

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, December 16, 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 December 2, 2019
 - b. Minutes of the City Council briefing of December 2, 2019
 - c. Mobile Home License Renewals for 2020
 - d. Consider award of a bid to Utility Trailer of Dallas, Inc. for an additional sludge trailer at the Wastewater Treatment Plant
 - e. Consider award of a professional services contract with Birkhoff, Hendricks & Carter, L.L.P. for flow monitoring services associated with the wastewater collection system
 - f. Event Application for Sweethearts and Orphans Car Show on March 14, 2020
6. ***Introduce*** Honorary Councilmember
7. ***Consider*** request by Michael Crocker, Canyon Creek, for a Plat of Palomino Estates for 4 residential lots being 5.043 acres situated in the W. Berry Survey, Abstract 73 (Property ID 180064) in the Extra Territorial Jurisdiction - Owner: Paula Upchurch Crabtree (PL-19-0141)

8. **Public Hearing** on a request by Dalton Bradbury, Southfork Capital, for a Zoning Change from a Planned Development-30-Office zoning district to Planned Development-Single Family-3, with Concept Plan, located at 315 N Rogers (Property ID 193492) - Owner: Southfork Capital LLC (PD-19-0147)
9. **Consider** proposed Ordinance approving PD-19-0147
10. **Continue Public Hearing** on a request by Brian Shaw, Blue Bonnet Trail LLC, for a Zoning Change from a Planned Development-11-Multiple Family-1 zoning district to Planned Development-Multiple Family-1, with Concept Plan, located at the SW corner of Northgate Drive at Stadium Drive (Property ID 239255) - Owner: Blue Bonnet Trail LLC (PD-19-0135)
11. **Consider** proposed Ordinance approving PD-19-0135
12. **Public Hearing** on a request by Kayla Sterling, Sunrun Installation Services Inc., for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-23-Single Family-1 zoning district located at 313 Lakeshore Drive (Property ID 174787) – Owner: Walter R Jackson (SU-19-0140)
13. **Consider** proposed Ordinance approving SU-19-0140
14. **Public Hearing** on a request by Bridget Wright, 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-2 zoning district located at 131 Lariat Trail (Property ID 267480) – Owner: Gary R & Cynthia E Joslin (SU-19-0150)
15. **Consider** proposed Ordinance approving SU-19-0150
16. **Public Hearing** on a request by Bridget Wright, Marc Jones Construction LLC DBA Sunpro Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-23-Single Family-1 zoning district located at 406 Laguna Vista (Property ID 273631) – Owner: John R & Laurie Musselwhite (SU-19-0151)
17. **Consider** proposed Ordinance approving SU-19-0151
18. **Public Hearing** on a request by Jarod Scoggin, Scoggin Outdoor Living & Shops, for a Specific Use Permit (SUP) for Accessory Building (Residential) Greater than or Equal to 700 S.F. use within a Planned Development-Single Family-1 zoning district located at 109 Willowcrest Drive (Property ID 174739) – Owner: Keith M & Teresa A Williams (SU-19-0144)
19. **Consider** proposed Ordinance approving SU-19-0144
20. **Consider** Development Agreement for 109 Willowcrest Drive
21. **Public Hearing** on a request by Staci Dean, Daiquiriville, for a Specific Use Permit (SUP) for Convenience Store (Daiquiri Shop) use within a General Retail zoning district located at 2801 N Highway 77, Suite 140 (Property ID 272779) – Owner: SAP Properties LLC (SU-19-0143)

22. **Consider** proposed Ordinance approving SU-19-0143
23. **Public Hearing** concerning a substandard structure located at 10 Yinger St.
24. **Consider** an action to require the substandard structure located at 10 Yinger St. to be secured, repaired, removed, and/or demolished
25. **Public Hearing** concerning a substandard structure located at 608 Dr. Martin Luther King, Jr. Blvd.
26. **Consider** an action to require the substandard structure located at 608 Dr. Martin Luther King, Jr. Blvd. to be secured, repaired, removed, and/or demolished
27. **Public Hearing** concerning a substandard structure located at 214 Dunlap St.
28. **Consider** an action to require the substandard structure located at 214 Dunlap St. to be secured, repaired, removed, and/or demolished
29. **Public Hearing** concerning a substandard structure located at 712 Givens St.
30. **Consider** an action to require the substandard structure located at 712 Givens St. to be secured, repaired, removed, and/or demolished
31. **Public Hearing** concerning a substandard structure located at 218 Wyatt St.
32. **Consider** an action to require the substandard structure located at 218 Wyatt St. to be secured, repaired, removed, and/or demolished
33. **Public Hearing** concerning a substandard structure located at 400 Wyatt St.
34. **Consider** an action to require the substandard structure located at 400 Wyatt St. to be secured, repaired, removed, and/or demolished
35. **Public Hearing** concerning a substandard structure located at 908 Wyatt St.
36. **Consider** an action to require the substandard structure located at 908 Wyatt St. to be secured, repaired, removed, and/or demolished
37. **Convene** into Executive Session for deliberation regarding real property as permitted under Section 551.072 of the Texas Government Code
38. **Reconvene** and take any necessary action
39. Comments by Mayor, City Council, City Attorney and City Manager
40. 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

(5a)

City Council
December 2, 2019

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, December 2, 2019 at 7:00 p.m.

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

Others Present: Michael Scott, City Manager
Albert Lawrence, Assistant 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

None

5. Consent Agenda

- a. Minutes of the City Council meeting of November 18, 2019
- b. Minutes of the City Council briefing of November 18, 2019
- c. Minutes of the City Council work session of November 18, 2019
- d. Consider approving the proposals for playground installation at Boat Dock Park, landscaping and irrigation at Spring Park, and Lions Park soccer field irrigation
- e. Consider authorizing an Interlocal Agreement with the University of Texas at Arlington for inspection and data analysis services associated with sanitary sewer system pipelines
- f. Street Closures for Santa Run to be held December 14, 2019
- g. Event Application for King Day Celebration and Parade to be held on January 20, 2020
- h. Event Application for Hachie 50 Event to be held on May 2, 2020

Action:

Councilmember Kevin Strength moved to approve items a. through h. on the Consent Agenda. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

(5a)

6. Introduce Honorary Councilmember

Councilmember Kevin Strength introduced Rachael Edgar as the Honorary Councilmember for the month of December. Ms. Edgar is a Senior at Global High and is ranked #14 in her class. She plans on attending Texas A&M to become a Civil Engineer. Ms. Edgar is the Global High Student Council President, a member of Global High's Bowling Team, and on the Waxahachie Shotgun Team.

7. Public Hearing on a request by Brian Shaw, Blue Bonnet Trail LLC, for a Zoning Change from a Planned Development-11-Multiple Family-1 zoning district to Planned Development-Multiple Family-1, with Concept Plan, located at the SW corner of Northgate Drive at Stadium Drive (Property ID 239255) - Owner: Blue Bonnet Trail LLC (PD-19-0135)

Mayor Hill opened the Public Hearing and announced the applicant requested to continue PD-19-0135 to the December 16, 2019 City Council meeting.

8. Consider proposed Ordinance approving PD-19-0135

Action:

Councilmember Chuck Beatty moved to continue the Public Hearing on a request by Brian Shaw, Blue Bonnet Trail LLC, for a Zoning Change from a Planned Development-11-Multiple Family-1 zoning district to Planned Development-Multiple Family-1, with Concept Plan, located at the SW corner of Northgate Drive at Stadium Drive (Property ID 239255) - Owner: Blue Bonnet Trail LLC (PD-19-0135) to the December 16, 2019 City Council meeting. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

9. Public Hearing on a request by Brandon Edgley, Sunpro Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 227 Equestrian Drive (Property ID 236368) – Owner: Christina and Dan R Orona III (SU-19-0137)

Mayor Hill opened the Public Hearing.

Planning Director Shon Brooks reviewed SU-19-0137 noting the applicant is requesting the use of residential solar panels and staff recommended approval as presented.

There being no others to speak for or against SU-19-0137, Mayor Hill closed the Public Hearing.

10. Consider proposed Ordinance approving SU-19-0137

ORDINANCE NO. 3159

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A SINGLE FAMILY (SF2) ZONING DISTRICT, LOCATED AT 227 EQUESTRIAN DRIVE, BEING PROPERTY ID 236368, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 4 BLOCK J

(50)

IN THE MUSTANG CREEK PHASE 1 SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve Ordinance No. 3159. Councilmember Kevin Strength seconded, All Ayes.

