
20. *Consider* Development Agreement for Cypress Creek Apartment Homes
21. *Consider* proposed Ordinance re-establishing classified positions under Civil Service
22. *Consider* budget amendment request from Police Department for School Resource Officers
23. *Consider* contract with Zuercher Solutions, Inc. for Computer Aided Dispatch (CAD) and records management system
24. *Consider* professional services contract with Freese and Nichols, Inc. for Roadway Impact Fee Update

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

26. 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

(50)

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, November 4, 2019 at 7:00 p.m.

Councilmembers Present: David Hill, Mayor
Chuck Beatty, Councilmember
Kevin Strength, Councilmember
Melissa Olson, Councilmember

Councilmember Absent: Mary Lou Shipley, Mayor Pro Tem

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

1. Call to Order

Mayor David Hill called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

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

4. Public Comments

Matt Curtis, 610 Sycamore, Waxahachie, presented a petition for improved safety for the Wilemon STEAM Academy neighborhood. He reviewed concerns with the safety of students walking to and from school from the adjacent neighborhood.

5. Consent Agenda

- a. Minutes of the City Council meeting of October 7, 2019
- b. Minutes of the City Council briefing of October 7, 2019
- c. Minutes of the City Council meeting of October 21, 2019
- d. Minutes of the City Council briefing of October 21, 2019
- e. Award bid for Wrecker Services
- f. Event application for SAGU 5k Turkey Trot to be held November 21, 2019

Action:

Councilmember Melissa Olson moved to approve items a. through f. on the Consent Agenda. Councilmember Chuck Beatty seconded, All Ayes.

6. Introduce Honorary Councilmember

Mayor Hill announced there is no Honorary Councilmember present.

(50)

7. Present Proclamation proclaiming November 4-8, 2019 as “Municipal Court Week”

City Manager Michael Scott recognized the City of Waxahachie court administration. Mayor Hill read a proclamation proclaiming November 4-8, 2019 as “Municipal Court Week” and presented it to Municipal Court Judge Ed Jendrzey, Court Administrator Tammie Atchison, and Court Clerk Amparo Aleman.

8. Present Proclamation proclaiming November 13, 2019 as “GIS Day”

Mayor Hill read a proclamation proclaiming November 13, 2019 as “GIS Day” and presented it to GIS Analyst Manjul Shrestha and GIS Technician Zack King.

Mr. Scott recognized the evolving growth of geographic information and the assistance it provides to all departments. He announced Mr. Shrestha will have a GIS showcase from 9am-11am on November 13th.

9. Continue Public Hearing on a request by Alan Lauhoff, P.E., Atlas Associates Inc., for a Zoning Change from a Single Family-2 zoning district to Planned Development-Single-Family Residential-3, with Concept Plan, located South of Blue Bonnet Trails Phases 1 and 2 (Property ID 264992 and 182275) - Owner: BLUE BONNET TRAILS LLC (PD-19-0106)

Mayor Hill announced the applicant requested to withdraw PD-19-0106.

10. Consider proposed Ordinance approving PD-19-0106

Action:

No action taken.

11. Continue Public Hearing on a request by Jeff Crannell, CCM Engineering, for a Zoning Change from a Planned Development-34-Multiple Family-1/General Retail, Single Family-3 and Multiple Family-1 zoning district to Planned Development-Single-Family Residential-3 and Planned Development-Two Family Residential, with Concept Plan, located at the NW corner of Peters Street at Graham Street (Property ID 193944) - Owner: WAXAHACHIE ISD (PD-19-0124)

Mayor Hill continued the Public Hearing and announced the applicant requested to continue PD-19-0124 to the November 18, 2019 meeting.

12. Consider proposed Ordinance approving PD-19-0124

Action:

Councilmember Chuck Beatty moved to continue the Public Hearing on a request by Jeff Crannell, CCM Engineering, for a Zoning Change from a Planned Development-34-Multiple Family-1/General Retail, Single Family-3 and Multiple Family-1 zoning district to Planned Development-Single-Family Residential-3 and Planned Development-Two Family Residential, with Concept Plan, located at the NW corner of Peters Street at Graham Street (Property ID 193944) - Owner:

(50)

WAXAHACHIE ISD (PD-19-0124) to the November 18, 2019 meeting. Councilmember Kevin Strength seconded, All Ayes.

13. Consider proposed Ordinance approving disannexation of land by Todd Little at the approximate address of 831 Interstate 35 Red Oak, Texas 75154

Planning Director Shon Brooks reviewed the disannexation request from Oak Hill Crossing Limited. He explained if developed as is, the property would be serviced by two different cities for police, fire, and trash services. He noted the City of Red Oak will annex the property once the disannexation is approved by the City of Waxahachie. He explained the entrance to the development would be through the City of Red Oak; therefore, the proposed disannexation is supported by staff.

ORDINANCE NO. 3153

AN ORDINANCE PROVIDING FOR THE DISANNEXATION OF CERTAIN TRACTS OF LANDS SITUATED WEST OF INTERSTATE HIGHWAY 35 EAST, AND BEING PART OF THE JAMES LAWRENCE SURVEY, ABSTRACT NO. 633, AND THE JAMES H. MCKNIGHT SURVEY, ABSTRACT NO. 733, WAXAHACHIE, ELLIS COUNTY, TEXAS, WITHIN THE BOUNDARY LIMITS OF THE CITY OF WAXAHACHIE AND SETTING AN EFFECTIVE DATE.

Action:

Councilmember Kevin Strength moved to approve Ordinance No. 3153. Councilmember Melissa Olson seconded, All Ayes.

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

Assistant City Manager Tommy Ludwig announced the Planning Department received the Excellence Award from the American Planning Association for the second year in a row.

Councilmember Kevin Strength requested prayers for City Secretary Lori Cartwright.

Councilmember Chuck Beatty reported Arbor Day festivities on November 1st were successful.

City Manager Michael Scott reminded everyone that November 5th is Election Day.

Mayor David Hill thanked Acting City Secretary Amber Villarreal for filling in for City Secretary Lori Cartwright.

15. Adjourn

There being no further business, the meeting adjourned at 7:19 p.m.

Respectfully submitted,

Amber Villarreal
Acting City Secretary

(5b)

City Council
November 4, 2019

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, November 4, 2019 at 6:30 p.m.

Councilmembers Present: David Hill , Mayor
Chuck Beatty, Councilmember
Kevin Strength, Councilmember
Melissa Olson, Councilmember

Councilmember Absent: Mary Lou Shipley, Mayor Pro Tem

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

1. Call to Order

Mayor David Hill called the meeting to order.

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

City Manager Michael Scott reviewed the following agenda items:

- Award of Wrecker Services to Tow Pro
- No Honorary Councilmember for this meeting
- Municipal Court Week Proclamation
- GIS Day Proclamation

Planning Director Shon Brooks noted GIS Analyst Manjul Shrestha will have a GIS showcase from 9 a.m -11 a.m. on November 13th.

Mr. Brooks reviewed the following agenda items:

- PD-19-0106, applicant withdrew
- PD-19-0124, applicant requested to continue to the November 18, 2019 City Council meeting
- Disannexation request for 831 Interstate 35, Red Oak, Texas. Mr. Brooks explained the property will be developed for senior living and if it is not disannexed the property would be serviced by two different cities, Red Oak and Waxahachie. The City of Red Oak will annex the property once Waxahachie approves the disannexation.

City Attorney Robert Brown noted an Ordinance or Resolution is needed to release the property from Waxahachie's ETJ and can be added to the consent agenda for the next council meeting.

3. Adjourn

There being no further business, the meeting adjourned at 6:51 p.m.

Respectfully submitted,
Amber Villarreal, Acting City Secretary

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CITY OF WAXAHACHIE, TEXAS

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, RELEASING CERTAIN DESIGNATED EXTRATERRITORIAL JURISDICTION COMPRISING APPROXIMATELY 28.215 ACRES AS DESCRIBED HERETO FROM THE CITY'S EXTRATERRITORIAL JURISDICTION; PROVIDING FOR AMENDING AND CORRECTING THE OFFICIAL MAP OF THE CITY OF WAXAHACHIE, TEXAS; PROVIDING FOR THE FILING OF THIS ORDINANCE WITH THE COUNTY CLERK; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 4, 2019, the City of Waxahachie, Texas ("City"), passed an ordinance disannexing from the City's corporate limits approximately 28.215 acres (the "Property"), which Property is described by the survey attached hereto as *Exhibit A*; and

WHEREAS, the City also seeks to release the Property from the City's extraterritorial jurisdiction ("ETJ"), as authorized by Section 42.023 of the Texas Local Government Code, and to allocate the Property to the City of Red Oak's ETJ; and

WHEREAS, all procedures and requirements prescribed by state law and the City's Charter have been duly followed with respect to the release of the Property from the City's ETJ.

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

Section 1. Incorporation of Premises. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Release of ETJ Pursuant to Local Government Code Section 42.023. The City hereby reduces its ETJ by releasing the Property, as authorized by Texas Local Government Code Section 42.023.

Section 3. Allocation of ETJ to Red Oak Pursuant to Local Government Code Section 42.022(d). To the extent authorized by law, the City hereby allocates any ETJ that it may have in the Property, as authorized by Texas Local Government Code Section 42.022(d), to the City of Red Oak.

Section 4. Map Revision. The official map and boundaries of the City heretofore adopted and amended be and are hereby amended so as to exclude the Property from the ETJ limits of the City. The City Manager is hereby directed and authorized to perform or cause to be performed all acts necessary to effectuate this Ordinance, including any corrections to the official map of the City to reflect the City's ETJ, as well as all appropriate filings with any and all governmental agencies or entities so affected by the acts described in this Ordinance.

Section 5. Filing. The City Secretary is hereby directed to file with the County Clerk of Ellis County, Texas, a certified copy of this Ordinance.

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Section 6. **Savings**. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance.

Section 7. **Severability**. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 8. **Effective Date**. This Ordinance, adopted by the City Council on the date set forth below, shall take effect from and after its adoption.

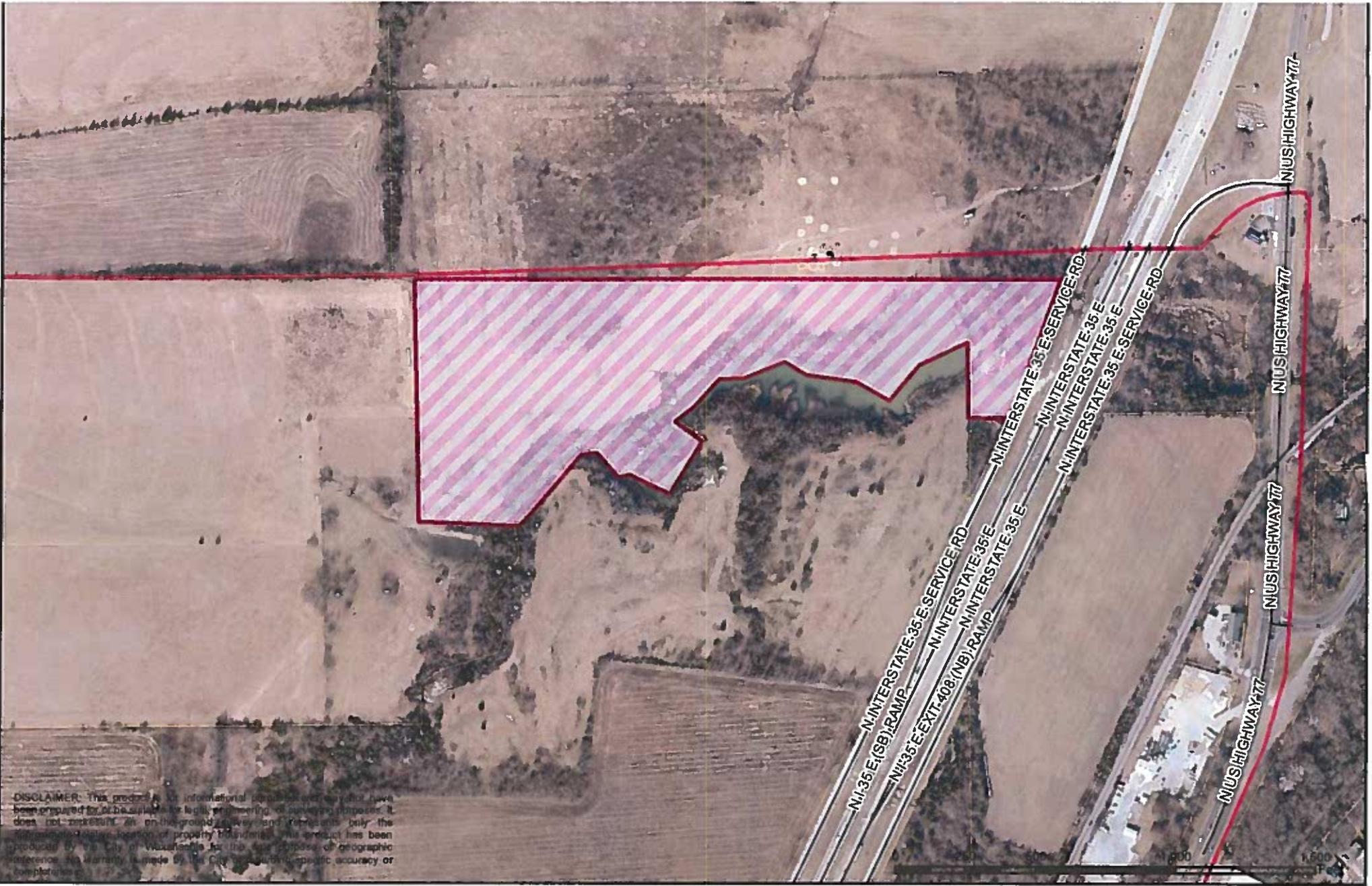
PASSED AND APPROVED by the City Council of the City of Waxahachie, Texas, this the 18th day of November, 2019.

David Hill, Mayor

ATTEST:

Amber Villarreal, Acting City Secretary

[SEAL]



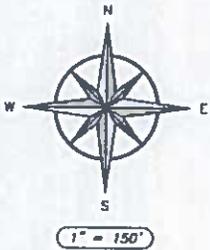
Disannexation - Todd Little

Exhibit

- Legend**
-  ROADS
 -  Disannexation_ToddLittle
 -  Ownership
 -  City Limit



WLSC



212.5393 Acres
212 Red Oak, L.P.
Vol. 2066, Pg. 990
OPRECT

PROPERTY DESCRIPTION

BEING all that certain parcel of land lying in the City of Waxahachie, Texas and being situated in the JAMES LAWRENCE SURVEY, ABSTRACT NO. 633 and in the JAMES H. MCKNIGHT SURVEY, ABSTRACT NO. 733, Ellis County, Texas, and being a portion of the 89.157 acre tract of land conveyed to Oak Hill Crossing, L.P. by Warranty Deed recorded in Volume 2590, Page 238 of the Official Public Records of Ellis County, Texas (OPRECT), and being more particularly described as follows:

BEGINNING at a flag nail found at the base of a fence post in the west line of Interstate Highway 35E for the southeast corner of said Oak Hill Tract and the northeast corner of the 0.48 acre tract of land conveyed to Red Holdings, L.P. by Warranty Deed recorded in Volume 2829, Page 358, OPRECT and described in Warranty Deed recorded in Volume 767, Page 773 of the Deed Records of Ellis County, Texas (DRECT);

THENCE S 88°31'19" W (Ded - N 88°25'25" E, 141.14 feet), along the south line of said Oak Hill Tract and the north line of said 0.48 acre tract, a distance of 143.70 feet to a 1/2" iron rod set with cap marked "WLS: 89LS 5331" in the west line of the McKnight Survey and in the westerly end line of the Lawrence Survey and in the east line of the 224.77 acre tract of land conveyed to B&W Investments by Warranty Deed recorded in Volume 1113, Page 58, DRECT for the easterly southeast corner of said Oak Hill Tract and the northeast corner of said 0.48 acre tract;

THENCE N 07°30'54" W (Ded - N 07°12'35" E, 771.03 feet), along the easterly west line of said Oak Hill Tract and the east line of said 224.77 acre tract, a distance of 272.13 feet to a point in a hole for corner;

THENCE along the south line of said Oak Hill Tract and the north line of said 224.77 acre tract and along said hole and along the meanders of a creek as follows:

- S 04°19'05" W (Ded - S 08°20'40" W, Same Distance), a distance of 191.70 feet to a point for corner;
- S 40°19'05" W (Ded - S 42°30'40" W, Same Distance), a distance of 188.70 feet to a point for corner;
- N 58°55'54" W (Ded - N 57°47'30" W, Same Distance), a distance of 133.30 feet to a point for corner;
- N 82°40'54" W (Ded - N 79°29'20" W, Same Distance), a distance of 183.30 feet to a point for corner;
- N 37°36'54" W (Ded - N 39°44'20" W, Same Distance), a distance of 88.80 feet to a point for corner;
- S 47°34'04" W (Ded - S 49°45'40" W, Same Distance), a distance of 155.80 feet to a point for corner;
- S 07°49'05" W (Ded - S 08°50'20" W, Same Distance), a distance of 81.30 feet to a point for corner;
- S 41°19'05" W (Ded - S 45°30'40" W, Same Distance), a distance of 133.30 feet to a point for corner;
- S 53°19'05" W (Ded - S 54°20'40" W, Same Distance), a distance of 83.30 feet to a point for corner;
- S 53°40'54" E (Ded - S 51°29'20" W, 118.30 feet), a distance of 119.40 feet to a point for corner;
- S 31°04'04" W (Ded - S 33°25'40" W, Same Distance), a distance of 225.00 feet to a point for corner;
- N 64°40'54" W (Ded - N 61°29'20" W, Same Distance), a distance of 11.30 feet to a point for corner;
- S 78°49'05" W (Ded - S 82°15'40" W, Same Distance), a distance of 41.30 feet to a point for corner;
- N 49°40'54" W (Ded - N 38°29'20" W, Same Distance), a distance of 118.40 feet to a point for corner;
- S 80°25'54" W (Ded - S 78°14'20" W, 58.30 feet), a distance of 58.30 feet to a point for corner; and
- S 30°36'37" W (Ded - S 41°15'40" W, 288.70 feet), a distance of 282.82 feet to a point for the northeast corner of said 224.77 acre tract and the easterly northeast corner of the 78.656 acre tract of land conveyed to RedOak, L.L. by Warranty Deed recorded in Instrument Number 150888, OPRECT.