- 11. Public Hearing on a request by Toby Fitzgerald, Bulldog Electrical Contractors, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Single Family-3 zoning district, located at 204 Frierson (Property ID 171323) – Owner: Stephen D Hale & Sherayah Dillaha (SU-19-0139)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reviewed SU-19-0139 noting the applicant is requesting the use of residential solar panels and staff recommended approval as presented.

There being no others to speak for or against SU-19-0139, Mayor Hill closed the Public Hearing.

- 12. Consider proposed Ordinance approving SU-19-0139**

ORDINANCE NO. 3160

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A SINGLE FAMILY 3 (SF3) ZONING DISTRICT, LOCATED AT 204 FRIERSON ST, BEING PROPERTY ID 171323, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 4B, BLOCK 176 IN THE TOWN SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Melissa Olson moved to approve Ordinance No. 3160. Councilmember Chuck Beatty seconded, All Ayes.

- 13. Consider proposed Resolution adopting a revised charter, as approved and amended by the voters at the election held on November 5, 2019, through the passage of one (1) home-rule charter amendment**

RESOLUTION NO. 1278

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ADOPTING A REVISED CHARTER, AS APPROVED AND AMENDED BY THE VOTERS AT THE ELECTION HELD ON NOVEMBER 5, 2019, THROUGH THE PASSAGE OF ONE (1) HOME-RULE CHARTER AMENDMENT.

Action:

(5a)

Councilmember Chuck Beatty moved to approve Resolution No. 1278. Councilmember Kevin Strength seconded, All Ayes.

14. Consider proposed Resolution of votes cast to elect Directors for the Ellis Appraisal District for years 2020-2021

City Manager Michael Scott reported staff recommended allocating the 320 votes for the City of Waxahachie to resident Joe Pitts.

RESOLUTION NO. 1279

RESOLUTION OF VOTES CAST TO ELECT DIRECTORS FOR THE ELLIS APPRAISAL DISTRICT FOR THE YEARS 2020-2021

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve Resolution No. 1279 casting the City of Waxahachie's 320 votes to Mr. Joe Pitts. Councilmember Chuck Beatty seconded, All Ayes.

15. Consider proposed Ordinance re-establishing classified positions under Civil Service

Fire Chief Ricky Boyd requested approval of the proposed ordinance re-establishing classified positions under Civil Service. He requested to abolish one Lieutenant rank, add one Battalion Chief, and add three additional firefighter positions.

ORDINANCE NO. 3161

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.

Action:

Councilmember Kevin Strength moved to approve Ordinance No. 3161. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

16. Consider land exchange with Loren Gray Investments, LLC

Mr. Scott reviewed the request to transfer the remainder of the former Flat Street tract adjacent to 217 E. Main/MLK to Loren Gray Investments, LLC. In exchange, the City would receive the .1217 acre tract adjacent to the east of the Freedman's Memorial tract. Loren Gray Investments, LLC also requested a \$600 park dedication credit for use on a forthcoming redevelopment on Patterson Street.

Action:

Councilmember Kevin Strength moved to approve the land exchange with Loren Gray Investments, LLC as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

(5a)

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

Councilmember Beatty thanked the Honorary Councilmember for her attendance.

Mr. Scott announced the Annual City Tree Lighting and lighted Parade will be held December 3, 2019 beginning at 6:30 p.m.

City Attorney Robert Brown thanked the Honorary Councilmember for her attendance.

Mayor Hill asked for continued prayers for City Secretary Lori Cartwright.

18. Adjourn

There being no further business, the meeting adjourned at 7:12 p.m.

Respectfully submitted,

Amber Villarreal
Acting City Secretary

(5b)

City Council
December 2, 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, December 2, 2019 at 6:30 p.m.

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

Others Present: Michael Scott, City Manager
Albert Lawrence, Assistant 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:

- Item 5d requests approval for the proposals for playground installation at Boat Dock Park, landscaping and irrigation at Spring Park, and Lions Park soccer field irrigation.
- Item 5e requests approval for Interlocal Agreement with the University of Texas at Arlington to provide the City of Waxahachie with sewer line inspection and data analysis services.
- Items 5f, 5g, and 5h request approval for festival/event applications.
- The Resolution adopting the revised charter amendment requires approval to move forward with codifying the change.
- Staff recommended approval to allocate the city's 320 votes for the Ellis Appraisal District Director to Joe Pitts.
- Proposed Ordinance re-establishing classified positions under Civil Service changing the rank of Administrative Lieutenant to Battalion Chief and adding the three additional firefighter positions from the SAFER grant.
- Staff recommended approval on land exchange for the tract adjacent to the east of Freedman's Memorial tract for the remainder of the former Flat Street tract and a \$600 park dedication credit.

Planning Director Shon Brooks reviewed the following items:

- PD-19-0135 will be continued to the December 16, 2019 City Council meeting.
- SU-19-0137 and SU-19-0139 request approval of solar panel cases that meet city standards.

(5b)

City Council
December 2, 2019
Page 2

3. Adjourn

There being no further business, the meeting adjourned at 6:52 p.m.

Respectfully submitted,

Amber Villarreal
Acting City Secretary

(5C)



Memorandum

To: Honorable Mayor and City Council
From: Amber Villarreal, Acting City Secretary
Thru: Michael Scott, City Manager
Date: December 16, 2019
Re: Mobile Home License Renewal

Please consider the following Mobile Home License Renewals for January 1, 2020 - December 31, 2020:

<u>MOBILE HOME PARK</u>	<u>NO. OF LOTS</u>
Grand Avenue Mobile Home M.H.C. c/o Howard Gold Feder 312 N. Grand Avenue, Lot #15 Waxahachie, TX 75165	32
Vista Hills Mobile Home Ranch P.O. Box 22048 Waco, Texas 76702	275
Granite Pine Meadows, LLC 3450 S. IH 35E Waxahachie, TX 75165	180

(5d)



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Assistant City Manager
Thru: Michael Scott, City Manager
Date: December 16, 2019
Re: Bid Award – Stainless Steel Sludge Trailer

On Monday, December 16th, 2019 a bid award associated with the purchase of a Stainless Steel Sludge Trailer from Utility Trailer of Dallas, Inc. (Clement Industries), will appear before the City Council in the amount of \$57,700. Utility Trailer of Dallas, Inc. (Clement Industries) was the lowest responsive bidder of two proposers and the amount was within budget. The addition of this trailer, as well as an associated Semi-Truck, was included in the FY 2019-20 Operations and Maintenance Budget and was part of the Department's Five Year Capital Improvement Program Plan. Please note that the Department is purchasing the Semi-Truck through The Interlocal Purchasing System (TIPS) purchasing cooperative.

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

Tommy Ludwig

(5e)



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Executive Director of Development Services
Thru: Michael Scott, City Manager
Date: December 16, 2019
Re: Wastewater Flow Monitoring Project – Capital Improvement Project

On Monday December 16, 2019 a professional services contract with Birkhoff Hendricks and Carter, LLP for Wastewater Flow Monitoring, associated with the City's Capital Improvement Plan, will appear before the City Council for consideration, in the amount of \$248,900.

The contract will provide a system wide assessment of the City's Wastewater collection system during wet weather conditions to identify areas of excessive Inflow and Infiltration (I&I) and update calibration of the Wastewater Collection System Hydraulic Model and support the Master Plan Update. Services includes deployment of 16-strategically placed flow meters and rain gauges, at key points in the collection system and analysis of data collected to determine dry weather and wet weather flows. Information gathered will assist with refining and prioritizing wastewater system CIP plans as well as determination and prioritization of areas experiencing excessive I&I and help the City identify areas to perform I&I reduction activities.

The project is a one-time cost and will help the City not only enhance its plan to reduce I&I but also relieve capacity at the Wastewater Treatment Plant and help reduce and or eliminate Sanitary Sewer Overflows that regularly occur in the City during wet weather events.

(Se)

The project is funded in the City's FY 2019-20 Operations and Maintenance Budget and is within the approved budget amount.

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

Tommy Ludwig

(5f)

Application for a Festival or Event Permit

Event Name and Description: SWEETHEARTS & ORPHANS
CAR SHOW - SEE ATTACHED FOR ADDITIONAL
EVENT DETAILS

Applicant Information

Name: LARRY KOLLIE
Address: 1208 E MARVIN AVE
City, State, Zip: WAXAHACHIE, TX 75165 Phone: 972 903 9037
E-mail Address: AKLOL1915@GMAIL.COM

Organization Information

Organization Name: NORTH TEXAS CHAPTER - HUDSON-ESSEX-TERRAPLANE CLUB, INC.
Address: 1513 TREEHOUSE LN. S., ROANOKE, TX 76262
Authorized Head of Organization: CALVIN BUCHANAN - PRESIDENT
Phone: 940 627 5229 E-mail Address: HUDNET54@YAHOO.COM

Event Chairperson/Contact

Name: LARRY KOLLIE
Address: 1208 E MARVIN AVE
City, State, Zip: WAXAHACHIE, TX 75165 Phone: 972 903 9037
E-mail Address: AKLOL1915@GMAIL.COM

Event Information

Event Location/Address: WAXAHACHIE
COURTHOUSE SQUARE & SIDE STREETS
Purpose: DISPLAY ORPHAN CARS - 1900 TO 1990
Event Start Date and Time: MARCH 14, 2020 0900 - 3:00 PM

Received in
City Secretary's Office
12/9/19 AV
City of Waxahachie, Texas

(5f)

Event End Date and Time: MARCH 14, 2020 3:00 PM

Approximate Number of Persons Attending Event Per Day: 200 (CLOWN & FAMILY) + 500 public

Site Preparation and Set-Up Date and Time: MARCH 14, 2020 0830

Clean-Up Completion Date and Time: MARCH 14, 2020 3:00 PM

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

STREET CLOSURES: FRANKLIN ST SOUTH SIDE OF COURTHOUSE

FRANKLIN ST - S. COLLEGE TO S JACKSON

COLLEGE ST - FRANKLIN TO MAIN

JACKSON ST - FRANKLIN TO MAIN

PARKING GARAGE - ONE FLOOR IN CASE OF RAIN

VENDOR BOOTHS - MAY HAVE A FEW - LESS THAN 12

Request reserved parking on East, West + South side of
courthouse

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

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

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

Will dumpsters be needed? NO

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

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

Jan Kolbie
Signature of Applicant

Date

ROGERS



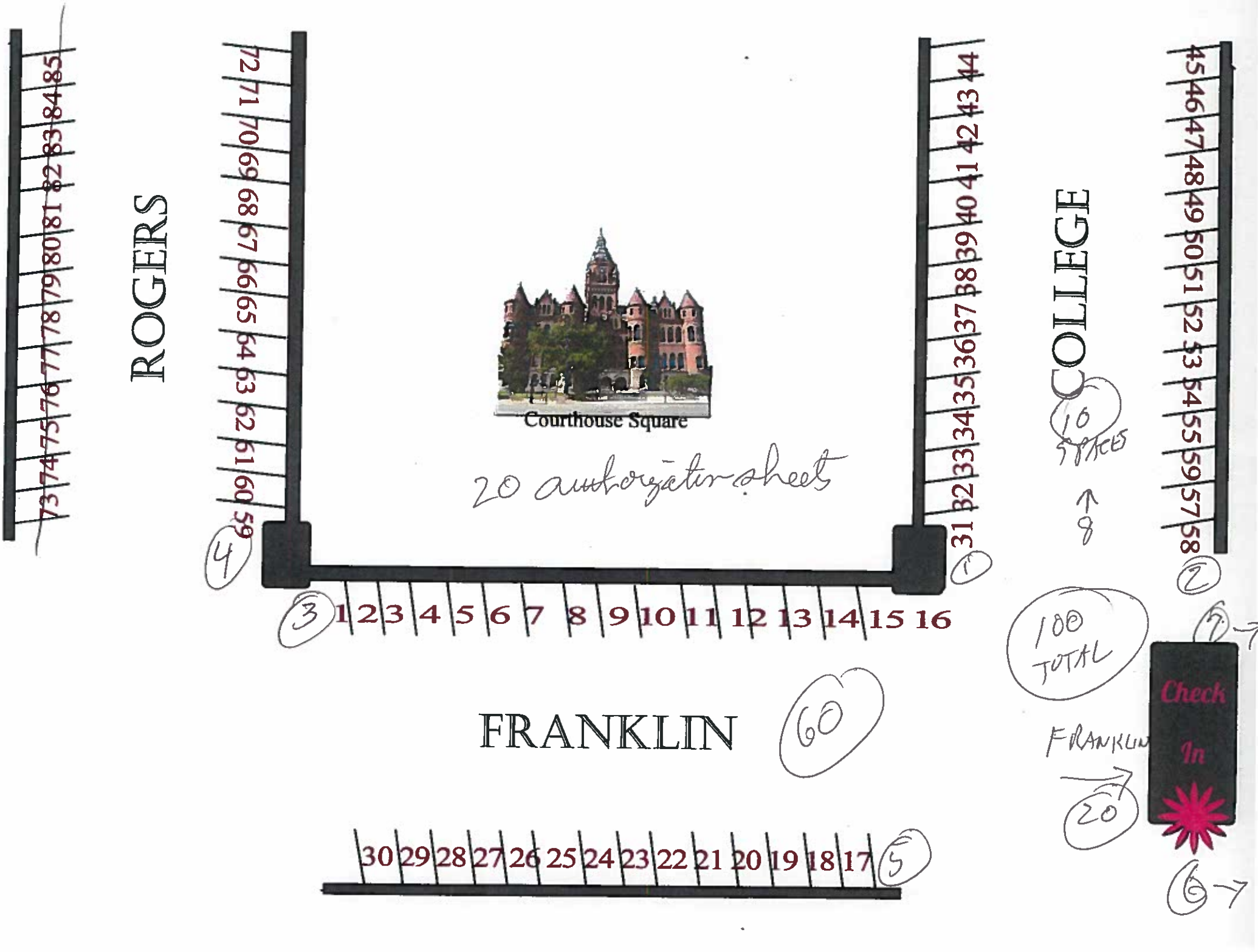
20 authorization sheets

COLLEGE

FRANKLIN

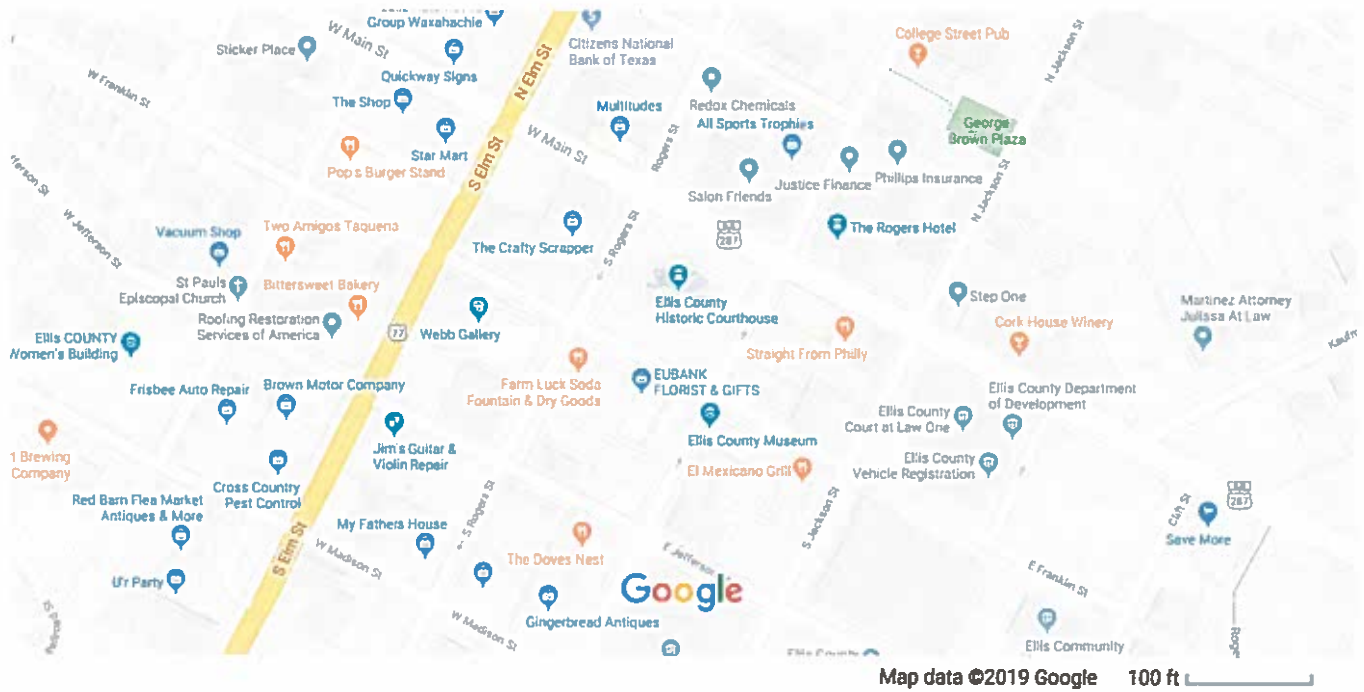
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In



(5f)

Google Maps



(5f)

Sweethearts & Orphans XXI

March 13- 15, 2020, Waxahachie, TX

The North Texas Chapter of the Hudson-Essex-Terraplane Club invites you to join us for Sweethearts & Orphans XXI in historic Waxahachie, Texas!