THENCE continuing along the south line of said Oak Hill Tract and along the north line of said 78.656 acre tract as follows:

- S 47°19'15" W (Ded - S 48°05'40" W, Same Distance), a distance of 75.17 feet to a point for corner; and
- N 87°28'56" W (Ded - N 84°15'17" W, 340.88 feet), a distance of 358.22 feet to a 1/2" iron rod set with cap marked "WLS: 89LS 5331" in the east line of the Lawrence Survey and in the east line of the John Lawrence Survey, Abstract No. 652 for the westerly southeast corner of said Oak Hill Tract and an interior corner of said 78.656 acre tract;

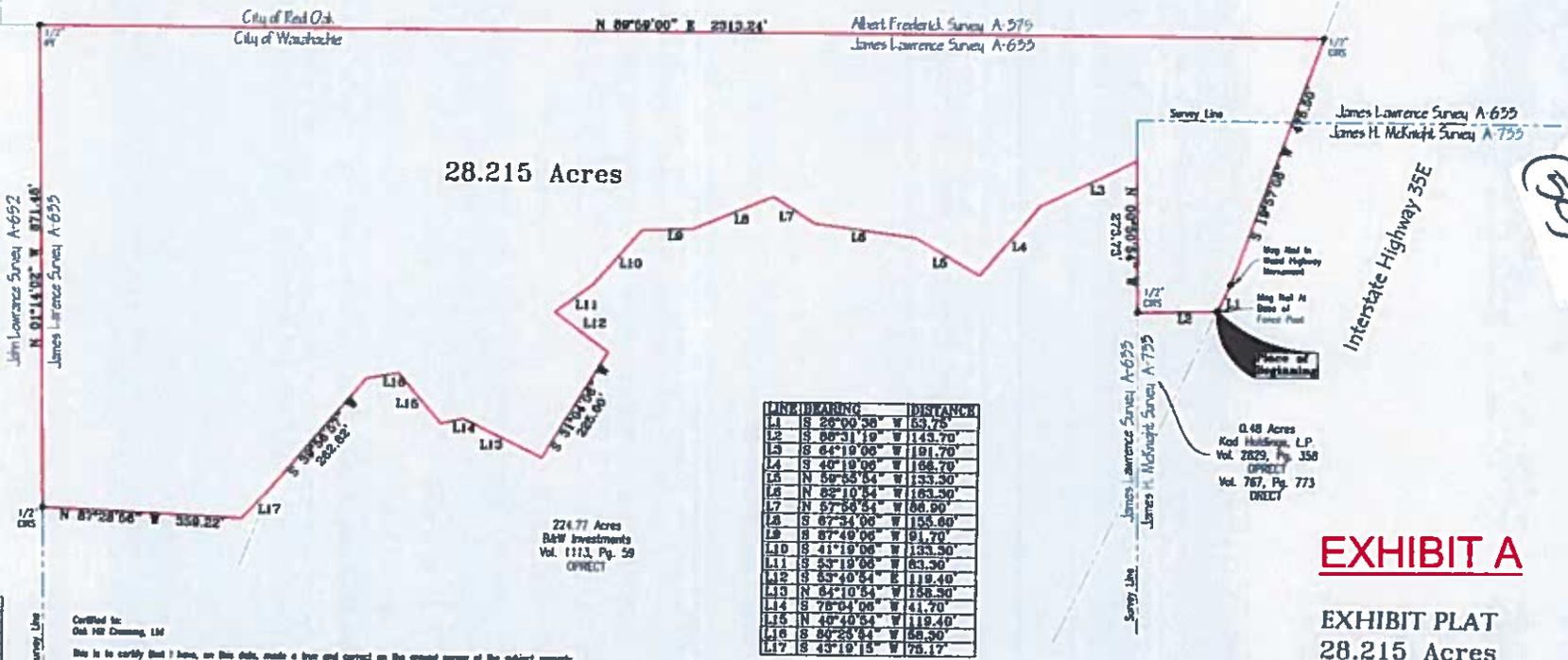
THENCE N 07°14'07" W (Ded - N 07°30'51" E, Same Distance), along the westerly west line of said Oak Hill Tract and the westerly end line of said 78.656 acre tract and the common Lawrence-Lawrence Survey Line, a distance of 871.88 feet to a 1/2" iron pipe found in the south line of the Albert Frederick Survey, Abstract No. 575 and in the common City Limits Line between the City of Waxahachie and the City of Red Oak for an interior corner of said Oak Hill Tract and the northeast corner of the Lawrence Survey and the northeast corner of said 78.656 acre tract and of the Lawrence Survey;

THENCE N 88°09'00" E, along the common City Limits Line and the common Lawrence-Fredrick Survey Line, a distance of 231.24 feet to a 1/2" iron rod set with cap marked "WLS: 89LS 5331" in the east line of said Oak Hill Tract and in the west line of 1-35E for the northeast corner of this tract;

THENCE along the east line of said Oak Hill Tract and the west line of 1-35E as follows:

- S 19°57'08" W (Ded - S 22°38'00" W), a distance of 475.50 feet to a point for corner; and
- S 28°00'38" W (Ded - S 29°29'56" W, 53.47 feet), a distance of 53.75 feet to the PLACE OF BEGINNING and containing 28.215 acres of land as surveyed on the ground in the month of April, 2019 by Walker Land Surveying Company. Date of bearings is GPS observation, Texas Coordinate System, North Central Zone. Bearing coordinate - Northing=6866328.16, Easting=2464638.08.

Residual of 89.157 Acres
Oak Hill Crossing, Ltd.
Vol. 2590, Pg. 238
OPRECT



LOT	BEARING	DISTANCE
L1	S 28°00'38" W	53.75
L2	S 88°31'19" W	143.70
L3	S 64°19'06" W	191.70
L4	S 40°19'06" W	166.70
L5	N 58°55'54" W	133.30
L6	N 82°10'54" W	183.30
L7	N 37°36'54" W	88.80
L8	S 47°34'06" W	155.80
L9	S 07°49'06" W	81.30
L10	S 41°19'06" W	133.30
L11	S 53°19'06" W	83.30
L12	S 53°40'54" E	119.40
L13	N 64°40'54" W	11.30
L14	S 78°49'05" W	41.30
L15	N 49°40'54" W	118.40
L16	S 80°25'54" W	58.30
L17	S 43°19'15" W	75.17

EXHIBIT A

EXHIBIT PLAT
28.215 Acres

James Lawrence Survey, Abstract No. 633
James H. McKnight Survey, Abstract No. 733
City of Waxahachie
Ellis County, Texas

Date: April, 2019
Scale: 1"=150'
Project Number: 190029aevy

LEGEND

- - Property Corner
- IP - Iron Pipe
- IR - Iron Rod
- IR - Iron Nail
- - Point of Beginning
- - Point of View
- - Contour Line
- - Boundary Line
- - Utility Encasement
- - Easement & Utility Encasement
- - Easement
- - Small Encasement
- - Easement
- - 1/2" Iron Rod set with cap marked "WLS: 89LS 5331"

Certified to:
Oak Hill Crossing, LP

This is to certify that I have, on this date, made a true and correct on the ground survey of the subject property. The plat herein is an accurate representation of the boundary and area as determined by survey. The size, location, and type of buildings and improvements are as shown. Any visible utilities and encasements are located as shown. I do not warrant that there shall be any change of such utilities in the area, whether in service or abandoned. This survey plat was prepared without benefit of title search and does not reflect items which may appear through a title search. The surveyor has not abstracted the property. This survey substantially complies with the Texas Society of Professional Surveyors Standards and Specifications for a Category 1B, Condition 4 Survey. This survey was completed exclusively for the herein named parties in the original transaction only. It was prepared for single use only and no license is granted for any other use without the express written consent of Walker Land Surveying Company. This survey plat contains material protected by United States copyright law and International treaties. Copyright © 2019 Walker Land Surveying Company. All rights reserved.

All original copies are multi-colored and marked with the Surveyor's embossed seal. Only those copies may be considered true and correct copies. Any copies not multi-colored and marked with the embossed seal are legal copies and render this certification null and void.

John Walker
John Walker, R.P.L.S.
Texas Registration No. 5331
5/7/19

Walker Land Surveying Company
P.O. Box 2911 Waxahachie, Texas 75168
Phone: (972) 838-0883 TWPLS Firm No. 10112400
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(5d)



RECEIVED
11/6/19

November 5, 2019

RE: Request for Annexation of +/-110ac, a portion of Ellis CAD parcel 183566

City of Waxahachie Planning Department:

On behalf of Bobby Lide, land owner, and acting as authorized agent, JH-Development, LLC, would like to formally request annexation of the +/-110ac tract, as represented in the attached survey, a portion of the Ellis CAD parcel 183566. It is our intent to purchase the land and zone it, in accordance with City of Waxahachie processes, so that we can develop a single-family residential community on the tract.

We appreciate your consideration of the project and look forward to working with you!

Respectfully,

A handwritten signature in cursive script, appearing to read "Chip G. Boyd".

Chip G. Boyd

Chief Operating Officer

JH-Development, LLC

AN X-DIV X-000025-2019

(5A)

RECEIVED
11/6/19

November 4, 2019

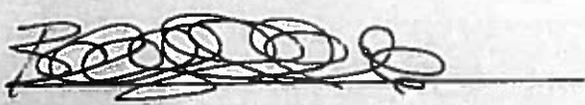
City of Waxahachie
401 S. Rogers
Waxahachie, TX 75165

To Whom it May Concern:

I, Bobby Lide, do hereby authorize JH-Development, LLC and it's assigns to represent me on the +/-110-acre tract of land, as represented by the survey, attached as Exhibit A.

JH-Development is my authorized agent for any and all meetings and submittals, regarding zoning and requested annexation of said property, through the annexation and zoning processes. JH-Development shall close on the property and own the property, however, prior to final reading and adoption at City Council, of any annexation or zoning entitlement.

Sincerely,



Bobby Lide,
Bobby Lide, Inc.

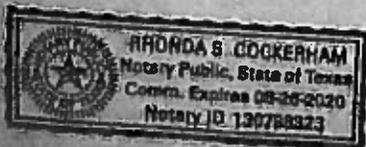
THE STATE OF TEXAS)
COUNTY OF ELLIS)

Before me, the undersigned authority, on this day personally appeared Bobby Lide, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he did the same for the purposes and considerations expressed.

By: Rhonda S. Cockerham

Notary Public in and for the State of Texas

My Commission Expires: 08-26-2020



LEGAL DESCRIPTION:

BEING a tract of land situated in the T.L.C. COLEMAN SURVEY, ABSTRACT NO. 204, the A.B. FLATTERY SURVEY, ABSTRACT NO. 374 and the W. RAFFERTY SURVEY, ABSTRACT NO. 806, City of Waxahatchie, Ellis County, Texas, and being part of that tract of land described in Deed to Bobby Liles, Inc., as recurred in Volume 2726, Page 1243, Deed Records, Ellis County, Texas and being more particularly described as follows:

BEGINS at a 1/2 inch iron rod with a yellow plastic cap stamped "RPLS 4468" found in the southeast line of Farm to Market Road No. 877, at 60 feet right-of-way, for the most northerly northeasterly corner of said Bobby Liles, Inc. tract;

THENCE Eastery, with the north line of said Bobby Liles, Inc. tract, the following distance (13) courses and distances:

South 83 degrees 34 minutes 10 seconds East, a distance of 73.57 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "RPLS 4468" found for corner;

South 01 degree 30 minutes 12 seconds East, a distance of 333.76 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "RPLS 4466" found for corner;

South 87 degree 23 minutes 58 seconds East, a distance of 1162.34 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

North 88 degree 43 minutes 02 seconds East, a distance of 98.25 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

North 62 degree 27 minutes 02 seconds East, a distance of 86.34 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "RPLS 4468" found for corner;

North 80 degree 23 minutes 07 seconds East, a distance of 578.43 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

North 80 degree 23 minutes 08 seconds East, a distance of 31.30 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

South 28 degree 20 minutes 46 seconds East, a distance of 8.23 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "RPLS 4468" found for corner;

North 80 degree 27 minutes 52 seconds East, a distance of 250.18 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

South 21 degree 08 minutes 44 seconds East, a distance of 84.73 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

North 48 degree 02 minutes 15 seconds East, a distance of 368.40 feet to a 1/2 inch iron rod found for corner;

North 18 degree 00 minutes 38 seconds West, a distance of 142.08 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

North 84 degree 23 minutes 14 seconds East, a distance of 576.17 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 28 degree 23 minutes 08 seconds East, leaving said north line, a distance of 1,181.14 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 16 degrees 37 minutes 16 seconds West, a distance of 1,442.80 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 06 degrees 07 minutes 15 seconds West, a distance of 380.83 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 73 degrees 23 minutes 44 seconds West, a distance of 1,028.78 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 48 degrees 18 minutes 27 seconds West, a distance of 121.43 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

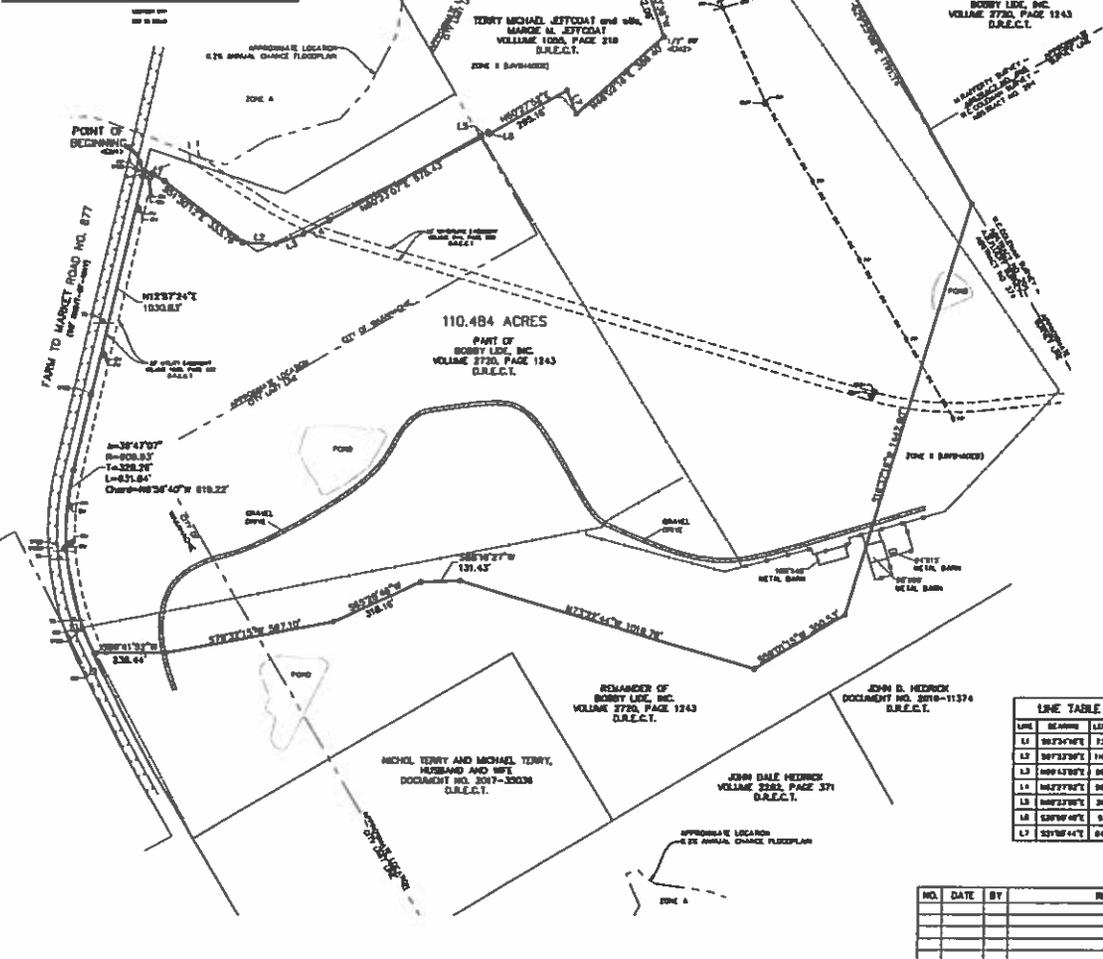
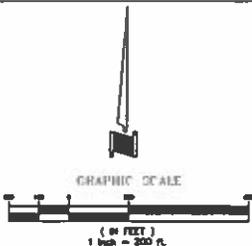
THENCE South 68 degrees 28 minutes 46 seconds West, a distance of 318.18 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 78 degrees 32 minutes 15 seconds West, a distance of 587.10 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 88 degrees 41 minutes 52 seconds West, a distance of 236.44 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner in the southeast line of the above mentioned Farm to Market Road No. 877 at the beginning of a non-tangent curve to the right having a central angle of 28 degrees 47 minutes 07 seconds, a radius of 908.53 feet and a chord bearing and distance of North 10 degrees 55 minutes 40 seconds West, 819.22 feet;

THENCE Northerly, with said southeast line and said curve to the right, an arc distance of 833.84 feet to a wood right-of-way monument found for corner;

THENCE North 12 degrees 07 minutes 24 seconds East, continuing with said southeast line, a distance of 1,030.83 feet to the POINT OF BEGINNING and containing 110.484 acres of land, more or less.



NOTES:

1. BASIS OF BEARINGS DERIVED FROM THE TEXAS STATE PLANE COORDINATE SYSTEM (NAD83), NORTH CENTRAL ZONE. DIRECTION FROM CONTROL ESTABLISHED THROUGH CORS+ AND CROSS+ HAVING A BEARING AND DISTANCE OF N79°12'29" E, 1782.10'.
2. THE SUBJECT TRACT LIES WITHIN ZONE X (UNSHADOWED), DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.25 ANNUAL CHANCE FLOODPLAIN" AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM) AS SHOWN ON COMMUNITY PANEL NO. 483000000, DATED JUNE 3, 2013 FOR ELLIS COUNTY, TEXAS AND INCORPORATED AREAS.
3. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT COMMITMENT FOR TITLE INSURANCE, AND ONLY REFLECTS THOSE EASEMENTS OF WHICH I HAVE BEEN ADVISED AND SHOWN HEREON. NO OTHER RESEARCH HAS BEEN PERFORMED BY SURVEYOR.
4. VISIBLE IMPROVEMENTS/UTILITIES MORE LOCATED WITH THIS SURVEY, NO SUBSURFACE PRObing, EXCAVATION OR EXPLOSION WAS PERFORMED FOR THIS SURVEY.
5. FENCES SHOWN HEREON ARE GRAPHIC ONLY AND MAY VARY BETWEEN MEASURED LOCATIONS.
6. THE ACRESAGE TOTALS AS SHOWN HEREON ARE BASED ON THE MATHEMATICAL CLOSURE OF THE COURSES AND DISTANCES REFLECTED ON THIS SURVEY. THEY DO NOT INCLUDE THE TOLERANCES THAT MAY BE PRESENT DUE TO THE POSITIONAL ACCURACY OF THE BOUNDARY MONUMENTATION.
7. THIS SURVEY WAS PERFORMED EXCLUSIVELY FOR THE PARTIES IDENTIFIED TO HEREON AND REMAINS THE PROPERTY OF THE SURVEYOR. THE UNAUTHORIZED USE OR RELIANCE ON THIS SURVEY WITHOUT THE EXPRESSED WRITTEN PERMISSION OF THE SURVEYOR IS NOT PERMITTED. THE USE OF THIS SURVEY BY ANYONE OTHER THAN THE IDENTIFIED PARTIES OR FOR ANY UNAUTHORIZED USE WILL REMOVE SURVEYOR FROM BURDEN OF ANY DAMAGES INCURRED.
8. THE TERM "CERTIFY" OR "CERTIFICATE" AS SHOWN AND USED HEREON INDICATES AN OPINION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE, OTHER EXPRESSED OR IMPLIED, AND IS EXCLUSIVELY TO THE PARTIES INVOLVED AND IS LIMITED TO THE TRANSACTION CLOSING AT THE TITLE COMPANY INDICATED HEREON.

SURVEYOR'S CERTIFICATE:

I, Ryan S. Reynolds, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this plat is based on an actual on the ground survey made under my direct supervision and all persons do monumented as shown hereon. Except as shown, there are no visible improvements, conflicts or encroachments apparent on the ground.

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT.

RYAN S. REYNOLDS
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 8385
SURVEYED ON THE GROUND: NOVEMBER 1, 2019



LEGEND	
●	1/2" IRON ROD FOUND WITH YELLOW PLASTIC CAP STAMPED "RPLS 4468" (UNLESS OTHERWISE NOTED)
○	1/2" IRON ROD SET WITH YELLOW PLASTIC CAP STAMPED "JVC" (UNLESS OTHERWISE NOTED)
◊	CONTROL MONUMENT
D.R.E.C.T.	DEED RECORDS, ELLIS COUNTY, TEXAS
P.R.E.C.T.	PLAT RECORDS, ELLIS COUNTY, TEXAS
T.S.	TRAFFIC SIGN
U.C.M.	UNDERGROUND CABLE MARKER
F.H.	FIRE HYDRANT
Q.U.Y.	QUILT WIRE ANCHOR
P.P.	POWER POLE
T.P.E.D.	TELEPHONE PEDestal
W.M.	WATER METER
W.V.	WATER VALVE
W.M.H.	WATER MANGLE
—	WIRE FENCE
—	IRON FENCE
—	OVERHEAD ELECTRIC LINE
—	ASPHALT
—	GRAVEL

LINE TABLE		
LINE	BEARING	LENGTH
L1	S87°34'10"E	73.57
L2	S01°30'12"E	333.76
L3	S87°23'58"E	1162.34
L4	N88°43'02"E	98.25
L5	N62°27'02"E	86.34
L6	N80°23'07"E	578.43
L7	N80°23'08"E	31.30
L8	S28°20'46"E	8.23
L9	N80°27'52"E	250.18
L10	S21°08'44"E	84.73
L11	N48°02'15"E	368.40
L12	N18°00'38"W	142.08
L13	N84°23'14"E	576.17
L14	S28°23'08"E	1181.14
L15	S16°37'16"W	1442.80
L16	S06°07'15"W	380.83
L17	N73°23'44"W	1028.78
L18	S48°18'27"W	121.43
L19	S68°28'46"W	318.18
L20	S78°32'15"W	587.10
L21	S88°41'52"W	236.44
L22	N12°07'24"E	1030.83

NO.	DATE	BY	REVISION

LAND TITLE SURVEY	
110.484 ACRES	
T.L.C. COLEMAN SURVEY, ABSTRACT NO. 204 A.B. FLATTERY SURVEY, ABSTRACT NO. 374 W. RAFFERTY SURVEY, ABSTRACT NO. 806 CITY OF WAXAHATCHIE, ELLIS COUNTY, TEXAS	
DESIGN	DRW
CHECKED	DATE
SCALE	JOB
SHEET	

(5d)

LEGAL DESCRIPTION
110.484 ACRES

BEING a tract of land situated in the W.C. COLEMAN SURVEY, ABSTRACT NO. 204, the A.B. FLEURY SURVEY, ABSTRACT NO. 374 and the M. RAFFERTY SURVEY, ABSTRACT NO. 898, City of Waxahachie, Ellis County, Texas and being part of that tract of land described in Deed to Bobby Lide, Inc., as recorded in Volume 2720, Page 1243, Deed Records, Ellis County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with a yellow plastic cap stamped "RPLS 4466" found in the southeast line of Farm to Market Road No. 877, an 80 foot right-of-way, for the most northerly northwest corner of said Bobby Lide, Inc. tract;

THENCE Easterly, with the north line of said Bobby Lide, Inc. tract, the following thirteen (13) courses and distances:

South 63 degrees 34 minutes 10 seconds East, leaving said southeast line, a distance of 73.57 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "RPLS 4466" found for corner;

South 51 degrees 30 minutes 12 seconds East, a distance of 333.76 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "RPLS 4466" found for corner;

South 87 degrees 23 minutes 59 seconds East, a distance of 110.34 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

North 69 degrees 43 minutes 05 seconds East, a distance of 96.55 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

North 62 degrees 27 minutes 02 seconds East, a distance of 98.34 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "RPLS 4466" found for corner;

North 60 degrees 23 minutes 07 seconds East, a distance of 575.43 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

North 60 degrees 23 minutes 05 seconds East, a distance of 31.20 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

South 28 degrees 50 minutes 48 seconds East, a distance of 9.21 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "RPLS 4466" found for corner;

North 60 degrees 27 minutes 52 seconds East, a distance of 295.16 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

(5d)

South 21 degrees 08 minutes 44 seconds East, a distance of 84.75 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

North 48 degrees 02 minutes 16 seconds East, a distance of 389.40 feet to a 1/2 inch iron rod found for corner;

North 19 degrees 00 minutes 36 seconds West, a distance of 242.06 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

North 64 degrees 23 minutes 14 seconds East, a distance of 576.17 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 29 degrees 23 minutes 08 seconds East, leaving said north line, a distance of 1,191.14 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 16 degrees 37 minutes 16 seconds West, a distance of 1,442.60 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 59 degrees 01 minutes 15 seconds West, a distance of 350.53 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE North 73 degrees 22 minutes 44 seconds West, a distance of 1,019.76 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 88 degrees 16 minutes 27 seconds West, a distance of 131.43 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 65 degrees 28 minutes 46 seconds West, a distance of 318.16 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 79 degrees 32 minutes 15 seconds West, a distance of 567.10 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner;

THENCE South 89 degrees 41 minutes 52 seconds West, a distance of 236.44 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JVC" set for corner in the southeast line of the above mentioned Farm to Market Road No. 877 at the beginning of a non-tangent curve to the right having a central angle of 39 degrees 47 minutes 07 seconds, a radius of 909.93 feet and a chord bearing and distance of North 06 degrees 56 minutes 40 seconds West, 619.22 feet;

THENCE Northerly, with said southeast line and said curve to the right, an arc distance of 631.84 feet to a wood right-of-way monument found for corner;

(5d)

THENCE North 12 degrees 57 minutes 24 seconds East, continuing with said southeast line, a distance of 1,030.83 feet to the **POINT OF BEGINNING** and containing 110.484 acres of land, more or less.

(52)



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Assistant City Manager
Thru: Michael Scott, City Manager
Date: November 15, 2019
Re: Supplemental Appropriation – Insurance Reimbursement

On Monday November 18, 2019 a supplemental appropriation will appear before City Council for consideration, associated with an insurance reimbursement to the Water Fund. On October 7, 2019 a Utilities vehicle was involved in a traffic accident. The total cost of the damages associated with this incident were \$12,938.86, which will be paid for from the Water Fund. The City's vehicular insurance company (Texas Municipal League intergovernmental Risk Pool) has since completed their investigation of the accident and provided the City with a reimbursement check in the amount of \$12,438.98, which is for the full amount of the damages less the City's \$500 deductible. This supplemental appropriation will provide the funding, via the insurance reimbursement, necessary to make unbudgeted vehicle repairs.

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

Tommy Ludwig

(SF)



Memorandum

To: Honorable Mayor and City Council
From: Wade G. Goolsby, Chief of Police
Thru: Michael Scott, City Manager
Date: November 14, 2019
Re: Interlocal Agreement

In this year's budget, the police department had requested an improvement to the current radio system. The improved system would involve an upgrade of our current equipment and the integration into a multi-agency 700 MHz simulcast digital radio system. Currently, the cities to our west have joined the radio system and integrated with their surrounding cities. By joining this regional radio system, we are not only moving to an advanced radio system with better coverage, but we are also able to share costs of maintaining the system. The new radio system will not only enhance and improve current radio coverage, it would allow us to be truly interoperable with our surrounding cities. This is critical for all public safety entities and the radio system would be utilized by police, fire, and emergency medical services.

We will be utilizing multiple radio towers to achieve the simulcast functionality of the system. One tower is owned by Midlothian, and a second tower is owned by Red Oak. Both of these cities have already signed interlocal agreements to share equipment and costs and we recently joined into that interlocal agreement. This interlocal agreement is between Ellis County and Waxahachie to utilize the county owned Joe White tower for radio equipment. As part of the overall project, we will be placing equipment on the Joe White tower in the county and with the addition of that tower, every radio transmission will be simultaneously broadcast from the three towers. With the tower

(sf)

in Midlothian, the tower in Red Oak and the Joe White tower to our south, we would have radio signals being simultaneously broadcast from those three towers, providing better coverage and penetration into structures.

Even though we are initially purchasing and installing the radio components to go onto the Joe White tower, we will share maintenance costs on the equipment since it will integrate with the County radio system once they have implemented their radio upgrade. This interlocal agreement also addresses the potential for adding equipment onto the Region 10 tower if needed.

The proposed agreement has been reviewed and approved by the City Attorney, County attorney, and has been reviewed by the City Manager.

I respectfully request City Council's authorization for staff to execute the interlocal agreement with Ellis County for the use of the county owned radio towers for the new 700 MHz simulcast radio project.

(7)

PROCLAMATION

WHEREAS, The Dove's Nest was founded in 1994 by Cindy and Andrew Burch; and

WHEREAS, The Dove's Nest has operated in the same historic circa 1913 building since it was established; and

WHEREAS, The Dove's Nest has served as an anchor business in downtown Waxahachie since it opened, bringing visitors and locals alike to the historic core; and

WHEREAS, Cindy and Andrew Burch have not only established their business downtown, they also live in the historic building that houses The Dove's Nest; and

WHEREAS, Cindy and Andrew Burch have invested each area of their lives in historic downtown Waxahachie for the past 25 years; and

WHEREAS, downtown Waxahachie has benefitted greatly from the presence of The Dove's Nest and of Cindy and Andrew Burch; and

WHEREAS, local citizens, businesses, and industries have been blessed by having each of the Burch's businesses located in Waxahachie;

NOW, THEREFORE, I, David Hill, Mayor of the City of Waxahachie, along with the entire City Council, do hereby proclaim Monday, November 18, 2019 as

"THE DOVE'S NEST DAY"

in the City of Waxahachie.

Proclaimed this 18th day of November, 2019.

MAYOR

ATTEST:

ACTING CITY SECRETARY

(8)

PROCLAMATION

WHEREAS, the government of Waxahachie, Texas, celebrates our local small businesses and the contributions they make to our local economy and community; according to the United States Small Business Administration, there are 30.7 million small businesses in the United States, they represent 99.7 percent of all firms with paid employees in the United States, are responsible for 64.9 percent of net new jobs created from 2000 to 2018; and

WHEREAS, small businesses employ 47.3 percent of the employees in the private sector in the United States; and

WHEREAS, 94% of consumers in the United States value the contributions small businesses make in their community; and

WHEREAS, 96% of consumers who plan to shop on Small Business Saturday® said the day inspires them to go to small, independently-owned retailers or restaurants that they have not been to before, or would not have otherwise tried; and

WHEREAS, 92% of companies planning promotions on Small Business Saturday said the day helps their business stand out during the busy holiday shopping season; and

WHEREAS, 59% of small business owners said Small Business Saturday contributes significantly to their holiday sales each year; and

WHEREAS, Waxahachie, Texas supports our local businesses that create jobs, boost our local economy and preserve our communities; and

WHEREAS, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

NOW, THEREFORE, I, David Hill, Mayor of the City of Waxahachie, along with the entire City Council, do hereby proclaim November 30, 2019 as

“SMALL BUSINESS SATURDAY”

and urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

Proclaimed this 18th day of November, 2019.

MAYOR

ATTEST:

ACTING CITY SECRETARY

(9)



ELLIS COUNTY ELECTIONS

Jana Onyon, CERA
Elections Administrator

204 E Jefferson Street Bus. (972) 825-5195
Waxahachie, TX 75165 Fax (972) 923-5194
Email elections@co.ellis.tx.us

City of Waxahachie Special Charter Amendment Election November 5, 2019 Election Returns

I, Jana Onyon, Ellis County Elections Administrator, do hereby certify the following unofficial results to be a true and correct tally for the November 5, 2019 Election results for the canvassing authority.

Precincts Counted	17
Registered Voters	22,159
Ballots Cast	2,623
Voter Turnout	11.84%

Witness my hand and seal this 8th day of November 2019.





Jana Onyon, Elections Administrator

City of Waxahachie Summary Results Report
2019 Special Charter Amendment Election
November 5, 2019

(9)

OFFICIAL RESULTS

Ellis County, Texas

STATISTICS

	TOTAL	Absentee	EV In-Person	Election Day
Election Day Precincts Reporting	17 of 17	0	0	17
Absentee/ Early Precincts Reporting	17 of 17	17	17	0
Registered Voters - Total	22,159			
Ballots Cast - Total	2,623	42	867	1,714
Voter Turnout - Total	11.84%			

City of Waxahachie Summary Results Report
2019 Special Charter Amendment Election
November 5, 2019

(9)

OFFICIAL RESULTS

Ellis County, Texas

Waxahachie City Prop A

Vote For 1

	TOTAL	VOTE %	Absentee	EV In-Person	Election Day
For	1,988	76.79%	38	634	1,316
Against	601	23.21%	3	223	375
Total Votes Cast	2,589	100.00%	41	857	1,691
Overvotes	0		0	0	0
Undervotes	34		1	10	23

(10+11)



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Director of Planning
Thru: Michael Scott, City Manager 
Date: October 30, 2019
Re: SU-19-0133 – Callber Collision

On October 29, 2019, the applicant requested to continue case no. SU-19-0133 to the December 17, 2019 Planning and Zoning meeting and the January 6, 2020 City Council meeting agenda.

(12)

Planning & Zoning Department

Zoning Staff Report



Case: SU-19-0129

MEETING DATE(S)

Planning & Zoning Commission: November 12, 2019

City Council: November 18, 2019

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 12, 2019, the Commission voted 6-0 to recommend approval of zoning change SU-19-0129, as presented.

CAPTION

Public Hearing on a request by Amanda Doty, B&M Assessment Services, for a Specific Use Permit (SUP) for **Rooftop Solar Panel System** use within a Single Family-2 zoning district, located at 403 Johnston Blvd (Property ID 174966) – Owner: GLYNNIE J & BILLY R STONE (SU-19-0129)

APPLICANT REQUEST

The purpose of this request is to permit the use of residential solar panels.

CASE INFORMATION

Applicant: Amanda Doty, B&M Assessment Services

Property Owner(s): Glynnie J and Billy R Stone

Site Acreage: 0.234 acres

Current Zoning: Single Family-2

Requested Zoning: Specific Use Permit for Rooftop Solar Panel System

SUBJECT PROPERTY

General Location: 403 Johnston Blvd

Parcel ID Number(s): 174966

Existing Use: Single Family Residence

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF-2	Single Family Residence
East	2F	Residential Duplex
South	SF-2	Single Family Residence
West	SF-2	Single Family Residence

(12)

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 a similar density. It is appropriate to have approximately 3.5 dwelling units per acre.

Thoroughfare Plan:

This property is accessible via Johnston Blvd.