For those who are not familiar with this event, the "Sweethearts" part of our name refers to the fact that this meet is held to take time during the Valentine Season to honor the wives, girlfriends, or significant others that put up with our old car obsession all year long albeit a few weeks after February 14.

The Orphans part refers to "orphan cars", those wonderful, historic automobiles whose manufacturers have disappeared into the mists of time - great American independent marques like Hudson, Studebaker, Willys, Graham-Paige, Nash, Kaiser-Frazer, Packard, AMC and hundreds of others. There are also "corporate orphans" - historic marques from Chrysler, Ford, and GM - such as LaSalle, DeSoto, Edsel, and more. More recent orphans like Plymouth, Oldsmobile, Mercury, Pontiac and others are welcome, but we ask you bring pre-1990 cars only, original or restored to "stock appearance". All 1942 and earlier vehicles, regardless of marque, will be eligible to participate in our meet as they are historically significant vehicles that should be seen and recognized. No customs or rods, please! We love all cars, but S&O's focus is automotive history, not automotive art! Foreign vehicles are welcome too!

The Host Hotel: Special Rates are available for Check in March 12 through check out on March 15 at The LaQuinta Inn & Suites, 311 Stadium Dr, Waxahachie, TX, 75165. King or 2 Queens \$84 plus tax. Call 972-937-5525 and mention Sweethearts & Orphans. The room block expires February 26, 2020. Pet friendly - no charge.

80 mile driving tour March 13, car show and Sweethearts dinner March 14, awards March 15. So, c'mon, join us... Sweethearts & Orphans is a non-judging meet and is about friendship, not competition.

Registration begins in January.

TELL YOUR FELLOW ORPHAN FRIENDS!

Best Regards,
Larry Kollie, S&O 2020 Meet Director
972-903-9037 or AKLOL1915@GMAIL.COM

(sf)

Sweethearts & Orphans XXI

The North Texas Chapter of the (HET) Hudson-Essex-Terraplane Club will conduct the 21st annual Sweethearts & Orphans event in historic Waxahachie, Texas March 13-15, 2020 with a car show on Saturday March 14, 2020.

For those who are not familiar with this event, the "Sweethearts" part of our name refers to the fact that this meet is held to take time during the Valentine Season to honor the wives, girlfriends, or significant others that put up with our old car obsession all year long albeit a few weeks after February 14.

Regarding the car show the Orphans part refers to "orphan cars", those wonderful, historic automobiles whose manufacturers have disappeared into the mists of time - great American independent marques like Hudson, Studebaker, Willys, Graham-Paige, Nash, Kaiser-Frazer, Packard, AMC and hundreds of others. There are also "corporate orphans" - historic marques from Chrysler, Ford, and GM - such as LaSalle, DeSoto, Edsel, and more. More recent orphans like Plymouth, Oldsmobile, Mercury, Pontiac and others are welcome up to 1990 original or restored to "stock appearance". Weather permitting, we hope to have up to 100 cars and several hundred people visiting downtown. Proceeds benefit the American Heart Association and the national non-profit HET museum.

The North Texas HET Club is requesting road closures of College Street and Franklin Street on March 14, 2020 from 9:00 AM until 3:00 PM. We are requesting your support for this event before we seek support from City Council.

Thank you for your support of the North Texas HET Club and help to end heart disease.

Name of your business FARM LUCK

Your title OWNER

I agree to the street closures of Franklin Street from Rogers Street to Jackson Street and College Street from Franklin Street to Main Street on March 14, 2020.

Signature [Signature]

Best Regards,
Larry Kollie, S&O 2020 Meet Director
972-903-9037 or AKLOL1915@GMAIL.COM

(5f)

Sweethearts & Orphans XXI

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The North Texas HET Club is requesting road closures of College Street and Franklin Street on March 14, 2020 from 9:00 AM until 3:00 PM. We are requesting your support for this event before we seek support from City Council.

Thank you for your support of the North Texas HET Club and help to end heart disease.

Name of your business Bistro 115

Your title Owner

I agree to the street closures of Franklin Street from Rogers Street to Jackson Street and College Street from Franklin Street to Main Street on March 14, 2020.

Signature [Signature]

Best Regards,

Larry Kollie, S&O 2020 Meet Director

972-903-9037 or AKLOL1915@GMAIL.COM

(5f)

Sweethearts & Orphans XXI

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Thank you for your support of the North Texas HET Club and help to end heart disease.

Name of your business ART ON THE SQUARE

Your title PRESIDENT

I agree to the street closures of Franklin Street from Rogers Street to Jackson Street and College Street from Franklin Street to Main Street on March 14, 2020.

Signature Tina Bohman

Best Regards,

Larry Kollie, S&O 2020 Meet Director

972-903-9037 or AKLOL1915@GMAIL.COM

(5f)

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Name of your business Beauty & Image Studio by Ana Reyes

Your title OWNER

I agree to the street closures of Franklin Street from Rogers Street to Jackson Street and College Street from Franklin Street to Main Street on March 14, 2020.

Signature 

Best Regards,
Larry Kollie, S&O 2020 Meet Director
972-903-9037 or AKLOL1915@GMAIL.COM

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Name of your business Eubank Florist

Your title Owner

I agree to the street closures of Franklin Street from Rogers Street to Jackson Street and College Street from Franklin Street to Main Street on March 14, 2020.

Signature Charlotte McKeelin

Best Regards,

Larry Kollie, S&O 2020 Meet Director

972-903-9037 or AKLOL1915@GMAIL.COM

(5f)

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Name of your business The Mix

Your title Owner

I agree to the street closures of Franklin Street from Rogers Street to Jackson Street and College Street from Franklin Street to Main Street on March 14, 2020.

Signature C Hollingsworth

Best Regards,
Larry Kollie, S&O 2020 Meet Director
972-903-9037 or AKLOL1915@GMAIL.COM

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Name of your business Junk For Joy

Your title Owner

I agree to the street closures of Franklin Street from Rogers Street to Jackson Street and College Street from Franklin Street to Main Street on March 14, 2020.

Signature Mary Jo

Best Regards,
Larry Kollie, S&O 2020 Meet Director
972-903-9037 or AKLOL1915@GMAIL.COM

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Name of your business Soma Waxahachie / 101 SoCo
(South College)

Your title Ministry Coordinator

I agree to the street closures of Franklin Street from Rogers Street to Jackson Street and College Street from Franklin Street to Main Street on March 14, 2020.

Signature [Signature]

Best Regards,
Larry Kollie, S&O 2020 Meet Director
972-903-9037 or AKLOL1915@GMAIL.COM

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Name of your business Bishop Law

Your title Office Manager

I agree to the street closures of Franklin Street from Rogers Street to Jackson Street and College Street from Franklin Street to Main Street on March 14, 2020.

Signature Kristi Bouter

Best Regards,
Larry Kollie, S&O 2020 Meet Director
972-903-9037 or AKLOL1915@GMAIL.COM

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Name of your business McGuire Law Office

Your title Attorney

I agree to the street closures of Franklin Street from Rogers Street to Jackson Street and College Street from Franklin Street to Main Street on March 14, 2020.

Signature [Signature]

Best Regards,
Larry Kollie, S&O 2020 Meet Director
972-903-9037 or AKLOL1915@GMAIL.COM

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Name of your business Court House Cafe

Your title owner

I agree to the street closures of Franklin Street from Rogers Street to Jackson Street and College Street from Franklin Street to Main Street on March 14, 2020.

Signature Cherry L. Frie

Best Regards,
Larry Kollie, S&O 2020 Meet Director
972-903-9037 or AKLOL1915@GMAIL.COM

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Name of your business ONE STOP Shop, LLC

Your title OWNER

I agree to the street closures of Franklin Street from Rogers Street to Jackson Street and College Street from Franklin Street to Main Street on March 14, 2020.