Site Image:



PLANNING ANALYSIS

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

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 27 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

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:

(12)

ATTACHED EXHIBITS

1. Ordinance
2. Location Map
3. Site Plan

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
Chris Webb
Planner
cwebb@waxahahachie.com

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

(13)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A SINGLE FAMILY 2 (SF-2) ZONING DISTRICT, LOCATED AT 403 JOHNSTON BLVD, BEING PROPERTY ID 174966, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 2 6 IN THE NORTHGATE #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, the described property is classified in said ordinance and any amendments thereto as SF-2; and

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number SU-19-0129. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from SF-2 to SF-2, with an SUP in order to permit a Rooftop Solar Panel System use on the following property: Lot 2 6, of the Northgate #2 subdivision, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B.

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

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

PASSED, APPROVED AND ADOPTED on this _____ day of _____, 2019.

(13)

MAYOR

ATTEST:

City Secretary



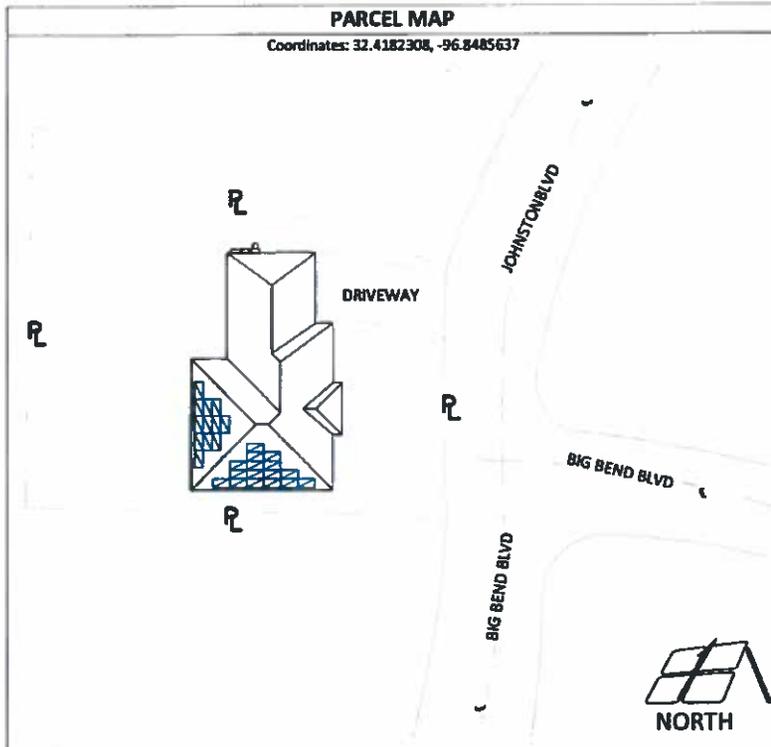
Exhibit A - Location Map

0 150 300 600 900 1,200 Feet

SU-19-0129

(15)

29



GOVERNING CODES
APPLICABLE BUILDING CODES:
 2015 INTERNATIONAL BUILDING CODE
 2015 INTERNATIONAL RESIDENTIAL CODE
 2015 INTERNATIONAL FIRE CODE
 2017 NATIONAL ELECTRIC CODE

DESIGN CRITERIA
 BUILDING OCCUPANCY: R-3
 RISK CATEGORY: Risk Category II
 ASCE 7-10 WIND SPEED: 115
 EXPOSURE CATEGORY: Exposure C
 SNOW LOAD: 5
 SNOW EXPOSURE: N/A
 CONSTRUCTION TYPE: VB



SCOPE OF WORK
ROOF MOUNTED PV (SOLAR) PROJECT GRID-TIED
W/O BATTERY STORAGE

PROPOSED SOLAR EQUIPMENT			SITE / PROJECT DETAILS	
QTY.	EQUIPMENT	DESCRIPTION/MFG/MODEL	CONNECTION	LINE SIDE TAP
28	MODULES	PEIMAR 56310M (DF)	SYSTEM SIZE DC	8.680 KW
1	INVERTER(S)	SolarEdge SE7600H-US (240V)	SYSTEM SIZE AC	7.731 KW
N/A	RACKING	IronRidge XR100 Rail	QTY. STRING/CKT.	2
71	STANCHIONS	IronRidge FlashFoot2	ELECT. SERVICE	120/240V - 1Ø
1	RSD DEVICE	INTEGRATED IN INV & OPT	ROOF COVERING	Comp Shingle
N/A	BATTERIES	N/A	MAX ARRAY HGT.	N/A
N/A	COMBINER(S)	N/A	TILT	33.7 DEGREES
N/A	MSP RATINGS	200A BUS/200A MB	AZIMUTH	239,149 DEGREES

PROJECT TEAM LIST

CONTRACTOR:
 Daybreak Install LLC
 2100 N Main St Ste. 212
 Fort Worth, TX 76164
 CONTRACTOR LIC #: TECL32815
 PHONE: (817) 995-9572
 CONTACT NAME: James Blakeley
 PHONE: (817) 995-9572
 EMAIL: james@daybreakinstall.com

ELECTRICAL UTILITY:
 Oncor Electric Delivery
 ESI ID NUMBER: 10443720004436503
 PHONE:
 AUTHORITY HAVING JURISDICTION:
 BUILDING: City of Waxahachie
 PHONE:

ENGINEERED BY:
 Scott E. Wyssling
 76 North Meadowbrook Dr
 Alpine, UT 84004
 LICENSE #: 122669
 LICENSE TYPE: PE
 PHONE: (202) 874-3483
 EMAIL: swyssling@wysslingconsulting.com

DESIGN BY:
 James Blakeley
 PHONE: (817) 995-9572
 EMAIL: james@daybreakinstall.com

PROJECT DRAFTER:
 Advanced Solar Solutions
 39650 Mallard
 Bass Lake, CA 93604

ADVANCED SOLAR SOLUTIONS
 PHONE: 559-321-7000
 EMAIL: info@advpermits.com

HOME OWNER PROJECT LOCATION:
 Glennie Stone
 403 Johnston Blvd, Waxahachie, TX 75165

CONTACT NAME: Glennie Stone
PHONE: (972) 923-3780
EMAIL: ghd@outlook.com



REV DATE RELEASE DATE
 01/30/2019 SUBMIT FOR PERMIT

COVER SHEET
PV-001

8.880 KW PHOTOVOLTAIC PLANS

NAME: Glennie Stone
ADDRESS: 403 Johnston Blvd
ADDRESS: Waxahachie, TX 75165
APN:

TECL32815
 2100 N Main St Ste. 212
 Fort Worth, TX 76164
 (817) 995-9572

Daybreak Install LLC

WYSSLING CONSULTING
 FIRM # 20108

GENERAL PROJECT & JURISDICTIONAL NOTES

INSPECTION REQUIREMENTS

- A LADDER SHALL BE IN PLACE FOR INSPECTION IN COMPLIANCE WITH ALL OSHA REGULATIONS.
- PENDING LOCAL JURISDICTIONAL REQUIREMENTS AND WHEN APPLICABLE ALL ELECTRICAL ENCLOSURE DEAD FRONTS, COVERS, DOORS, ETC. SHALL BE OPEN AND ACCESSIBLE FOR INSPECTIONS. WHEN TREMCH AND ROOF INSPECTIONS ARE REQUIRED WORK SHALL BE OPEN AND ACCESSIBLE FOR INSPECTOR.

JURISDICTIONAL & LISTING REQUIREMENTS

- WHEN APPLICABLE A SMOKE DETECTOR, APPROVED AND LISTED BY THE STATE FIRE MARSHAL OR ANSUL 217 CERTIFIED TO NATIONAL FIRE ALARM AND SIGNALING CODE, NFPA 72 SHALL BE VERIFIED FUNCTIONAL OR INSTALLED IN ALL APPLICABLE CODE REQUIRED LOCATIONS.
- ALL APPLICABLE EQUIPMENT TO BE UL LISTED OR LISTED BY OTHER JURISDICTIONAL AND UTILITY APPROVED ASSOCIATION OR NATIONALLY RECOGNIZED ORGANIZATION.
- FULL SCOPE OF WORK SHALL COMPLY WITH ALL APPLICABLE CODES LISTED IN GOVERNING CODES SECTION, ALL MANUFACTURERS' LISTINGS, INSTALLATION INSTRUCTIONS AND SPECIFICATIONS AND JURISDICTIONAL REQUIREMENTS.
- REVISED PLANS WILL BE REQUIRED TO BE RESUBMITTED TO THE LOCAL JURISDICTION IF THE INSTALLED ARRAY AND ASSOCIATED EQUIPMENT DOES NOT MATCH THE APPROVED BUILDING PLANS. ADDITIONAL FEES MAY ALSO APPLY.
- THE PLACEMENT OF A UTILITY PV PRODUCTION METER SHALL BE PROVIDED AND PLACED BY THE CONTRACTOR AS PER APPLICABLE UTILITY OR ANU REQUIREMENTS.

COPYRIGHT NOTICE

UNAUTHORIZED USE OF THIS DRAWING SET WITHOUT EXPRESSED WRITTEN PERMISSION FROM THE CONTRACTOR AND ADVANCED SOLAR SOLUTIONS IS A VIOLATION OF U.S. COPYRIGHT LAWS AND WILL BE SUBJECT TO CIVIL DAMAGES AND PROSECUTION.

Exhibit B - Site Plan

(61)

(14)

Planning & Zoning Department

Zoning Staff Report



Case: SU-19-0130

MEETING DATE(S)

Planning & Zoning Commission: November 12, 2019

City Council: November 18, 2019

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 12, 2019, the Commission voted 6-0 to recommend approval of zoning change SU-19-0130, as presented.

CAPTION

Public Hearing on a request by Brandon Edgley, Marc Jones Construction LLC DBA Sunpro Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-3 zoning district, located at 128 Garden Grove Drive (Property ID 272737) – Owner: ROLAND F & MARSHA L MAHARRY (SU-19-0130)

APPLICANT REQUEST

The purpose of this request is to permit the use of residential solar panels.

CASE INFORMATION

Applicant: Brandon Edgley, Sunpro Solar

Property Owner(s): Roland F and Marsha L Maharry

Site Acreage: .12 acres

Current Zoning: Planned Development-Single Family-3

Requested Zoning: Specific Use Permit for Rooftop Solar Panel System

SUBJECT PROPERTY

General Location: 128 Garden Grove Drive

Parcel ID Number(s): 272737

Existing Use: Single Family Residence

Development History: N/A

114)

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	PD-SF-3	Single Family Residence
East	PD-SF-3	Single Family Residence
South	PD-SF-3	Single Family Residence
West	PD-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 a similar density. It is appropriate to have approximately 3.5 dwelling units per acre.

Thoroughfare Plan: The property is accessible via Garden Grove Drive

Site Image:



PLANNING ANALYSIS

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

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 41 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PROPERTY OWNER NOTIFICATION RESPONSES

Staff received two (2) letters of support for the proposed rooftop solar panel system.

(14)

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
2. Location Map
3. Site Plan
4. PON Responses

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
Chris Webb
Planner
cwebb@waxahahachie.com

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

(14)

RECEIVED
10/28/19



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: SU-19-0130

MAHARRY ROLAND F & MARSHA L
128 GARDEN GROVE DR
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 12, 2019 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 18, 2019 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Brandon Edgley, Marc Jones Construction LLC DBA Sunpro Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-3 zoning district, located at 128 Garden Grove Drive (Property ID 272737) – Owner: ROLAND F & MARSHA L MAHARRY (SU-19-0130)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: SU-19-0130
City Reference: 272737

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, November 6, 2019* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com.

SUPPORT OPPOSE

Comments: None - we had solar before and it was great.

Roland F. Maharry
Signature

28 Oct 2019
Date

Roland F. Maharry
Printed Name and Title

128 Garden Grove Dr. Waxahachie TX
Address

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

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(14)

RECEIVED
11/5/19



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: SU-19-0130

CAMERON GLEN F & RUTH H
124 GARDEN GROVE DR
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 12, 2019 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 18, 2019 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. Request by Brandon Edgley, Marc Jones Construction LLC DBA Sunpro Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-3 zoning district, located at 128 Garden Grove Drive (Property ID 272737) – Owner: ROLAND F & MARSHA L MAHARRY (SU-19-0130)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: SU-19-0130
City Reference: 272735

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, November 6, 2019* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com.

SUPPORT OPPOSE

Comments: if, location is not visible from street

Glen Cameron
Signature

10/31/19
Date

Glen F Cameron
Printed Name and Title

124 Garden Grove Dr, 75165
Address

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

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

PropertyID	Owner's Name	Acreage	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
258764	SMITH JASON & GAYLA	0.179	LOT 9 BLK 1 PARK PLACE PH 2 .179 AC	118 NORTH STAR LN	WAXAHACHIE	TX	75165	118 NORTH STAR LN WAXAHACHIE TX 75165
258765	HUNTER BENJAMIN K & ZASANA A	0.179	LOT 10 BLK 1 PARK PLACE PH 2 .179 AC	118 NORTHSTAR LN	WAXAHACHIE	TX	75165	118 NORTH STAR LN WAXAHACHIE TX 75165
258766	KASEY ANTONY M & BRITTANI & JERRY M SHULER	0.179	LOT 11 BLK 1 PARK PLACE PH 2 .179 AC	120 NORTH STAR LN	WAXAHACHIE	TX	75165	120 NORTH STAR LN WAXAHACHIE TX 75165
258767	ROLLAND DEANNA	0.179	LOT 12 BLK 1 PARK PLACE PH 2 .179 AC	122 NORTHSTAR LN	WAXAHACHIE	TX	75165	122 NORTH STAR LN WAXAHACHIE TX 75165
258768	SCHERRER NICOLAS J & AMY	0.179	LOT 13 BLK 1 PARK PLACE PH 2 .179 AC	124 NORTH STAR LN	WAXAHACHIE	TX	75165	124 NORTH STAR LN WAXAHACHIE TX 75165
272669	D R HORTON TEXAS LTD	0.12	LOT 2 BLK 3 GARDEN VALLEY WEST 0.12 AC	4306 MILLER RD	ROWLETT	TX	75088	134 ARBORSIDE DR WAXAHACHIE TX 75165
272670	D R HORTON TEXAS LTD	0.12	LOT 3 BLK 3 GARDEN VALLEY WEST 0.12 AC	4306 MILLER RD	ROWLETT	TX	75088	132 ARBORSIDE DR WAXAHACHIE TX 75165
272671	D R HORTON TEXAS LTD	0.12	LOT 4 BLK 3 GARDEN VALLEY WEST 0.12 AC	4306 MILLER RD	ROWLETT	TX	75088	130 ARBORSIDE DR WAXAHACHIE TX 75165
272672	D R HORTON TEXAS LTD	0.12	LOT 5 BLK 3 GARDEN VALLEY WEST 0.12 AC	4306 MILLER RD	ROWLETT	TX	75088	128 ARBORSIDE DR WAXAHACHIE TX 75165
272673	D R HORTON TEXAS LTD	0.12	LOT 6 BLK 3 GARDEN VALLEY WEST .12 AC	4306 MILLER RD	ROWLETT	TX	75088	128 ARBORSIDE DR WAXAHACHIE TX 75165
272674	D R HORTON TEXAS LTD	0.12	LOT 7 BLK 3 GARDEN VALLEY WEST 0.12 AC	4306 MILLER RD	ROWLETT	TX	75088	124 ARBORSIDE DR WAXAHACHIE TX 75165
272675	D R HORTON TEXAS LTD	0.12	LOT 8 BLK 3 GARDEN VALLEY WEST 0.12 AC	4306 MILLER RD	ROWLETT	TX	75088	122 ARBORSIDE DR WAXAHACHIE TX 75165
272701	D R HORTON TEXAS LTD	0.11	LOT 34 BLK 3 GARDEN VALLEY WEST 0.11 AC	4306 MILLER RD	ROWLETT	TX	75088	119 GARDEN GROVE DR WAXAHACHIE TX 75165
272702	D R HORTON TEXAS LTD	0.11	LOT 35 BLK 3 GARDEN VALLEY WEST 0.11 AC	4306 MILLER RD	ROWLETT	TX	75088	121 GARDEN GROVE DR WAXAHACHIE TX 75165
272703	D R HORTON TEXAS LTD	0.11	LOT 36 BLK 3 GARDEN VALLEY WEST 0.11 AC	4306 MILLER RD	ROWLETT	TX	75088	123 GARDEN GROVE DR WAXAHACHIE TX 75165
272704	D R HORTON TEXAS LTD	0.11	LOT 37 BLK 3 GARDEN VALLEY WEST 0.11 AC	4306 MILLER RD	ROWLETT	TX	75088	125 GARDEN GROVE DR WAXAHACHIE TX 75165
272705	D R HORTON TEXAS LTD	0.11	LOT 38 BLK 3 GARDEN VALLEY WEST .11 AC	4306 MILLER RD	ROWLETT	TX	75088	127 GARDEN GROVE DR WAXAHACHIE TX 75165
272706	D R HORTON TEXAS LTD	0.11	LOT 39 BLK 3 GARDEN VALLEY WEST 0.11 AC	4306 MILLER RD	ROWLETT	TX	75088	129 GARDEN GROVE DR WAXAHACHIE TX 75165
272707	D R HORTON TEXAS LTD	0.11	LOT 40 BLK 3 GARDEN VALLEY WEST 0.11 AC	4306 MILLER RD	ROWLETT	TX	75088	131 GARDEN GROVE DR WAXAHACHIE TX 75165
272708	D R HORTON TEXAS LTD	0.11	LOT 41 BLK 3 GARDEN VALLEY WEST .11 AC	4306 MILLER RD	ROWLETT	TX	75088	133 GARDEN GROVE DR WAXAHACHIE TX 75165
272709	D R HORTON TEXAS LTD	0.14	LOT 42 BLK 3 GARDEN VALLEY WEST 0.14 AC	4306 MILLER RD	ROWLETT	TX	75088	135 GARDEN GROVE DR WAXAHACHIE TX 75165
272710	D R HORTON TEXAS LTD	0.14	LOT 1 BLK 4 GARDEN VALLEY WEST 0.14 AC	4306 MILLER RD	ROWLETT	TX	75088	135 ARBORSIDE DR WAXAHACHIE TX 75165
272711	D R HORTON TEXAS LTD	0.12	LOT 2 BLK 4 GARDEN VALLEY WEST 0.12 AC	4306 MILLER RD	ROWLETT	TX	75088	133 ARBORSIDE DR WAXAHACHIE TX 75165
272712	D R HORTON TEXAS LTD	0.12	LOT 3 BLK 4 GARDEN VALLEY WEST .12 AC	4306 MILLER RD	ROWLETT	TX	75088	131 ARBORSIDE DR WAXAHACHIE TX 75165
272713	D R HORTON TEXAS LTD	0.12	LOT 4 BLK 4 GARDEN VALLEY WEST .12 AC	4306 MILLER RD	ROWLETT	TX	75088	129 ARBORSIDE DR WAXAHACHIE TX 75165
272714	D R HORTON TEXAS LTD	0.12	LOT 5 BLK 4 GARDEN VALLEY WEST 0.12 AC	4306 MILLER RD	ROWLETT	TX	75088	127 ARBORSIDE DR WAXAHACHIE TX 75165
272715	D R HORTON TEXAS LTD	0.12	LOT 6 BLK 4 GARDEN VALLEY WEST 0.12 AC	4306 MILLER RD	ROWLETT	TX	75088	125 ARBORSIDE DR WAXAHACHIE TX 75165
272716	D R HORTON TEXAS LTD	0.12	LOT 7 BLK 4 GARDEN VALLEY WEST 0.12 AC	4306 MILLER RD	ROWLETT	TX	75088	123 ARBORSIDE DR WAXAHACHIE TX 75165
272717	CIFTDOGAN RIZA & TENSU	0.12	LOT 8 BLK 4 GARDEN VALLEY WEST .12 AC	121 ARBORSIDE DR	WAXAHACHIE	TX	75165	121 ARBORSIDE DR WAXAHACHIE TX 75165
272718	D R HORTON TEXAS LTD	0.12	LOT 9 BLK 4 GARDEN VALLEY WEST 0.12 AC	4306 MILLER RD	ROWLETT	TX	75088	119 ARBORSIDE DR WAXAHACHIE TX 75165
272719	D R HORTON TEXAS LTD	0.12	LOT 10 BLK 4 GARDEN VALLEY WEST 0.12 AC	4306 MILLER RD	ROWLETT	TX	75088	117 ARBORSIDE DR WAXAHACHIE TX 75165
272732	MORGAN JAN R	0.12	LOT 23 BLK 4 GARDEN VALLEY WEST 0.12 AC	118 GARDEN GROVE DR	WAXAHACHIE	TX	75165	118 GARDEN GROVE DR WAXAHACHIE TX 75165
272733	AVILES GENARO II & DONYA ANNETTE	0.12	LOT 24 BLK 4 GARDEN VALLEY WEST 0.12 AC	120 GARDEN GROVE DR	WAXAHACHIE	TX	75165	120 GARDEN GROVE DR WAXAHACHIE TX 75165
272734	FAGGINS TIFFANY & CHRISTOPHER	0.12	LOT 25 BLK 4 GARDEN VALLEY WEST 0.12 AC	122 GARDEN GROVE DR	WAXAHACHIE	TX	75165	122 GARDEN GROVE DR WAXAHACHIE TX 75165
272735	CAMERON GLEN F & RUTH H	0.12	LOT 26 BLK 4 GARDEN VALLEY WEST .12 AC	124 GARDEN GROVE DR	WAXAHACHIE	TX	75165	124 GARDEN GROVE DR WAXAHACHIE TX 75165
272736	ROUSE CONCHA	0.12	LOT 27 BLK 4 GARDEN VALLEY WEST 0.12 AC	126 GARDEN GROVE DR	WAXAHACHIE	TX	75165	126 GARDEN GROVE DR WAXAHACHIE TX 75165
272737	MAHARRY ROLAND F & MARSHALL	0.12	LOT 28 BLK 4 GARDEN VALLEY WEST 0.12 AC	128 GARDEN GROVE DR	WAXAHACHIE	TX	75165	128 GARDEN GROVE DR WAXAHACHIE TX 75165
272738	ANDALMAN DIANA M	0.12	LOT 29 BLK 4 GARDEN VALLEY WEST 0.12 AC	130 GARDEN GROVE DR	WAXAHACHIE	TX	75165	130 GARDEN GROVE DR WAXAHACHIE TX 75165
272739	CHISHOLM SHERILYN D & JAMES M	0.12	LOT 30 BLK 4 GARDEN VALLEY WEST 0.12 AC	132 GARDEN GROVE DR	WAXAHACHIE	TX	75165	132 GARDEN GROVE DR WAXAHACHIE TX 75165
272740	D R HORTON TEXAS LTD	0.12	LOT 31 BLK 4 GARDEN VALLEY WEST 0.12 AC	4306 MILLER RD	ROWLETT	TX	75088	134 GARDEN GROVE DR WAXAHACHIE TX 75165
272741	D R HORTON TEXAS LTD	0.14	LOT 32 BLK 4 GARDEN VALLEY WEST 0.14 AC	4306 MILLER RD	ROWLETT	TX	75088	136 GARDEN GROVE DR WAXAHACHIE TX 75165

(H)

(15)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A PLANNED DEVELOPMENT SINGLE FAMILY 3 (PD-SF-3) ZONING DISTRICT, LOCATED AT 128 GARDEN GROVE DRIVE, BEING PROPERTY ID 272737 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 23 BLOCK 4 IN THE GARDEN VALLEY WEST SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as PD-SF-3; and

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number SU-19-0130. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from PD-SF-3 to PD-SF-3, with an SUP in order to permit Rooftop Solar Panel System use on the following property: Lot 28 Block 4 of the Garden Valley West subdivision, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B.

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

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

PASSED, APPROVED AND ADOPTED on this _____ day of _____, 2019.

(15)

MAYOR

ATTEST:

City Secretary



Exhibit A - Location Map

0 100 200 400 600 800 Feet

SU-19-0130

(15)

Install Map - Marsha Maharry

Quantity: 15
 Panel: LG335N1C-V5
 Inverter: Enphase IQ7-60-2-US (240V)



Estimated Energy Savings

Annual Results	7,755 kWh per Year*	
	Low	High
Estimated Solar Energy Production (kWh/yr)	7,455	8,055
Estimated Energypro Efficiency Savings (kWh/yr)**	2,000	6,000
Solar + Energypro Estimated Annual Benefit (kWh/yr)	9,455	14,055
Monthly Estimates (kWh/mo)	492	844

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

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

Estimated Monthly Production



NOTE: THIS DESIGN IS NOT A SITE PLAN AND MAY BE SUBJECT TO MODIFICATION. THIS DESIGN IS SUBJECT TO UNUSUAL OBSTRUCTIONS OR SITE RESTRICTIONS TO BE APPROVED BY THE HOMEOWNER.

Exhibit B - Site Plan

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

DocuSigned by:

 812007880428484

MARCJONES CONSTRUCTION
 residential • commercial • solar

SUNPR
 SOLAR HOME SPECIALISTS

128 Garden Grove Drive, Waxahachie TX 75165		
Install:	5.40 kW Solar Panel System	
Jurisdiction:	City of Waxahachie	
Utility:	Oncor ESI ID: 10443720009309234	
Designer:	J. Cruz	
Date:	09.17.19	REV: 1 Sheet: 1 of 1

(15)

(14)

Planning & Zoning Department Zoning Staff Report



Case: SU-19-0131

MEETING DATE(S)

Planning & Zoning Commission: November 12, 2019

City Council: November 18, 2019

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 12, 2019, the Commission voted 6-0 to recommend approval of zoning change SU-19-0131, as presented.

CAPTION

Public Hearing on a request by Keri Blalock, My Own Power, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 305 Richmond Lane (Property ID 172239) – Owner: AVAMAE B & VAUGHN FRANKS (SU-19-0131)

APPLICANT REQUEST

The purpose of this request is to permit the use of residential solar panels.

CASE INFORMATION

Applicant: Keri Blalock, My Own Power

Property Owner(s): Avamae B and Vaughn Franks

Site Acreage: 0.281 acres

Current Zoning: Single Family-2

Requested Zoning: Specific Use Permit for Rooftop Solar Panel System

SUBJECT PROPERTY

General Location: 305 Richmond Lane

Parcel ID Number(s): 172239

Existing Use: Single Family Residence

Development History: N/A

Adjoining Zoning & Uses:

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

(16)

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 a similar density. It is appropriate to have approximately 3.5 dwelling units per acre.

Thoroughfare Plan:

This property is accessible via Richmond Lane and Charlotte Avenue.

Site Image:



PLANNING ANALYSIS

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

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 27 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

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:

(10)

ATTACHED EXHIBITS

1. Ordinance
2. Location Map
3. Site Plan

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
Chris Webb
Planner
cwebb@waxahahachie.com

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

(17)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A SINGLE FAMILY 2 ZONING DISTRICT, LOCATED AT 305 RICHMOND LANE, BEING PROPERTY ID 172239, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 41, BLOCK 5 IN THE BELLE-VUE SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

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

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number SU-19-0131. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from SF-2 to SF-2, with an SUP in order to permit a Rooftop Solar Panel System use on the following property: Lot 41, Block 5 of the Belle-Vue subdivision, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B.

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

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

PASSED, APPROVED AND ADOPTED on this _____ day of _____, 2019.

(17)

MAYOR

ATTEST:

City Secretary



Exhibit A - Location Map

0 125 250 500 750 1,000 Feet

 SU-19-0131

(17)

SHEET INDEX

- PV-1 PLOT PLAN
- PV-2 SOLAR LAYOUT
- PV-3 ATTACHMENT DETAILS
- PV-4 ELECTRICAL LINE DIAGRAM

NOTES:

- SYSTEM FOLLOWS ANY/ALL FIRE CODE SETBACKS PER ORDINANCES OF THE WAXAHACHIE.
- ALL PROJECTS WILL COMPLY WITH THE ORDINANCES OF THE WAXAHACHIE.
- PRODUCT DATA SHEETS WILL BE INCLUDED.
- ALL SIGNAGE TO BE PLACED IN ACCORDANCE WITH LOCAL BUILDING CODE
- AREA OF ARRAY: 334.1 SQ. FT.

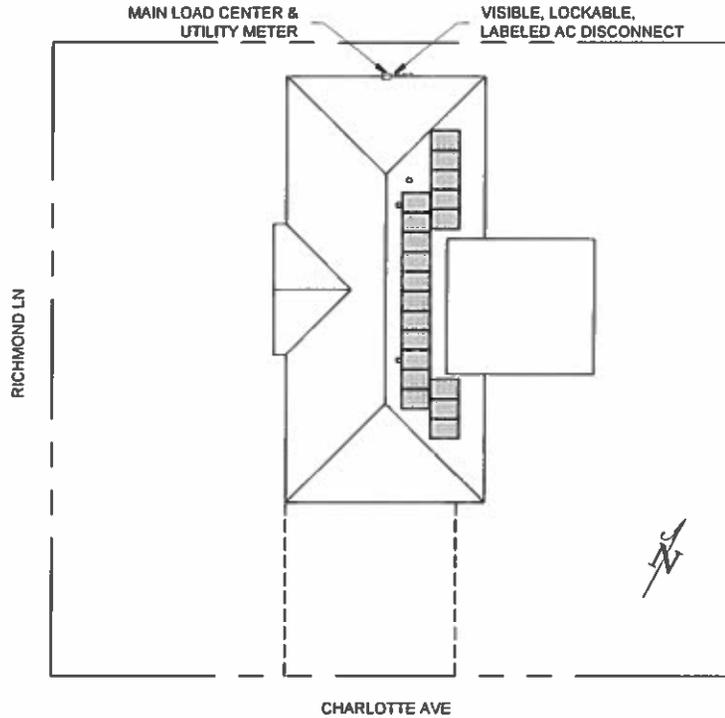
SCOPE OF WORK

INSTALL A 5.890 kW GRID-TIED PHOTOVOLTAIC SYSTEM TOTALING (19) SILFAB SLA-M 310 SOLAR MODULES WITH (1) SOLAREEDGE SE5000H-US INVERTER, FLUSH MOUNTED ON A COMPOSITE SHINGLE ROOF AND INTERCONNECTED VIA MAIN LOAD CENTER.

CODE COMPLIANCE

ALL SUPPLIED EQUIPMENT IS UL LISTED
 2014 NATIONAL ELECTRIC CODE
 2015 INTERNATIONAL RESIDENTIAL CODE
 2015 INTERNATIONAL BUILDING CODE
 2015 INTERNATIONAL FIRE CODE

Exhibit B - Site Plan



1 PLOT PLAN
 SCALE: 1"=20'-0"



MYO GROUP

PROJECT NAME:

VAUGHN FRANKS RESIDENCE

305 RICHMOND LN
 WAXAHACHIE, TX 75165
 ESID #: 1044372000 4265631

JURISDICTION:
 WAXAHACHIE

DRAWING NOTES:

- PHOTOVOLTAIC SOLAR MODULE
 MFG/MODEL: SILFAB SLA-M 310
- MODULE RATED AT: 310 W
- MULTIPLY BY QTY. OF MODULES: 19
- ARRAY SYSTEM SIZE: 5.890 kW
- SYSTEM AZIMUTH: 62°
- ROOF PITCH: 6:12
- MOUNTING HEIGHT: 1 -STORY
- ORIENTATION OPTIONS ARE PRELIMINARY AND ARE SUBJECT TO REVISION FOR OPTIMAL USE.
- SOLAR ARRAY LOCATIONS ARE TO BE REVIEWED AND APPROVED BY OWNER AND/OR ARCHITECT OF RECORD TO VERIFY SYSTEM LOCATION, FOR VENTILATION OBSTRUCTION AND POSSIBLE RELOCATION OF VENT AND/OR PIPE JACKS
- FIELD VERIFICATION OF ROOF STRUCTURE, AND SOLAR ARRAY LOCATION IS REQUIRED PRIOR TO INSTALLATION FOR ALL EXISTING STRUCTURES WHERE NEW SOLAR ARRAYS ARE TO BE INSTALLED.

ARCHITECT/FIELD DRAWING INFORMATION		
REV	DESCRIPTION	DATE

PLAN
PV-1

DRAWN BY: TK
 DRAWN DATE: 08/28/19

(18)

Planning & Zoning Department

Zoning Staff Report



Case: PD-19-0132

MEETING DATE(S)

Planning & Zoning Commission: November 12, 2019

City Council: November 18, 2019

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held November 12, 2019, the Commission voted 5-1 to recommend approval of zoning change PD-19-0132, 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.

CAPTION

Public Hearing on a request by Stuart Shaw, Cypress Creek Waxahachie LP, for a Zoning Change from a Single Family-2 and Planned Development District-49-General Retail, Multi-Family-Two Family zoning district to Planned Development-Multiple Family-2, with Concept Plan, located NW of Post Oak Drive at Highway 287 (Property ID 184249) - Owner: AMERITAI PARTNERSHIP (PD-19-0132)

APPLICANT REQUEST

Create a 168 unit multi-family residential development within a Planned Development zoning district.

CASE INFORMATION

Applicant: Stuart Shaw, Cypress Creek Waxahachie LP

Property Owner(s): Ameritai Partnership

Site Acreage: 68.49 acres

Current Zoning: Single Family-2 and Planned Development District-49-General Retail, Multi-Family-Two Family

Requested Zoning: Planned Development-Multiple Family-2

SUBJECT PROPERTY

General Location: NW of Post Oak Drive at Highway 287

Parcel ID Number(s): 184249

Existing Use: Currently Undeveloped

Development History: N/A

(18)

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	GR	Undeveloped Land
East	---	US Highway 287
South	PD-SF2	River Oaks Subdivision
West	SF2	Gingerbread Village Ph. 1

Future Land Use Plan:

Low Density Residential and Office

Comprehensive Plan:

Low Density Residential: 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.

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

Thoroughfare Plan:

The subject property is accessible via US Highway 287.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The purpose of this request is to create a multi-family residential development within a Planned Development zoning district. The existing zoning permits multi-family development, however, the applicant seeks to extend the multi-family zoning northwest approximately 125 feet to allow for the construction of the road on the existing site.

Proposed Use:

The applicant is requesting approval for a zoning change to accommodate development of a 168 unit multi-family residential complex on 68.49 acres located Northwest of Post Oak Drive at Highway 287. The apartment buildings height will range between 2-3 stories, and a common area will be provided within the development.

The Concept Plan depicts a residential development that includes elements such as:

- Sports Court/Field
- Laundry Room
- Fitness Center
- Conference/Business Center
- Connection to adjacent hike/bike trail (Brown Singleton Trail)

Conformance with the Comprehensive Plan:

Residential developments can include low density residential, medium density residential, and high density residential. The proposed development is consistent with the FLUP and the following goals and objectives in the 2016 Comprehensive Plan Addendum:

- Growth Strategies – Goal 1: Encourage the most desirable, efficient use of land while maintaining and enhancing local aesthetics.
- Growth Strategies – Goal 12: Promote growth of the community where infrastructure exists.

Development Standards:

The applicant is proposing a base zoning district of Multi Family-2 (MF2). Allowed uses shall be those provided within the City of Waxahachie Zoning Ordinance for Multi Family-2 with additional changes listed below.