Signature Bridgett Miller

Best Regards,
Larry Kollie, S&O 2020 Meet Director
972-903-9037 or AKLOL1915@GMAIL.COM

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Name of your business El Mexicano Grill Waxahachie

Your title Manager / Owner

I agree to the street closures of Franklin Street from Rogers Street to Jackson Street and College Street from Franklin Street to Main Street on March 14, 2020.

Signature [Signature]

Best Regards,

Larry Kollie, S&O 2020 Meet Director

972-903-9037 or AKLOL1915@GMAIL.COM

(5f)

Villarreal, Amber

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Monday, December 09, 2019 5:32 PM
To: Villarreal, Amber
Cc: Randall Potter
Subject: Re: Event Application-Sweethearts & Orphans Car Show

I have no concerns with this request.

Sent from my iPhone

On Dec 9, 2019, at 16:46, Villarreal, Amber <avillarreal@waxahachie.com> wrote:

Please review the attached event application and send me your comments/concerns by Thursday, December 12th.

Thank you,

Amber Villarreal, TRMC, CMC

Acting City Secretary

City of Waxahachie

Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168

www.waxahachie.com

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<Event Application-Sweethearts & Orphans Car Show.pdf>

(5f)

Villarreal, Amber

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Tuesday, December 10, 2019 11:04 AM
To: Villarreal, Amber
Subject: RE: Event Application-Sweethearts & Orphans Car Show

I'm ok with it if the downtown area is ok with the closing of those streets.

From: Villarreal, Amber [mailto:avillarreal@waxahachie.com]
Sent: Monday, December 09, 2019 3:46 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Randall Potter <rpotter@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Simpson, Anita <asimpson@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Michael Scott <msscott@waxahachie.com>; Tommy Ludwig <tludwig@waxahachie.com>; Albert Lawrence <alawrence@waxahachie.com>
Subject: Event Application-Sweethearts & Orphans Car Show

Please review the attached event application and send me your comments/concerns by Thursday, December 12th.

Thank you,

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

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(5f)

Villarreal, Amber

From: Simpson, Anita
Sent: Wednesday, December 11, 2019 10:10 AM
To: Villarreal, Amber; Ricky Boyd; Randall Potter; Wade Goolsbey; Mosley, Laurie; Griffith, Thomas
Cc: Scott, Michael; Ludwig, Tommy; Lawrence, Albert
Subject: RE: Event Application-Sweethearts & Orphans Car Show

I don't see any issues with this application, Amber.

Thank you,



From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Monday, December 9, 2019 3:46 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Randall Potter <rpotter@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Simpson, Anita <asimpson@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>
Subject: Event Application-Sweethearts & Orphans Car Show

Please review the attached event application and send me your comments/concerns by Thursday, December 12th.

Thank you,

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

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(7)

Planning & Zoning Department

Plat Staff Report

Case: PL-19-0141



MEETING DATE(S)

Planning & Zoning Commission: December 10, 2019

City Council: December 16, 2019

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held December 10, 2019, the Commission voted 7-0 to recommend denial of plat no. PL-19-0141, as presented.

CAPTION

Consider request by Michael Crocker, Canyon Creek, for a Plat of Palomino Estates for 4 residential lots being 5.043 acres situated in the W. Berry Survey, Abstract 73 (Property ID 180064) in the Extra Territorial Jurisdiction - Owner: Paula Upchurch Crabtree (PL-19-0141)

APPLICANT REQUEST

The purpose of this request is to subdivide an existing lot into four (4) 1+ acre lots.

CASE INFORMATION

Applicant: Michael Crocker, Canyon Creek

Property Owner(s): Paula Ladd

Site Acreage: 5.043 acres

Number of Lots: 4 lots

Number of Dwelling Units: 1 unit

Park Land Dedication: N/A (ETJ)

Adequate Public Facilities: A water letter was received from Sardis Lone Elm stating that adequate facilities are available for the property and that adequate fire flow was present.

SUBJECT PROPERTY

General Location: 1032 Blackchamp Road

Parcel ID Number(s): 180064

Current Zoning: N/A (ETJ)

(7)

Existing Use:

One (1) Single Family Residence is currently located on the property.

Platting History:

73 WM BERRY Survey

Site Aerial:



STAFF CONCERNS

1. Staff is requesting that the applicant dedicate 40' of right-of-way from the centerline of the road to meet the City's future thoroughfare plan.

APPLICANT RESPONSE TO CONCERNS

1. The applicant is requesting a petition of relief from City Council for relief from the ROW dedication. The County will not be enforcing the 40' of ROW dedication. The enforcement of 40' of dedication could force the applicant to lose one (1) of their proposed lots.

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:

- ☒ Disapproval
 1. Waxahachie's Subdivision Ordinance 3.1(c.6) states that "The property owner shall provide all rights-of-way required for existing or future streets, and for all required street improvements, including perimeter streets and approach roads, as shown in the Thoroughfare Plan or other valid development plans approved by City Council." The applicant is proposing a 30' ROW dedication while requesting a petition of relief for the additional 10' of dedication as indicated in the City's Thoroughfare plan.
- ☐ Approval, as presented.
- ☐ Approval, per the following conditions:

ATTACHED EXHIBITS

1. Plat drawing
2. City Thoroughfare Plan Exhibit

APPLICANT REQUIREMENTS

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

A plat shall not be filed with the Ellis County Clerk until:

1. All utilities, infrastructure, and other required improvements have been installed and a letter of acceptance associated with the utilities and infrastructure installation has been received from the Public Works Department;
2. A drainage study has been conducted and/or a traffic impact analysis has been conducted as required by the City's subdivision ordinance.

STAFF CONTACT INFORMATION

Prepared by:

Chris Webb

Planner

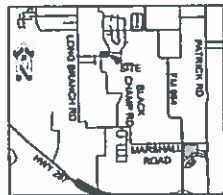
cwebb@waxahachie.com

Reviewed by:

Shon Brooks, AICP

Director of Planning

sbrooks@waxahachie.com

[illegible]

BL = BUILDING LINE

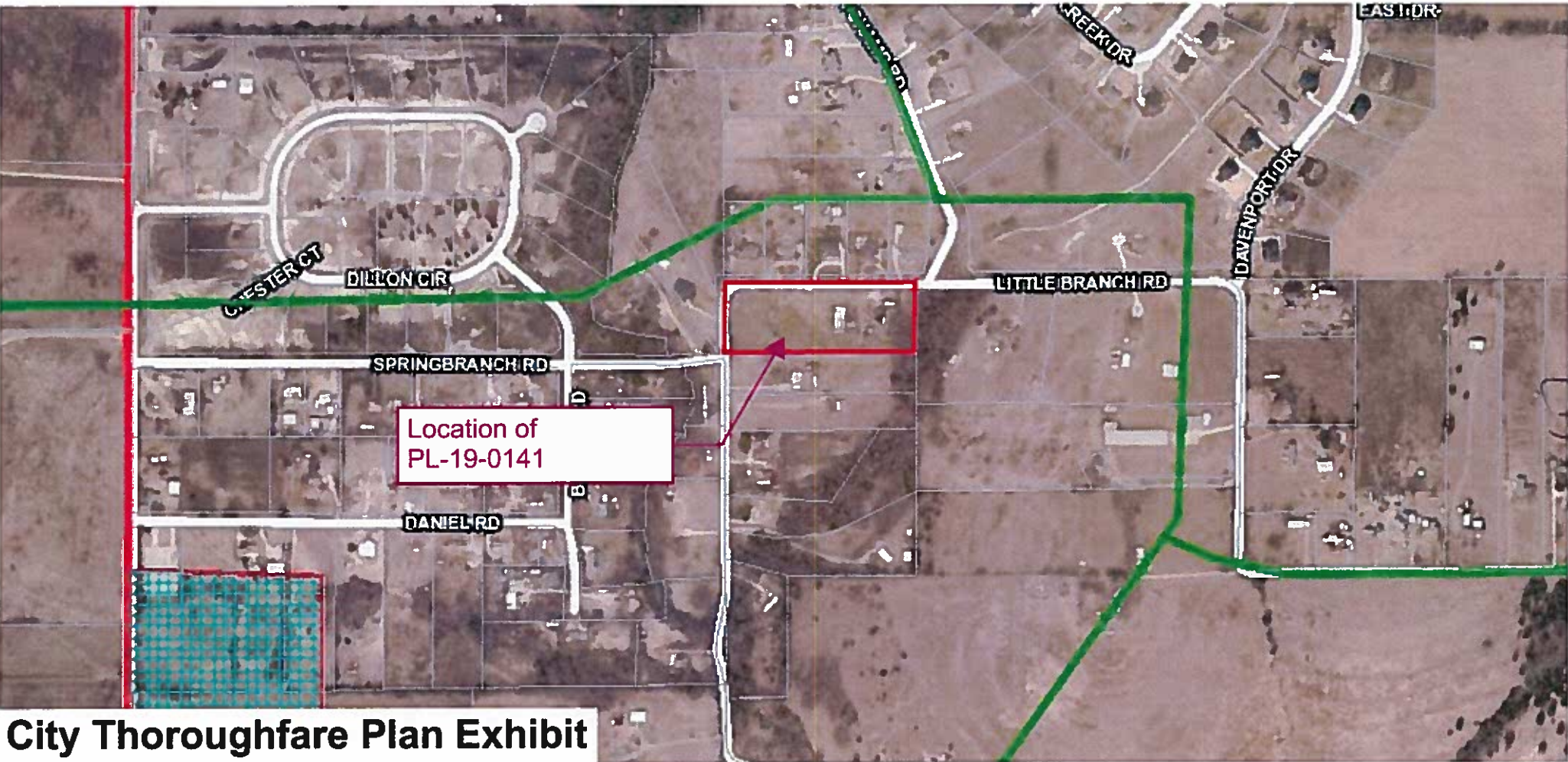
ALL LOTS SHALL BE SERVICED BY AN ON-SITE SEWAGE FACILITY SYSTEM FOR RESIDENTIAL USE. AN ON-SITE EVALUATION SHALL BE PERFORMED BY A REGISTERED ENGINEER AND/OR A REGISTERED BANGSIAN.