Permitted Uses:

- Multi-Family Apartments

Table 2: Proposed Planned Development Standards (Multi Family-2)

**Items highlighted in bold do not meet the City of Waxahachie requirements*

Standard	City of Waxahachie	Cypress Creek Proposed	Meets Y/N
Max. Density	18 DU per acre	17.85 DU per acre	Yes
Min. Lot Area (Sq. Ft.)	2,420 SF/Unit	2,439	Yes
Min. Dwelling Unit	1 bedroom – 600 SF 2 bedroom – 700 SF *min. 100 SF required for each additional bedroom over one	1 bedroom – 708 SF 2 bedroom – 1,044 SF 3 bedroom – 1,210 SF 4 bedroom – 1,361 SF	Yes
Min. Lot Width (Ft.)	60	689	Yes
Min. Lot Depth (Ft.)	120	264	Yes
Min. Front Yard (Ft.)	25 (75>2) SF 25 (100>2)	100	Yes
Min. Side Yard (Ft.)	50 (75>2) SF 25 (100>2)	75 ft. (north side of property; 100 ft. req.)	No
Min. Rear Yard (Ft.)	50 (75>2) SF	75	Yes
Max. Height	3 stories	3 stories	Yes
Max. Lot Coverage (%)	40	22.7	Yes

PZ Recommendations made at the November 12, 2019 Planning and Zoning Meeting:

- A minimum of seventy percent (70%) masonry is required for each building within the development.
- A minimum of one hundred (100) detached garages shall be provided for the development.
- An 8ft. masonry fence is required adjacent to the single family River Oaks subdivision. A 6ft. decorative ornamental fence is required along the remainder of the property (front, sides, and rear).
- Connectivity shall be provided to the adjacent hike/bike trail (Brown Singleton Trail).

Additional Applicant (Variance/Special Exception) Request/Notes:

- Accessory structures such as garages and carports are allowed in front of primary structure.
- Structures taller than two (2) stories are requested to be less than the 100 ft. setback requirement.
- Trash enclosure is proposed in the building setback.
- Proposed 5:12 roof pitch along the sides of the building. *A 7:12 roof pitch will be visible facing the ROW*

PON RESPONSES

Staff has received two (2) letters of support and six (6) letters of opposition for the proposed development.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 46 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

STAFF CONCERNS

1. On November 12, 2019, the applicant agreed to meet the recommendations made by the Planning and Zoning Commission (see "PZ Recommendations made at the November 12, 2019 Planning and Zoning Meeting"). As a result of this, staff has no outstanding concerns for the applicant.

APPLICANT RESPONSE TO CONCERNS

1. The applicant has addressed staff's concerns.

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. Per the applicant's request, a Developer's Agreement to set the masonry required for each building to a minimum of seventy percent (70%) will be required for the property.
 2. A minimum of one hundred (100) detached garages shall be provided for the development.
 3. An 8ft. masonry fence is required adjacent to the single family River Oaks subdivision. A 6ft. decorative ornamental fence is required along the remainder of the property (front, sides, and rear).
 4. Connectivity shall be provided by a five foot concrete trail to the adjacent hike/bike trail (Brown Singleton Trail).

ATTACHED EXHIBITS

1. Concept Plan
2. Developer's Agreement/Ordinance
3. Planned Development Provisions
4. Elevation/Façade Plan
5. Amenity List

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

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

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

UNIT TABULATIONS

(A1 = 1 BEDROOM // B1, B2 = 2 BEDROOM // C1, C2 = THREE BEDROOM // D1 = FOUR BEDROOM)

UNIT	UNIT DESCRIPTION	UNIT COUNT	UNIT SQ. FT. (NET FINISH)	PERCENTAGE OF TOTAL	UNIT SQUARE FEET
A1	1 BEDROOM	20	765	10	15,300
B1	2 BEDROOM	25	1,244	14	31,100
B2	2 BEDROOM	20	1,244	14	24,880
C1	3 BEDROOM	30	1,728	19	51,840
C2	3 BEDROOM	4	1,728	5	6,912
D1	4 BEDROOM	4	2,212	5	8,848
TOTAL		103		100	136,880

TOTAL GROSS FLOOR AREA: 1,368,880



BLDG. TYPE	STORIES	BLDG. CFT.	AP	D1	D2	C1	C2	D1	TOTAL UNITS
1	2.5	1	13	0	0	0	0	0	13
2	2.5	1	25	13	0	30	2	4	54
3	2.5	1	6	0	0	0	0	0	6
TOTAL			44	13	0	30	2	4	103

UNIT	QUANTITY	SQ. FT.	TOTAL	TYPE	STANDARD	HC	MAN-HC
BEDROOM UNITS (A1)	20	1.3 SP/UNIT	26	STANDARD	154	0	4
BEDROOM UNITS (B1)	25	1.3 SP/UNIT	33	CARPORT	142	1	1
BEDROOM UNITS (B2)	20	1.3 SP/UNIT	26	SHARAGE	270	0	1
BEDROOM UNITS (C1)	4	1.8 SP/UNIT	12				
TOTAL	103		89	TOTAL	319	11	6
TOTAL PARKING							230

CLUB: 4,820 SF
 MAEL: 402 SF
 PAVILION: 740 SF
 MAINTENANCE: 1,810 SF
 SITE DENSITY: 180 UNITS ON 9.41 ACRES = 17.85 UNITS PER ACRE
 SITE USE: MULTIFAMILY RESIDENTIAL
 SITE AREA: 9.41 ACRES
 LOT WIDTH: 745' AVERAGE
 LOT DEPTH: 980' AVERAGE

THIS DEVELOPMENT IS TO COMPLY WITH THE CITY OF WAXAHACHIE LANDSCAPE REQUIREMENTS PER CODE OF ORDINANCES APPENDIX A, ARTICLE V, SECTION 5.04

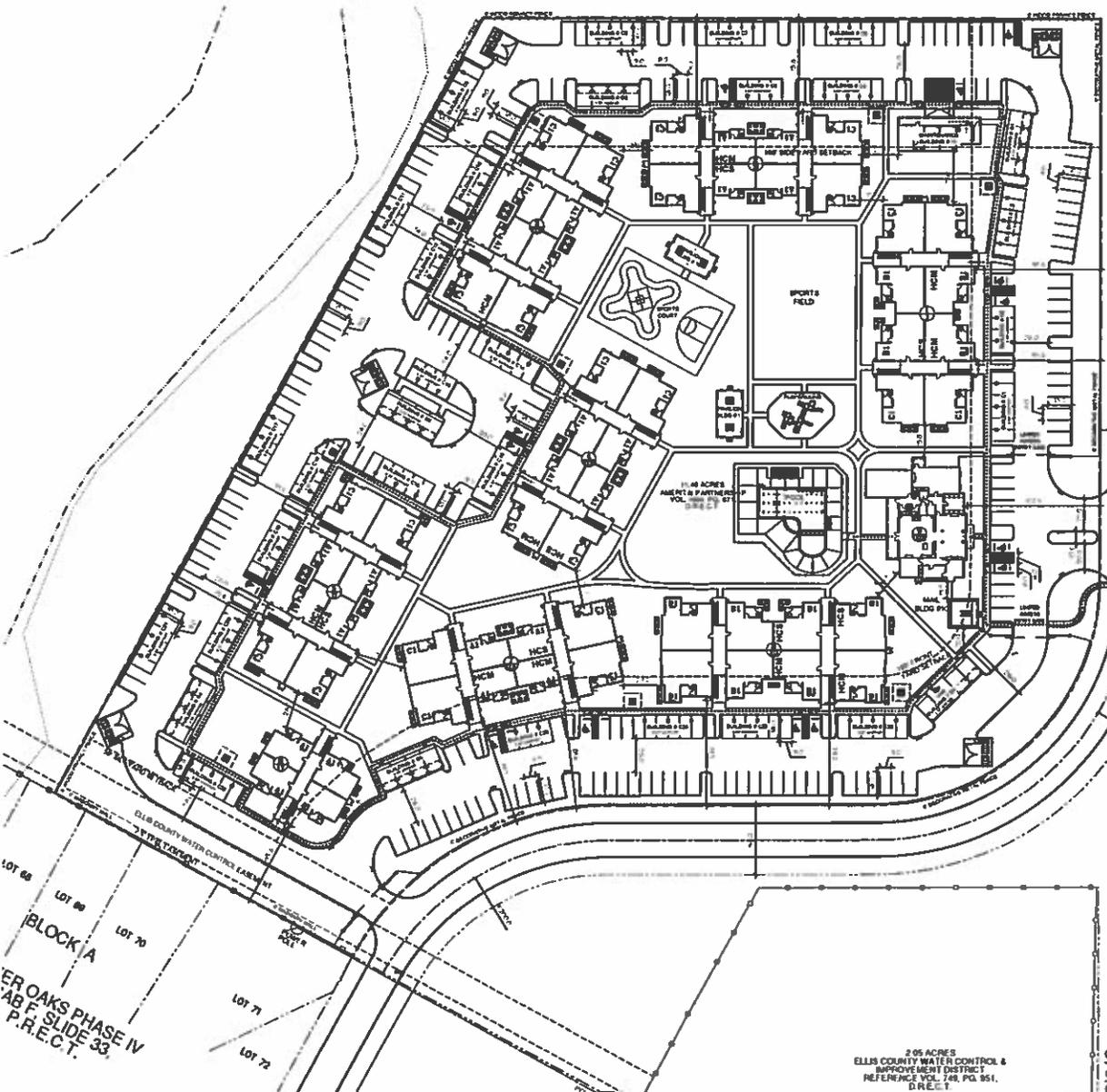
NO DETENTION PONDS ON SITE
 ACCESSIBLE ROUTE ●●●●●

CYPRESS CREEK AT WAXAHACHIE
 PLANNED DEVELOPMENT
 1 LOT
 CASE #: PD19-0132
 WAXAHACHIE, ELLIS COUNTY, TEXAS
 9.41 ACRES

LEGAL DESCRIPTION
 Being a 9.41 acre tract of land situated in the J.B. & ANN ADAMS SURVEY ABSTRACT No. 5, and the JOHN GOOCH SURVEY ABSTRACT No. 393, of Ellis County Texas, and being a part of that certain 59.639 acre tract of land conveyed by deed to AMERICAN PARTNERSHIP as recorded in Vol. 1850, Pg. 871 of the Deed Records of Ellis County, Texas, located in the City Limits of Waxahachie Texas, and being more particularly described by meets and bounds as follows.

SITE PLAN 9.41 ACRES

KELLY GROSSMAN
 ARCHITECTS, L.L.C.



LOT 68
 LOT 69
 LOT 70
 LOT 71
 LOT 72

BLOCK A
 ER OAKS PHASE IV
 AB F SLIDE 33
 P.R.E.C.T.

2.05 ACRES
 ELLIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT
 REFERENCE VOL. 749, PG. 951,
 D.P.E.C. 1

370.3

(18)
 HWY 287

(18)

RECEIVED
10/28/19



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: PD-19-0132

DAVIS KENT & BARBARA A
PO BOX 531
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 12, 2019 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 18, 2019 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Stuart Shaw, Cypress Creek Waxahachie LP, for a Zoning Change from a Single Family-2 and Planned Development District-49-General Retail, Multi-Family-Two Family zoning district to Planned Development-Multiple Family-2, with Concept Plan, located NW of Post Oak Drive at Highway 287 (Property ID 184249) - Owner: AMERITA PARTNERSHIP (PD-19-0132)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: PD-19-0132
City Reference: 173687

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, November 6, 2019* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com.

SUPPORT OPPOSE

Comments: We do not support the building multi family homes/ apartments. It is a proven fact that crime rate goes up and home value decreases.

Kent Davis / Barbara Davis 10-26-19
Signature Date

Kent Davis / Barbara Davis 319 Martene Ave
Printed Name and Title Address

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

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

SUPPORT

OPPOSE

PD-19-0132

Comments:

Too Many Apartments. Already in Waxahachie
Sure if you want to do it. Opinions won't matter but
all opposing anyway

Judy Huff
Signature

10-29-19
Date

Printed Name and Title

Judy Huff

Address

94 Elmwood Trail
River Oaks
Waxahachie, TX

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

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

73165

RECEIVED
11/1/19

(18)

RECEIVED
10/30/19



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: PD-19-0132

DAVIS DAWN C
318 MODENE AVE
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 12, 2019 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 18, 2019 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Stuart Shaw, Cypress Creek Waxahachie LP, for a Zoning Change from a Single Family-2 and Planned Development District-49-General Retail, Multi-Family-Two Family zoning district to Planned Development-Multiple Family-2, with Concept Plan, located NW of Post Oak Drive at Highway 287 (Property ID 184249) - Owner: AMERITAL PARTNERSHIP (PD-19-0132)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: PD-19-0132
City Reference: 173688

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on Wednesday, November 6, 2019 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com.

SUPPORT OPPOSE

Comments: Numbers are not everything. The Quality of life is going down in Waxahachie. I moved here in 1959. a wonderful small town, so sad to see it self district

Dawn C Davis
Signature

10/29/2019
Date

DAWN C DAVIS, OWNER
Printed Name and Title

318 Modene Ave Waxahachie, TX 75165
Address

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

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(18)

RECEIVED
10/28/19

Case Number: PD-19-0132
City Reference: 222754

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, November 6, 2019* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahatchie.com.

SUPPORT OPPOSE

Comments: _____

CF
Signature

10.28.19
Date

Mr Chris Ferris
Printed Name and Title

95 ELMWOOD TRL, WAXAHATCHIE
Address 75165

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

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(18)

RECEIVED
11/5/19



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: PD-19-0132
◇◇◇

SINGLETON MARVIN R JR
PO BOX 717
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 12, 2019 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 18, 2019 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Stuart Shaw, Cypress Creek Waxahachie LP, for a Zoning Change from a Single Family-2 and Planned Development District-49-General Retail, Multi-Family-Two Family zoning district to Planned Development-Multiple Family-2, with Concept Plan, located NW of Post Oak Drive at Highway 287 (Property ID 184249) - Owner: AMERITAI PARTNERSHIP (PD-19-0132)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: PD-19-0132
City Reference: 222661

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, November 6, 2019* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com.

SUPPORT OPPOSE

Comments: _____

Marvin R Singleton Jr
Signature

11/5/19
Date

Marvin R Singleton Jr
Printed Name and Title

Address

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

If you are not the addressee at the top of this form but would like to submit a response, please contact the City for a blank form.

(18)

RECEIVED
11/15/19



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: PD-19-0132

WAXAHACHIE DEVELOPMENT CO
PO BOX 717
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 12, 2019 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 18, 2019 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: PD-19-0132
City Reference: 222660

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, November 6, 2019* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com.

SUPPORT

OPPOSE

Comments: _____

Mark Smith
Signature

11/15/19
Date

Mark Smith, President
Printed Name and Title

Address

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

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(18)

RECEIVED
11/10/19

Case Number: PD-19-0132
City Reference: 173696

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, November 6, 2019* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com.

SUPPORT OPPOSE

Comments: _____

Eric Radermacher
Signature

11-5-2019
Date

Eric Radermacher
Printed Name and Title

315 Modene Ave. Waxahachie
Address

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

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

(18)

RECEIVED
11/5/19



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **PD-19-0132**

CRAWFORD WILLIAM A & DOROTHY R
125 VANDERBILT LN
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, November 12, 2019 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 18, 2019 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Stuart Shaw, Cypress Creek Waxahachie LP, for a Zoning Change from a Single Family-2 and Planned Development District-49-General Retail, Multi-Family-Two Family zoning district to Planned Development-Multiple Family-2, with Concept Plan, located NW of Post Oak Drive at Highway 287 (Property ID 184249) - Owner: AMERITAI PARTNERSHIP (PD-19-0132)

You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: **PD-19-0132**
City Reference: 173550

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Wednesday, November 6, 2019** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com.

SUPPORT OPPOSE

Comments: Too Close to schools and a major intersection

[Handwritten Signature]
Signature

11-1-2019
Date

William A. CRAWFORD
Printed Name and Title

316 Myrtle Ave.
Address

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

If you are not the addressee at the top of this form, but would like to submit a response, please contact the City for a blank form.

Case PD-19-0132
 Responses Received Inside Required 200' Notification Area
 Support: 2 Oppose: 6

PropertyID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's Subst	Owner's City	Owner's State	Owner's ZIP	Physical Address
173505	LINSCHIED LESLIE TEL CONTINGENT TRUST SANDRA J HARTNESS TRUSTEE	0.1721	LOT 51 GINGERBREAD VILLAGE PH 1 0.1721 AC	500 ALLVIEW TERRACE		LAGUNA BEACH	CA	92651	313 ETTA AVE WAXAHACHIE TX 75165
173506	MYERS TIMOTHY W & THELMA SUE	0.3097	LOT 52R GINGERBREAD VILLAGE PH 1 0.3097 AC	315 ETTA AVE		WAXAHACHIE	TX	75165	315 ETTA AVE WAXAHACHIE TX 75165
173507	SMITH PAUL R	0.2213	LOT 55R GINGERBREAD VILLAGE PH 1 0.2213 AC	316 ETTA AVE		WAXAHACHIE	TX	75165	316 ETTA AVE WAXAHACHIE TX 75165
173508	OCHOA JAVIER	0.1721	LOT 56 GINGERBREAD VILLAGE PH 1 & 2 .1721 AC	314 ETTA AVE		WAXAHACHIE	TX	75165	314 ETTA AVE WAXAHACHIE TX 75165
173541	GONZALEZ CHRISTOPHER & JENNIFER	0.229	LOT 17R GINGERBREAD VILLAGE PH 1 0.229 AC	214 AUDRA AVE		WAXAHACHIE	TX	75165	214 AUDRA AVE WAXAHACHIE TX 75165
173542	TYNER ROY & JENNIFER	0.1721	LOT 18 GINGERBREAD VILLAGE PH 1 0.1721 AC	212 AUDRA AVE		WAXAHACHIE	TX	75165	212 AUDRA AVE WAXAHACHIE TX 75165
173550	[REDACTED]	0.171	106RR GINGERBREAD VILLAGE PH1 REV0.171 ACRES	125 VANDERBILT LN		WAXAHACHIE	TX	75165	315 MYRTLE AVE WAXAHACHIE TX 75165
173551	MITCHELL JAMES M	0	LOT 107 GINGERBREAD VILLAGE PH 1 & 2	314 MYRTLE AVE		WAXAHACHIE	TX	75165	314 MYRTLE AVE WAXAHACHIE TX 75165
173558	SIEG LINDA ANN	0	102 GINGERBREAD VILLAGE PH1 REV	315 MYRTLE AVE		WAXAHACHIE	TX	75165	315 MYRTLE AVE WAXAHACHIE TX 75165
173559	THEDFORD RONALD & REGINA	0	103R GINGERBREAD VILLAGE PH1 REV	317 MYRTLE AVE		WAXAHACHIE	TX	75165	317 MYRTLE AVE WAXAHACHIE TX 75165
173686	REGAS DIONYSIOS & MARIORA SPAHO	0	163 GINGERBREAD VILLAGE PH1 REV	317 MODENE AVE		WAXAHACHIE	TX	75165	317 MODENE AVE WAXAHACHIE TX 75165
173687	[REDACTED]	0	164R GINGERBREAD VILLAGE PH1 REV	PO BOX 531		WAXAHACHIE	TX	75168	319 MODENE AVE WAXAHACHIE TX 75165
173688	[REDACTED]	0	LOT 167R GINGERBREAD VILLAGE PH 1 & 2	318 MODENE AVE		WAXAHACHIE	TX	75165	318 MODENE AVE WAXAHACHIE TX 75165
173689	CRANDALL LOUIS & ROSE MARIE	0	168 GINGERBREAD VILLAGE PH1 REV	316 MODENE AVE		WAXAHACHIE	TX	75165	316 MODENE AVE WAXAHACHIE TX 75165
173696	[REDACTED]	0	LOT 182 GINGERBREAD VILLAGE PH 1 & 2	315 MODENE AVE		WAXAHACHIE	TX	75165	315 MODENE AVE WAXAHACHIE TX 75165
173724	GROUILL ROBIN S	0	227 GINGERBREAD VILLAGE PH1 REV	317 MORENE AVE		WAXAHACHIE	TX	75165	317 MORENE AVE WAXAHACHIE TX 75165
173725	RODGERS MICHAEL L & LOUITA L	0	228R GINGERBREAD VILLAGE PH1 REV	319 MORENE AVE		WAXAHACHIE	TX	75165	319 MORENE AVE WAXAHACHIE TX 75165
179000	BUFFALO CREEK PLAZA LLC	30.479	5 J B & A ADAMS,383 J GOOCH 30.479 ACRES	440 GINGERBREAD LN		WAXAHACHIE	TX	75165	5 FM 813 WAXAHACHIE TX 75165
184231	WOODARD LEGERRON	7.46	393 J GOOCH 7.46 ACRES	304 PENSACOLA AVE		WAXAHACHIE	TX	75165	HIGHWAY 287 WAXAHACHIE TX 75165
184238	VIEN LADD	0.54	393 J GOOCH 0.54 ACRES	1015 FERRIS AVE		WAXAHACHIE	TX	75165	1110 BROWN ST WAXAHACHIE TX 75165
184247	ALLEN MARTHA JEAN	4.04	393 J GOOCH 4.04 ACRES	411 ROYAL ST		WAXAHACHIE	TX	75165	FM 813 WAXAHACHIE TX 75165
184249	AMERTAJ PARTNERSHIP	68.49	393 J GOOCH & 5 J B & A ADAMS 68.49 ACRES	1015 FERRIS AVE		WAXAHACHIE	TX	75165	HIGHWAY 287 WAXAHACHIE TX 75165
183401	ELLIS COUNTY WATER CONTROL & IMP DIST	2.05	5 J B & A ADAMS 2.05 ACRES	P O BOX 757		WAXAHACHIE	TX	75168	HIGHWAY 287 WAXAHACHIE TX 75165
202975	FARLEY STREET BAPTIST CHURCH	14.669	LOT 3 & 4B LITTLETON ESTATE 14.669 AC	1116 BROWN ST		WAXAHACHIE	TX	75165	1116 & 1318 BROWN ST WAXAHACHIE TX 75165
202978	CHURCH OF GOD WAXAHACHIE	5.334	LOT 4A LITTLETON ESTATE REV 5.334 AC	PO BOX 602		WAXAHACHIE	TX	75168	1320 BROWN ST WAXAHACHIE TX 75165
205009	VIEN LADD	2.14	LOT 3 LITTLETON EST 2.14 AC	1015 FERRIS AVE		WAXAHACHIE	TX	75165	BROWN ST WAXAHACHIE TX 75165
207721	ROYE FAMILY ENTERPRISES L P	8	1 ROYE ADDN 8 ACRES	1324 BROWN ST	# A	WAXAHACHIE	TX	75165	1324 BROWN ST WAXAHACHIE TX 75165
219305	MCBEE LARRY W & DIANA L	0.158	105RR GINGERBREAD VILLAGE PH1 REV0.158 ACRES	725 LOCUST DR		RED OAK	TX	75154	318 MYRTLE AVE WAXAHACHIE TX 75165
222660	WAXAHACHIE DEVELOPMENT CO	2.519	5 J B & A ADAMS 2.519 ACRES	PO BOX 717		WAXAHACHIE	TX	75168	HIGHWAY 287 WAXAHACHIE TX 75165
222661	SINGLETON MARVIN R JR	2.8	393 J GOOCH 2.8 ACRES	PO BOX 717		WAXAHACHIE	TX	75168	BROADHEAD RD WAXAHACHIE TX 75165
222745	PALAFIX FREDERCO & EMMA Y SIGALA	0.191	LOT 72 BLK A RIVER OAKS 4 .191 AC	510 TIMBER DR		WAXAHACHIE	TX	75165	510 TIMBER DR WAXAHACHIE TX 75165
222746	ANDERSON ANDREW R & MEGAN N	0.128	LOT 73 BLK A RIVER OAKS 4 .128 AC	508 TIMBER DR		WAXAHACHIE	TX	75165	508 TIMBER DR WAXAHACHIE TX 75165
222751	VACA CHRISTOPHER	0.151	LOT 67 BLK A RIVER OAKS 4 0.151 AC	81 ELMWOOD TRL		WAXAHACHIE	TX	75165	81 ELMWOOD TRL WAXAHACHIE TX 75165
222753	KING JEROME D & JAMIE H	0.152	LOT 68 BLK A RIVER OAKS 4 0.152 AC	83 ELMWOOD TRL		WAXAHACHIE	TX	75165	83 ELMWOOD TRL WAXAHACHIE TX 75165
222754	[REDACTED]	0.152	LOT 69 BLK A RIVER OAKS 4 0.152 AC	517 HARVEST TRL		MIDLOTHAN	TX	76065	95 ELMWOOD TRL WAXAHACHIE TX 75165
222755	OWENS JONATHAN D & REBECCA L	0.164	LOT 70 BLK A RIVER OAKS 4 0.164 AC	97 ELMWOOD TRL		WAXAHACHIE	TX	75165	97 ELMWOOD TRL WAXAHACHIE TX 75165
222756	AMH 2014-2 BORROWER LLC	0.265	LOT 71 BLK A RIVER OAKS 4 .265 AC	30601 AGOURA RD	STE 200	AGOURA HILLS	CA	91301	512 TIMBER DR WAXAHACHIE TX 75165
222757	HOOD GREGOARY & HEIDI BORDEN	0.153	LOT 62 BLK A RIVER OAKS 4 0.153 AC	80 ELMWOOD TRL		WAXAHACHIE	TX	75165	80 ELMWOOD TRL WAXAHACHIE TX 75165
222758	SMITH ERICA	0.134	LOT 63 BLK A RIVER OAKS 4 0.134 AC	86 ELMWOOD TRL		WAXAHACHIE	TX	75165	86 ELMWOOD TRL WAXAHACHIE TX 75165
222759	MC GEHEE JESSICA & BUDDY D	0.229	LOT 64 BLK A RIVER OAKS 4 .229 AC	86 ELMWOOD TRL		WAXAHACHIE	TX	75165	86 ELMWOOD TRL WAXAHACHIE TX 75165
222780	AMERICAN RESIDENTIAL LEASING COMPANY LLC	0.158	LOT 65 BLK A RIVER OAKS 4 0.158 AC	PO BOX 95987		LAS VEGAS	NV	89193	87 ELMWOOD TRL WAXAHACHIE TX 75165
222781	WHITTEN COURTNEY M & ASHLEY N	0.149	LOT 68 BLK A RIVER OAKS 4 0.149 AC	89 ELMWOOD TRL		WAXAHACHIE	TX	75165	89 ELMWOOD TRL WAXAHACHIE TX 75165
222785	COCKERHAM ROY L	0.184	LOT 59 BLK A RIVER OAKS 4 0.184 AC	86 ELMWOOD TRL		WAXAHACHIE	TX	75165	86 ELMWOOD TRL WAXAHACHIE TX 75165
222786	[REDACTED]	0.153	LOT 60 BLK A RIVER OAKS 4 0.153 AC	84 ELMWOOD TRL		WAXAHACHIE	TX	75165	84 ELMWOOD TRL WAXAHACHIE TX 75165
230711	BARNETT TIMOTHY L & KATHI S CARPENTER	0.153	LOT 61 BLK A RIVER OAKS 4 0.153 AC	92 ELMWOOD TRL		WAXAHACHIE	TX	75165	92 ELMWOOD TRL WAXAHACHIE TX 75165
265603	SINGLETON MARVIN R JR	4.49	5 J B & A ADAMS 4.490 ACRES	PO BOX 717		WAXAHACHIE	TX	75168	HIGHWAY 287 WAXAHACHIE TX 75165

(18)

(19)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-2 (SF2), PLANNED DEVELOPMENT-49-GENERAL RETAIL (PD-49-GR), AND MULTI FAMILY-2 (MF2) TO PLANNED DEVELOPMENT-MULTI-FAMILY-2 (PD-MF2), WITH CONCEPT PLAN LOCATED AT THE NORTHWEST CORNER OF POST OAK DRIVE AT HIGHWAY 287 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 68.49 ACRES KNOWN AS A PORTION OF PROPERTY ID 184249 OF THE 393 J GOOCH & 5 J B & A ADAMS ABSTRACT, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number PD-19-0132. 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 SF2, PD-49-GR, & MF2 to PD-MF2, 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 SF2, PD-49-GR, & MF2 to PD-MF2, with Concept Plan in order to facilitate development of the subject property in a manner that allows multi-family (apartment) structures on the following property: a portion of Property ID 184249 of the 393 J Gooch & 5 J B & A Adams Abstract, which is shown on Exhibit A, in accordance with the Planned Development Provisions attached as Exhibit B, Concept/Site Plan attached as Exhibit C, Elevation/Façade Plan attached as Exhibit D, and Amenity List attached as Exhibit E.

PLANNED DEVELOPMENT

Purpose and Intent

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

(19)

Development Standards

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

Development Regulations

1. Per the applicant's request, a Developer's Agreement will be required for the property.
2. A minimum of seventy percent (70%) masonry is required for each building within the development.
3. A minimum of one hundred (100) detached garages shall be provided for the development.
4. An 8ft. masonry fence is required adjacent to the single family River Oaks subdivision. A 6ft. decorative ornamental fence is required along the remainder of the property (front, sides, and rear).
5. Connectivity shall be provided to the adjacent hike/bike trail (Brown Singleton Trail).
6. The Site Plan shall conform as approved by the City Council under case number PD-19-0132.
7. Any zoning, land use requirement, or restriction not contained within this zoning ordinance shall conform to those requirements and/or standards prescribed in Exhibits B – Planned Development Provisions. Where regulations are not specified in Exhibit B or in this ordinance, the regulations of Multi Family-2 zoning district of the City of Waxahachie Zoning Ordinance shall apply to this development.
8. A detailed Site Plan packet shall be administratively reviewed and can be approved in accordance with the Concept Plan.
9. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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 18th day of November, 2019.

MAYOR

ATTEST:

City Secretary

(19)

EXHIBIT A

Cypress Creek Apartment Homes PD Ordinance

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-2 (SF2), PLANNED DEVELOPMENT-49-GENERAL RETAIL (PD-49-GR), AND MULTI FAMILY-2 (MF2) TO PLANNED DEVELOPMENT-MULTI-FAMILY-2 (PD-MF2), WITH CONCEPT PLAN LOCATED AT THE NORTHWEST CORNER OF POST OAK DRIVE AT HIGHWAY 287 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 68.49 ACRES KNOWN AS A PORTION OF PROPERTY ID 184249 OF THE 393 J GOOCH & 5 J B & A ADAMS ABSTRACT, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number PD-19-0132. 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 SF2, PD-49-GR, & MF2 to PD-MF2, 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 SF2, PD-49-GR, & MF2 to PD-MF2, with Concept Plan in order to facilitate development of the subject property in a manner that allows multi-family (apartment) structures on the following property: a portion of Property ID 184249 of the 393 J Gooch & 5 J B & A Adams Abstract, which is shown on Exhibit A, in accordance with the Planned Development Provisions attached as Exhibit B, Concept/Site Plan attached as Exhibit C, Elevation/Façade Plan attached as Exhibit D, and Amenity List attached as Exhibit E.

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PLANNED DEVELOPMENT

Purpose and Intent

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

Development Standards

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

Development Regulations

1. Per the applicant's request, a Developer's Agreement will be required for the property.
2. A minimum of seventy percent (70%) masonry is required for each building within the development.
3. A minimum of one hundred (100) detached garages shall be provided for the development.
4. An 8ft. masonry fence is required adjacent to the single family River Oaks subdivision. A 6ft. decorative ornamental fence is required along the remainder of the property (front, sides, and rear).
5. Connectivity shall be provided by a five foot concrete trail to the adjacent hike/bike trail (Brown Singleton Trail).
6. The Site Plan shall conform as approved by the City Council under case number PD-19-0132.
7. Any zoning, land use requirement, or restriction not contained within this zoning ordinance shall conform to those requirements and/or standards prescribed in Exhibits B – Planned Development Provisions. Where regulations are not specified in Exhibit B or in this ordinance, the regulations of Multi Family-2 zoning district of the City of Waxahachie Zoning Ordinance shall apply to this development.
8. A detailed Site Plan packet shall be administratively reviewed and can be approved in accordance with the Concept Plan.
9. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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 18th day of November, 2019.

(19)

MAYOR

ATTEST:

City Secretary

(19)

DEVELOPMENT PROVISIONS
Cypress Creek Waxahachie Planned Development

Use Allowed by Right: Multiple Family Dwelling 2 (MF-2) District has various permitted uses under the Waxahachie Code of Ordinances. This development's permitted use will be categorized as a Multiple Family Dwelling or Apartment.

Detailed Site Plan: In the event of conflict between the Detailed Site Plan and the conditions herein, the conditions herein prevail.

Landscape Plan: Landscaping shall be provided as generally shown on a Landscape Plan. The Landscape Plan will be in compliance with the City of Waxahachie Code of Ordinances.

Development Standards: Unless specified herein, development is subject to the MF-2 District Regulations. Multiple family dwellings or Apartments are subject to the following standards:

Density: A maximum of 18 dwelling units per acre

- The density of this development is 17.85 units/acre

Lot Area, Width, Depth, and Coverage:

- Minimum lot area: 2,420 square foot per unit
- Minimum lot width: 60 feet
- Minimum lot depth: 120 feet
- Maximum lot coverage: 40 percent by main and accessory buildings

Yard Depths and Widths:

- Minimum Front Yard: Adjacent to SF - 25'. 75' if over two stories. Adjacent to MF or Nonresidential - 25'. 100' if over 2 stories
- Minimum Side Yard: Adjacent to SF - 50'. 75' if over two stories. Adjacent to MF or Nonresidential - 25'. 100' if over 2 stories
- Minimum Rear Yard: Adjacent to a residential; 50', over two story is 75'

Building Height: 3 stories for the main building. All accessory buildings (excluding recreational buildings) shall be limited to 1 story in height.

Minimum Dwelling Unit Area: 600 SF per unit plus 100 SF for each additional bedroom over one; 450 SF for efficiency apartment units, with a 25% maximum of the total units.

- 1-bed: 708 SF
- 2-bed: 1,044 SF
- 3-bed: 1,210 SF
- 4-bed: 1,361 SF

(19)

Building Elevations:

- Roof pitch: 7:12 or greater.
- A variance has been requested in which the interior/side portions of the buildings will possess a 5:12 roof pitch. The portion of the roof line that will be visual from the street will still have a 7:12 roof pitch. The 5:12 ratio is being requested on the interior side to prevent the structure from reaching too great of a height.

Maximum Building Length:

- Buildings shall not exceed two hundred (200) feet in length.

Parking and Access: Unless specified herein, development is subject to the MF-2 District Regulations. Apartment communities are subject to the following standards:

- 1) At least one-half of the required minimum off-street spaces shall be provided in attached fully enclosed garages.
- 2) The garage may be part of the dwelling structure.
- 3) Garage doors may not face public street.
- 4) Garages shall be set back a minimum of eight (8) feet from the circulation aisle.
- 5) The garage shall not be used for storage, thereby prohibiting the parking of an inoperable vehicle.

Variances have been requested for 5.05 (a)(iv) numbers 1, 3, and 4.

Landscape and Screening: Unless specified herein, development is subject to the MF-2 District Regulations. Variance has been requested in proposing a wooden fence along the single-family side instead of masonry.

Exterior Building Materials: A variance to the masonry composition percentage has been requested. Per the Waxahachie Code of Ordinances, the exterior surface of all structures including screening walls, wing walls, gables, and columns shall be constructed of at least ninety (90) percent masonry construction materials.

Accessory Buildings: Accessory buildings will include: Maintenance Building, Mail Building, Two Pavilion Buildings. Accessory Structures will include all carports and garages. Carports are labeled buildings C1-C9 on the Site Plan. Garages are labeled G1-G5 on the Site Plan. A variance has been requested to have the specific locations of Garage Building #G1 and Garage Building #G5 remain in the areas designated on the Site Plan.

Signs and Lighting: Unless specified herein, development is subject to the MF-2 District Regulations and Performance Standards.