SUBMITTED TO THE
 W. BERRY SURVEY,
 ABSTRACT NO. 73
 ETJ, CITY OF WAXAHACHIE,
 ELLIS COUNTY, TEXAS
 4 RESIDENTIAL LOTS
 CASE NO. PL-19-0141

DEPARTMENT OF DEVELOPMENT DIRECTOR DATE: _____

\$ 043 ACRES

SUBMITTED TO THE
 W. BERRY SURVEY,
 ABSTRACT NO. 73
 ETJ, CITY OF WAXAHACHIE,
 ELLIS COUNTY, TEXAS
 4 RESIDENTIAL LOTS
 CASE NO. PL-19-0141



City Thoroughfare Plan Exhibit

(8+9)



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Director of Planning
Thru: Michael Scott, City Manager
Date: December 4, 2019
Re: PD-19-0147 – Bradbury Addition

On December 3, 2019, the applicant requested to continue case no. PD-19-0147 to the December 17, 2019 Planning and Zoning meeting and the January 6, 2020 City Council meeting agenda.

(10+11)



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Director of Planning
Thru: Michael Scott, City Manager
Date: December 5, 2019
Re: PD-19-0135 – The Park at Northgate

On December 5, 2019, the applicant requested to continue case no. PD-19-0135 to the December 17, 2019 Planning and Zoning meeting and the January 6, 2019 City Council meeting agenda.

On the aforementioned meeting dates, the proposed development will be reviewed as a detailed Site Plan under case number SP-19-0176 by the Planning and Zoning Commission and City Council.

(18)

Planning & Zoning Department

Zoning Staff Report

Case: SU-19-0140



MEETING DATE(S)

Planning & Zoning Commission: December 10, 2019

City Council: December 16, 2019

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held December 10, 2019, the Commission voted 7-0 to recommend approval of zoning change SU-19-0140, as presented.

CAPTION

Public Hearing on a request by Kayla Sterling, Sunrun Installation Services Inc., for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-23-Single Family-1 zoning district located at 313 Lakeshore Drive (Property ID 174787) – Owner: Walter R Jackson (SU-19-0140)

APPLICANT REQUEST

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

CASE INFORMATION

Applicant: Kayla Sterling, Sunrun Installation Services Inc.

Property Owner(s): Walter Jackson

Site Acreage: 0.585 acres

Current Zoning: Planned Development Single Family-1

Requested Zoning: Specific Use Permit for Rooftop Solar Panel System

SUBJECT PROPERTY

General Location: 313 Lakeshore Drive

Parcel ID Number(s): 174787

Existing Use: Single Family Residence

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	PD-23-SF-1	Single Family Residence
East	PD-23-SF-1	Single Family Residence
South	PD-23-SF-1	Lake Waxahachie
West	PD-23-SF-1	Single Family Residence

Future Land Use Plan: Estate Residential

(18)

Comprehensive Plan:

This use is representative of traditional, single-family detached dwellings on large lots that are over one acre in size. This type of land is envisioned to primarily be located in the southern portion of the City and in the ETJ area south and west of Waxahachie.

Thoroughfare Plan:

This property is accessible via Lakeshore 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, 11 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:

ATTACHED EXHIBITS

1. Ordinance
2. Location Map
3. Site Plan

(18)

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@waxahachie.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 PLANNED DEVELOPMENT SINGLE FAMILY-1 (PD-SF-1) ZONING DISTRICT, LOCATED 313 LAKESHORE DRIVE, BEING PROPERTY ID 174787, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1 IN THE MAJOR PLACE SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as PD-SF-1; 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-19-0140. 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-1 to PD-SF-1, with an SUP in order to permit Rooftop Solar Panel System use on the following property: 1 Major Place subdivision, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B.

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

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

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

(13)

MAYOR

ATTEST:

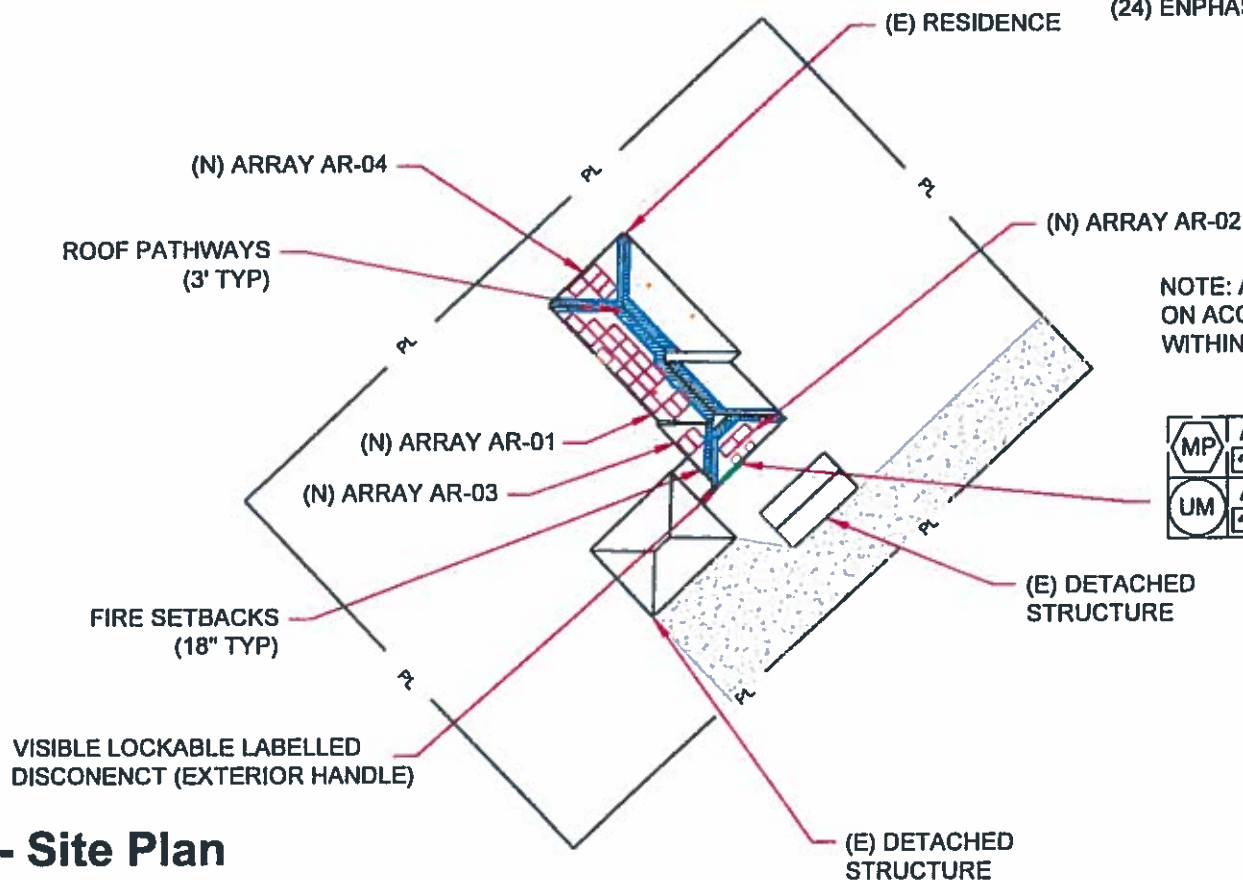
City Secretary



Exhibit A - Location Map



(24) REC SOLAR: REC290TP2 BLK MODULES
(24) ENPHASE ENERGY: IQ7-60-X-US INVERTER 1



ESID: 10443720004111995



PATRICK LAMORE JR.
PREMIER SOLAR SOLUTIONS

INSTALLED BY: PREMIER SOLAR
SOLUTIONS

LICENSE NO: 31552

SUNRUN

DESIGNED BY: SUNRUN
LICENSE NO: 28447

CUSTOMER RESIDENCE:
WALTER R JACKSON
313 LAKESHORE DR,
WAXAHACHIE, TX, 75165

PROJECT NUMBER:
351R-313JACK

REV: A1 10/28/2019

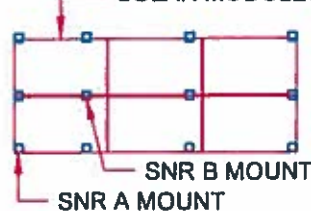
PAGE SITE PLAN

Exhibit B - Site Plan

LEGEND

ONCOR UTILITY METER	COMBINER BOX
MAIN PANEL	SUNRUN METER
SUB-PANEL	UTILITY METER
PV LOAD CENTER	INVERTER(S) WITH INTEGRATED DC DISCONNECT AND AFCI
DC DISCONNECT(S)	AC DISCONNECT(S)

SOLAR MODULES



INTERIOR EQUIPMENT SHOWN AS DASHED

FIRE SETBACKS

HARDSCAPE

	CHIMNEY
	ATTIC VENT
	FLUSH ATTIC VENT
	PVC PIPE VENT
	METAL PIPE VENT
	T-VENT
	SATELLITE DISH
	— PL — PROPERTY LINE

SCALE: NTS

(14)

Planning & Zoning Department

Zoning Staff Report

Case: SU-19-0150



MEETING DATE(S)

Planning & Zoning Commission: December 10, 2019

City Council: December 16, 2019

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held December 10, 2019, the Commission voted 7-0 to recommend approval of zoning change SU-19-0150, as presented.

CAPTION

Public Hearing on a request by Bridget Wright, 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-2 zoning district located at 131 Lariat Trail (Property ID 267480) – Owner: Gary R & Cynthia E Joslin (SU-19-0150)

APPLICANT REQUEST

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

CASE INFORMATION

Applicant: Bridget Wright, Sunpro Solar

Property Owner(s): Cynthia Joslin

Site Acreage: 0.175 acres

Current Zoning: Planned Development – Single Family -2

Requested Zoning: Specific Use Permit for Rooftop Solar Panel System

SUBJECT PROPERTY

General Location: 131 Lariat Trail

Parcel ID Number(s): 267480

Existing Use: Single Family Residence

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	PD-GR	Knights of Columbus Fraternal Organization
East	PD-SF-2	Single Family Residence
South	PD-SF-2	Single Family Residence
West	PD-SF-2	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:

This property is accessible via Lariat Trail.

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, 20 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 one (1) letter of support for the proposed rooftop solar panel system.

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
 - a. 1 support | 0 opposed

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@waxahachie.com

Reviewed by:

Shon Brooks, AICP

Director of Planning

sbrooks@waxahachie.com

Case SU-19-0150
Responses Received Inside Required 2007 Notification Area
Support: 1 Oppose: 0

PropertyID	Owner's Name	Acreage	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
178923	EQUITY TRUST COMPANY CUSTODIAN FBO KENNETH BOX IRA	4.649	5 J B & A ADAMS 4.649 ACRES	330 HUNTER PASS	WAXAHACHIE	TX	75165	BROADHEAD RD WAXAHACHIE TX 75165
209231	KNIGHTS COLUMBIAN CLUB INC	5	5 J B & A ADAMS LOCKED GATE5 ACRES	PO BOX 242	WAXAHACHIE	TX	75168	325 BROADHEAD RD WAXAHACHIE TX 75165
267476	SMITH MARK A & JO ANN	0.175	LOT 5 BLK C BUFFALO RIDGE ADDN PH IIIA 0.175 AC	123 LARIAT TRL	WAXAHACHIE	TX	75165	123 LARIAT TRL WAXAHACHIE TX 75165
267477	SPENRATH CHRISTOPHER L	0.175	LOT 8 BLK C BUFFALO RIDGE ADDN PH IIIA 0.175 AC	125 LARIAT TRL	WAXAHACHIE	TX	75165	LARIAT TRL WAXAHACHIE TX 75165
267478	CHILDERS JOSHUA R	0.175	LOT 7 BLK C BUFFALO RIDGE ADDN PH IIIA .175 AC	127 LARIAT TRL	WAXAHACHIE	TX	75165	127 LARIAT TRL WAXAHACHIE TX 75165
267479	HUTCHINSON WILLIAM & CAROL	0.175	LOT 8 BLK C BUFFALO RIDGE ADDN PH IIIA .175 AC	129 LARIAT TRL	WAXAHACHIE	TX	75165	129 LARIAT TRL WAXAHACHIE TX 75165
267480	JOSLIN GARY R & CYNTHIA E	0.175	LOT 9 BLK C BUFFALO RIDGE ADDN PH IIIA .175 AC	131 LARIAT TRL	WAXAHACHIE	TX	75165	131 LARIAT TRL WAXAHACHIE TX 75165
267483	RANDALL MICHELLE & JASON M	0.175	LOT 5 BLK D BUFFALO RIDGE ADDN PH IIIA 0.175 AC	108 LARIAT TRL	WAXAHACHIE	TX	75165	108 LARIAT TRL WAXAHACHIE TX 75165
267484	DERRICK STACY J & CARMEN HERNANDEZ DERRICK	0.175	LOT 6 BLK D BUFFALO RIDGE ADDN PH IIIA .175 AC	110 LARIAT TRL	WAXAHACHIE	TX	75165	110 LARIAT TRL WAXAHACHIE TX 75165
267485	GULLEY LITISHA S	0.175	LOT 7 BLK D BUFFALO RIDGE ADDN PH IIIA .175 AC	112 LARIAT TRL	WAXAHACHIE	TX	75165	112 LARIAT TRL WAXAHACHIE TX 75165
267486	CARTER RUSTY A	0.186	LOT 8 BLK D BUFFALO RIDGE ADDN PH IIIA .186 AC	114 LARIAT TRL	WAXAHACHIE	TX	75165	114 LARIAT TRL WAXAHACHIE TX 75165
267487	CHANDLER MARK A & ELISHA	0.186	LOT 9 BLK D BUFFALO RIDGE ADDN PH IIIA .186 AC	117 BROKEN ARROW ST	WAXAHACHIE	TX	75165	117 BROKEN ARROW ST WAXAHACHIE TX
267488	WAITES TIFFANY	0.175	LOT 10 BLK D BUFFALO RIDGE ADDN PH IIIA .175 AC	115 BROKEN ARROW ST	WAXAHACHIE	TX	75165	115 BROKEN ARROW ST WAXAHACHIE TX 75165
267489	SOTO ANTHONY E L	0.175	LOT 11 BLK D BUFFALO RIDGE ADDN PH IIIA .175 AC	113 BROKEN ARROW ST	WAXAHACHIE	TX	75165	113 BROKEN ARROW ST WAXAHACHIE TX 75165
267490	ROSADO-GONTALEZ EDWARD & FLORA D QUINTERO-ROMERO	0.213	LOT 1 BLK R BUFFALO RIDGE ADDN PH IIIA .213 AC	128 GENTLE WINDS RD	WAXAHACHIE	TX	75165	128 GENTLE WINDS RD WAXAHACHIE TX 75165
267500	SFR JV-1 PROPERTY LLC	0.173	LOT 2 BLK R BUFFALO RIDGE ADDN PH IIIA .173 AC	PO BOX 15087	SANTA ANA	CA	92735	124 GENTLE WINDS RD WAXAHACHIE TX 75165
276324	LEGACY GROVE DEVELOPMENT LLC	0.199	LOT 1 BLK A BUFFALO RIDGE PH IV .199 AC	5865 FM 1181	ENNIS	TX	75119	201 LARIAT TRL WAXAHACHIE TX 75165
276325	LEGACY GROVE DEVELOPMENT LLC	0.174	LOT 2 BLK A BUFFALO RIDGE PH IV .174 AC	5865 FM 1181	ENNIS	TX	75119	205 LARIAT TRL WAXAHACHIE TX 75165
276326	LEGACY GROVE DEVELOPMENT LLC	0.174	LOT 3 BLK A BUFFALO RIDGE PH IV .174 AC	5865 FM 1181	ENNIS	TX	75119	209 LARIAT TRL WAXAHACHIE TX 75165
276412	LEGACY GROVE DEVELOPMENT LLC	0.203	LOT 42 BLK R BUFFALO RIDGE PH IV .203 AC	5865 FM 1181	ENNIS	TX	75119	210 LARIAT TRL WAXAHACHIE TX 75165