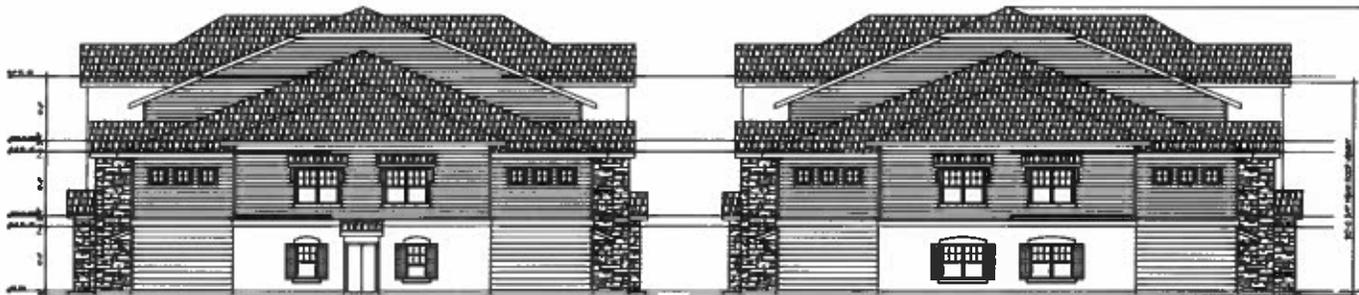
(A)

Amenities: The development will exceed the minimum requirement of at least 4 amenities from the list provided in the Waxahachie Code of Ordinances. The following amenities will be incorporated in the development: Exercise Facility, Sport Court and Field, Swimming Pool, Playground Tot Lot, and Improved Picnic Areas.

Project Phasing: The project is anticipated to be constructed in nine phases. Construction is expected to take approximately 16-18 months upon commencement.

Management Associations: No management association has been identified for the project at this time. Professional leasing and management of the facility is expected.

CYPRESS CREEK AT WAXAHACHIE
 WAXAHACHIE, TX - BONNER CARRINGTON



EXTERIOR MATERIAL LEGEND	
STONE	
STUCCO	
6" EXPOSURE GRAINED LAP SIDING EXPOSURE, ALL PATIOS & BALCONIES 8"	
12" EXPOSURE GRAINED LAP SIDING, ALL BREEZEWAYS 12"	
COMPOSITE ROOF	

(B)

(19)

Cypress Creek at Waxahachie Amenity List

Property Amenities

- Pool
- Picnic Pavilions w BBQ grills
- Sport Court
- Playground w/ playscape
- Sports Field
- Laundry Room
- Fitness Center
- Activity Room
- Conference / Business Center
- Clubhouse w/ Kitchen

Unit Amenities

- Large Single Basin Kitchen Sinks
- USB Outlets in each Kitchen
- Wood shelving in all Closets / Pantries
- Energy Efficient LED lights
- Energy Star appliances
- Upgraded and energy efficient kitchen appliance package in market rate units
- Window coverings
- 9-foot ceilings
- Garden Tubs
- Full size washer/dryer connections
- Ceiling fans throughout
- Generous closet space
- Large pantry and ample linen storage
- Balcony or patio
- Smoke alarms and sprinklers throughout
- Wired for phone, cable and Local Area Network (LAN)
- High speed Internet access available
- Garage, carports and storage units available
- Some units adaptable for individuals with sight, hearing and mobility impairments

(20)

Section 2. Term. This Agreement shall be effective as of the date of execution of this Agreement by the last of the Parties to do so ("**Effective Date**"). This Agreement shall remain in full force and effect from the Effective Date until terminated by the mutual agreement of all of the Parties in writing ("**Term**").

Section 3. Agreements. The Parties agree as follows:

Incorporation of Zoning and Recognition of Investment-Backed Expectations:

The negotiated and agreed upon zoning and development standards contained in the Cypress Creek Apartment Homes PD Ordinance, which incorporate by reference the general zoning regulations of the City of Waxahachie zoning ordinance, are hereby adopted and incorporated into this Agreement as contractually-binding obligations of Vien. Vien agrees to construct the development with a minimum of 70% masonry for each building on the property. All masonry materials shall be consistent with the City of Waxahachie Zoning Ordinance. In consideration of Vien's agreement in this regard, the City of Waxahachie agrees that Vien has reasonable investment-backed expectations in the Cypress Creek Apartment Homes PD Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the Cypress Creek Apartment Homes PD Ordinance without impacting Vien's reasonable investment-backed expectations.

Section 4. Miscellaneous.

- A. This Agreement and any dispute arising out of or relating to this Agreement shall be governed by and construed in accordance with the laws of the State of Texas, without reference to its conflict of law rules. In the event of any dispute or action under this Agreement, venue for any and all disputes or actions shall be instituted and maintained in Ellis County, Texas.
- B. It is acknowledged and agreed by the Parties that the terms hereof are not intended to and shall not be deemed to create a partnership, joint venture, joint enterprise, or other relationship between or among the Parties.
- C. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the Parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.
- D. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Parties may have by law statute, ordinance, or otherwise. The failure by any Party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement with

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respect to any other or subsequent breach thereof, nor a waiver by such Party of its rights at any time thereafter to require exact and strict compliance with all the terms hereof. Any rights and remedies any Party may have with respect to the other arising out of this Agreement shall survive the cancellation, expiration or termination of this Agreement, except as otherwise expressly set forth herein.

E. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

F. Any of the representations, warranties, covenants, and obligations of the Parties, as well as any rights and benefits of the parties, pertaining to a period of time following the termination or expiration of this Agreement shall survive termination or expiration.

G. This Agreement is made subject to the existing provisions of the City of Waxahachie, its present rules, regulations, procedures and ordinances, and all applicable laws, rules, and regulations of the State of Texas and the United States.

H. The undersigned officers and/or agents of the Parties hereto are the properly authorized persons and have the necessary authority to execute this Agreement on behalf of the Parties hereto.

I. This Agreement may be only amended or altered by written instrument signed by the Parties.

J. The headings and captions used in this Agreement are for the convenience of the Parties only and shall not in any way define, limit or describe the scope or intent of any provisions of this Agreement.

K. This Agreement is the entire agreement between the Parties with respect to the subject matters covered in this Agreement. There are no other collateral oral or written agreements between the Parties that in any manner relates to the subject matter of this Agreement, except as provided or referenced in this Agreement.

L. This Agreement shall be recorded in the real property records of Ellis County, Texas. This Agreement and all of its terms, conditions, and provisions is and shall constitute a restriction and condition upon the development of the Property and all portions thereof and a covenant running with the Property and all portions thereof, and is and shall be binding upon Vien and all heirs, successors, and assigns and the future owners of the Property and any portion thereof; provided, however, this Agreement shall not constitute an obligation of or be deemed a restriction or encumbrance with respect to any platted residential lot upon which a completed structure has been constructed.

{Signature Pages Follow}

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EXECUTED by the Parties on the dates set forth below, to be effective as of the date first written above.

CITY OF WAXAHACHIE, TEXAS

By: _____
Michael Scott, City Manager

Date: _____

ATTEST:

By: _____
City Secretary

: KALTERRA CAPITAL PARTNERS LLC

By: _____

Date: _____

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STATE OF TEXAS §
 §
COUNTY OF ELLIS §

Before me, the undersigned authority, on this 18th day of November, 2019, personally appeared MICHAEL SCOTT, City Manager of the City of Waxahachie, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

Before me, the undersigned authority, on this 18th day of November, 2019, personally appeared _____, representative of Vien, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

(20)

EXHIBIT A

Cypress Creek Apartment Homes PD Ordinance

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-2 (SF2), PLANNED DEVELOPMENT-49-GENERAL RETAIL (PD-49-GR), AND MULTI FAMILY-2 (MF2) TO PLANNED DEVELOPMENT-MULTI-FAMILY-2 (PD-MF2), WITH CONCEPT PLAN LOCATED AT THE NORTHWEST CORNER OF POST OAK DRIVE AT HIGHWAY 287 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 68.49 ACRES KNOWN AS A PORTION OF PROPERTY ID 184249 OF THE 393 J GOOCH & 5 J B & A ADAMS ABSTRACT, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number PD-19-0132. 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 SF2, PD-49-GR, & MF2 to PD-MF2, 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 SF2, PD-49-GR, & MF2 to PD-MF2, with Concept Plan in order to facilitate development of the subject property in a manner that allows multi-family (apartment) structures on the following property: a portion of Property ID 184249 of the 393 J Gooch & 5 J B & A Adams Abstract, which is shown on Exhibit A, in accordance with the Planned Development Provisions attached as Exhibit B, Concept/Site Plan attached as Exhibit C, Elevation/Façade Plan attached as Exhibit D, and Amenity List attached as Exhibit E.

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PLANNED DEVELOPMENT

Purpose and Intent

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

Development Standards

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

Development Regulations

1. Per the applicant's request, a Developer's Agreement will be required for the property.
2. A minimum of seventy percent (70%) masonry is required for each building within the development.
3. A minimum of one hundred (100) detached garages shall be provided for the development.
4. An 8ft. masonry fence is required adjacent to the single family River Oaks subdivision. A 6ft. decorative ornamental fence is required along the remainder of the property (front, sides, and rear).
5. Connectivity shall be provided by a five foot concrete trail to the adjacent hike/bike trail (Brown Singleton Trail).
6. The Site Plan shall conform as approved by the City Council under case number PD-19-0132.
7. Any zoning, land use requirement, or restriction not contained within this zoning ordinance shall conform to those requirements and/or standards prescribed in Exhibits B – Planned Development Provisions. Where regulations are not specified in Exhibit B or in this ordinance, the regulations of Multi Family-2 zoning district of the City of Waxahachie Zoning Ordinance shall apply to this development.
8. A detailed Site Plan packet shall be administratively reviewed and can be approved in accordance with the Concept Plan.
9. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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 18th day of November, 2019.

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MAYOR

ATTEST:

City Secretary

(21)



Memorandum

To: Honorable Mayor and City Council
 From: Wade G. Goolsby, Chief of Police
 Thru: Michael Scott, City Manager *[Signature]*
 Date: November 12, 2019
 Re: Authorized Positions – Police Department

With the approval of additional School Resource Officers (SROs), we need to amend the number of authorized positions in the police department. With the addition of three SROs and one Sergeant, the amended authorized positions would be as follows:

Police Chief -	1
Assistant Chiefs -	2
Lieutenants -	5
Sergeants -	8
Corporals -	4
Officers -	55

Total Sworn Positions - 75

I respectfully request amending the authorized number of sworn personnel for the police department.

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, ESTABLISHING AND RE-ESTABLISHING CLASSIFIED POSITIONS UNDER CIVIL SERVICE IN THE FIRE AND POLICE DEPARTMENTS, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. The classified positions under Civil Service in the Fire Department shall be as follows:

Assistant Fire Chief	1
Fire Marshal	1
Fire Battalion Chief	4
Fire Captain	9
Fire Lieutenant	4
Fire Pumper Engineer	12
Firefighter	27

SECTION 2. The classified positions under Civil Service in the Police Department shall be as follows:

Assistant Police Chief	2
Police Lieutenant	5
Sergeants	8
Corporal	4
Police Patrol Officer	55

SECTION 3. The annual/monthly base rate pay for each of the above captioned classified positions shall be determined by each year's budget.

SECTION 4. The positions of Assistant Fire Chief and Assistant Police Chief shall be appointed positions, appointed by the head of the department.

SECTION 5. That all ordinances of the City of Waxahachie heretofore adopted which are in conflict with the provisions of this ordinance be, and the same are hereby repealed.

SECTION 6. That this ordinance shall take effect thirty days after passage and all requirements under Chapter 143 of the Local Government Code have been satisfied.

PASSED, APPROVED, AND ADOPTED this 18th day of November, 2019.

MAYOR

ATTEST:

ACTING CITY SECRETARY

(22)



Memorandum

To: Honorable Mayor and City Council
From: Wade G. Goolsby, Chief of Police
Thru: Michael Scott, City Manager
Date: November 12, 2019
Re: Budget Amendment

Approximately two years ago, the school district approached the police department and discussed the idea of having school resource officers (SROs) who work in the schools full time. At that time, we developed an interlocal agreement whereas the WISD would basically pay for the officer during the weeks that school is in session and the City pays for the officer during the summers and school holidays. The program was successful and a second SRO was added after the initiation of the program. The program continues to be very successful and beneficial to both the school district and the police department.

Dr. Bonnie Cain, WISD Superintendent, with the approval of the school board, has asked to expand the SRO program for the next school year. She is requesting an additional three school resource officers and a Sergeant to supervise the unit. We have an existing agreement in place so we can continue the unit under the existing agreement.

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Under the current interlocal agreement, the compensation terms are as follows:

J. Compensation Throughout Duration of Agreement. WISD, in consideration for the governmental services being provided by the City pursuant to this Agreement, agrees to reimburse the City for the following expenses:

1. Reimbursement for each SRO's actual salary and benefits. The actual cost for the SRO's salary and benefits will be determined by the salary and benefits of the actual officer(s) selected for the position(s). WISD will reimburse the City for the actual salary and benefits and the defined vehicle fee for up to thirty-seven (37) weeks (the school year) of the calendar year (up to 71.15% of the SRO's annualized salary and benefits).
2. \$40.00/week for each SRO's vehicle use and travel.

The City shall provide an invoice to WISD within 15 days after the ending date of each month of the regular school year. WISD shall pay the invoice within 30 days of receipt.

In the event that the WISD requests that the SRO attend after hour events or out of town events that would result in overtime, the WISD will reimburse the City for the overtime expenses. In the event the SRO is called away from a WISD assignment during a school day or week by the City, WISD will not be responsible for salary and benefits and any resulting overtime during the portion of the school day or week in which the SRO is not performing duties to benefit WISD.

Using the current pay scale for police officers, the following estimated numbers have been developed:

Police Officer Pay Range:	\$56,264 - \$72,800	(midpoint = \$65,822)
Plus benefits (estimated at 37%)		\$24,354
		\$90,176
		Estimated total = \$90,176

Sergeant Pay Range:	\$78,390 - \$90,083	(midpoint = \$85,921)
Plus benefits (estimated at 37%)		\$31,791
		\$110,172
		Estimated total = \$117,712

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The actual costs to WISD would depend on the actual salary of the officers chosen to serve as School Resource Officers (SRO) so for estimation purposes, I am using the midpoint of the salary range for purposes of this proposal.

The annual cost of three officers would be:

$$\$90,176 \times 3 = \$270,528$$

$$71.15\% * \text{ of } \$270,528 = \mathbf{\$192,481 - WISD Cost}$$

$$\mathbf{\$ 78,047 - City Cost}$$

* Terms of existing interlocal agreement

The annual cost of one Sergeant would be:

$$\$117,712$$

$$71.15\% \text{ of } \$117,712 = \mathbf{\$ 83,752 - WISD Cost}$$

$$\mathbf{\$ 33,960 - City Cost}$$

Total police department budget amendment (projected): \$112,007

In order to expand the existing School Resource Officer (SRO) program, I am respectfully requesting a budget amendment of \$112,907 for the addition of three police officers positions and one Sergeant position.

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Memorandum

To: Honorable Mayor and City Council
From: Wade G. Goolsby, Chief of Police
Thru: Michael Scott, City Manager
Date: November 14, 2019
Re: Contract – Zuercher Software

In this year's budget, one of the projects approved by Council was the acquisition and implementation of a new Computer Aided Dispatch (CAD) system and records management system (RMS). The overall system has every component needed for the 911 Center and the police department. That includes a records management system, criminal case management system, crime analysis, property management, and mobile computer system.

The new system would greatly enhance our abilities to perform crime analysis, manage our information, and share information. The department looked at several vendors over an extended period of time and also worked with our surrounding agencies to identify a system that would work with all of us. Last year, we had a meeting with Ellis County Sheriff's Office and Midlothian to discuss a new CAD/RMS system. We were all looking at new systems but were not all on the same timeline. However, we discussed the advantage of having the same software system and creating a regional server to share information. All of us agreed that the Zuercher software system met all of our needs and that we would transition to the Zuercher system as each agency obtained the funding. At this point in time, the police agencies of Desoto, Duncanville, and Cedar Hill are implementing Zuercher in their shared communications center. If Midlothian (who also dispatches for Red Oak and Ovilla) and Ellis County are able to transition to

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Zuercher in the future, that would create a region of agencies all using the same software. Desoto, Duncanville, Cedar Hill, Midlothian, Red Oak, Ovilla, Ellis County and Waxahachie would all have to the same software system and be able to easily share information.

This request is related to the contract with Zuercher Solutions, Inc. for the planning, labor, equipment, and implementation of the new CAD/RMS/Mobile software system. The total expenditure for this package is \$390,000.

As stated previously, this project was approved in the budget process and the approval of this contract allows us to move forward with implementation. We excited to move forward with this project as it represents a significant improvement to our current CAD/RMS system. The contract has been reviewed by both our legal advisor and our information technologies personnel and all of the recommended changes have been accepted by Zuercher.

I respectfully request City Council's authorization for staff to execute the contractual agreement with Zuercher for the new CAD/RMS software project.



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Assistant City Manager
Thru: Michael Scott, City Manager
Date: November 15, 2019
Re: Roadway Impact Fee Update

On Monday, November 18, 2019, a professional services contract related to an update of the City's Roadway Impact Fee and associated Capital Improvement Plan will appear before City Council for consideration in the amount of \$75,500.00. Freese and Nichols, Inc., will provide the engineering services that include, but are not limited to: developing Future Land Use Assumptions, reviewing, analyzing, and making recommendations associated with the City's currently adopted Roadway Impact Fees and Capital Improvement Plan, and participating in meetings with the City's Impact Fee Advisory Committee. Capital improvement plans and land use assumptions associated with the a City's impact fees must be updated at a minimum of every five years by State Law; the City's next update must be completed in FY2020.

Water and Wastewater Impact Fee Updates are being coordinated through the Utility Department under a separate contract this fiscal year. The total cost of the Water and Wastewater Impact Fee Update contract fell below the threshold for City Council action and is therefore being administered by the City Manager. The Utility Department will utilize the Land Use Assumptions established by Freese and Nichols, Inc., in an effort to create efficiencies of cost. Total land use assumption costs will be divided between Roadway, Water, and Wastewater Impact Fees.

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

Tommy Ludwig