(14)

(14)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **SU-19-0150**



SOTO ANTHONY E L
113 BROKEN ARROW ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, December 10, 2019 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 16, 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 Bridget Wright, 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-2 zoning district located at 131 Lariat Trail (Property ID 267480) – Owner: Gary R & Cynthia E Joslin (SU-19-0150)

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-19-0150**
City Reference: 267489

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Wednesday, December 4, 2019** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 S Rogers, Waxahachie, TX 75165.

☒ SUPPORT

☐ OPPOSE

Comments: _____

Anthony E. Soto
Signature

12/04/19
Date

ANTHONY E. SOTO
Printed Name and Title

113 Broken Arrow St
Address
Waxahachie TX 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.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A PLANNED DEVELOPMENT SINGLE FAMILY-2 (PD-SF-2) ZONING DISTRICT, LOCATED AT 131 LARIAT TRAIL, BEING PROPERTY ID 267480, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 9 BLK C IN THE BUFFALO RIDGE ADDN PH IIIA 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-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-19-0150. 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-2 to PD-SF-2, with an SUP in order to permit a Rooftop Solar Panel System use on the following property: Lot Lot 9 Blk C of the Buffalo Ridge Addn Ph IIIA 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

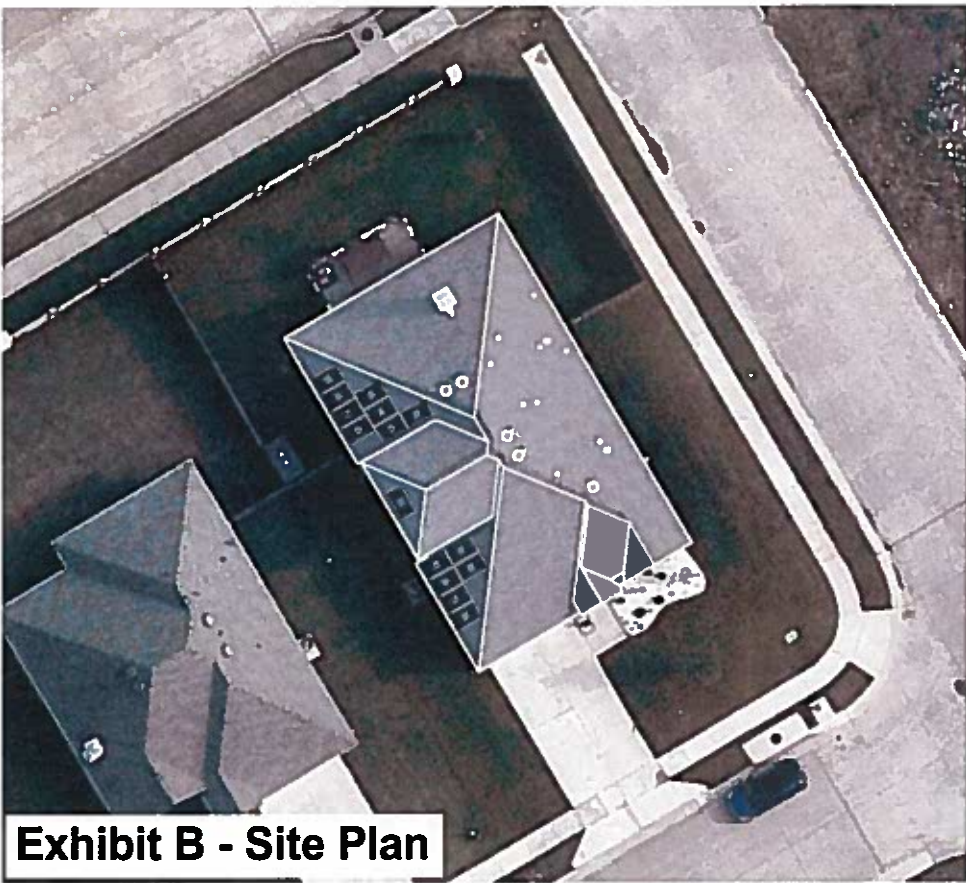
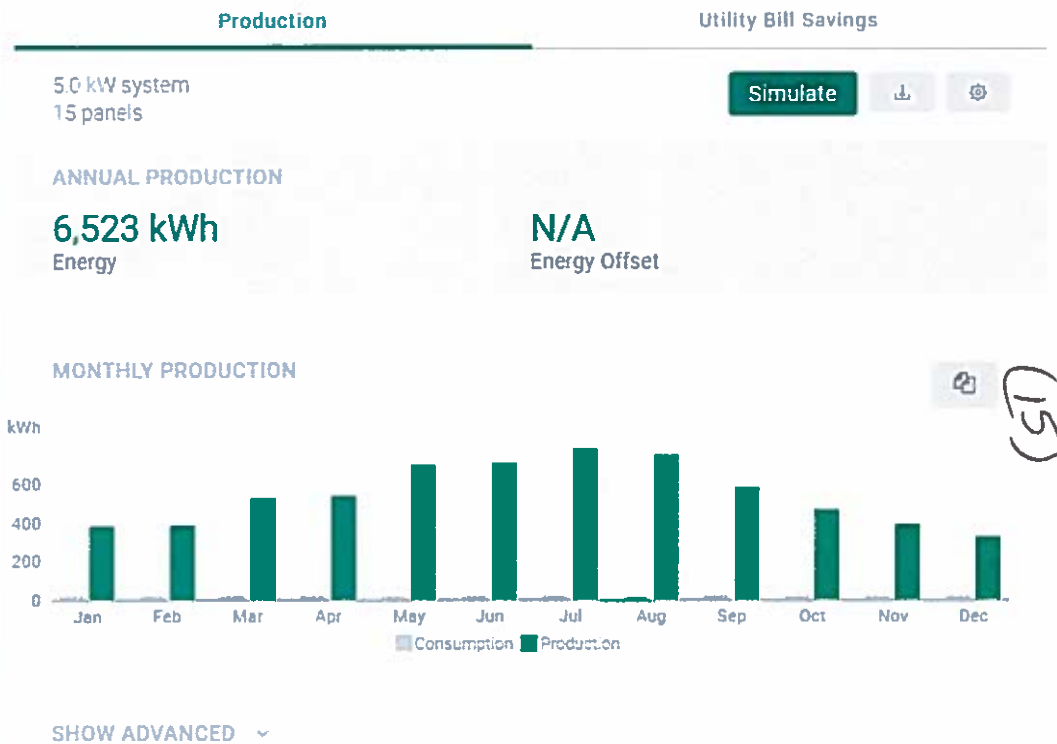


Exhibit B - Site Plan



(14)

Planning & Zoning Department Zoning Staff Report

Case: SU-19-0151



MEETING DATE(S)

Planning & Zoning Commission: December 10, 2019

City Council: December 16, 2019

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held December 10, 2019, the Commission voted 7-0 to recommend approval of zoning change SU-19-0151, as presented.

CAPTION

Public Hearing on a request by Bridget Wright, Marc Jones Construction LLC DBA Sunpro Solar, for a Specific Use Permit (SUP) for **Rooftop Solar Panel System** use within a Planned Development-23-Single Family-1 zoning district located at 406 Laguna Vista (Property ID 273631) – Owner: John R & Laurie Musselwhite (SU-19-0151)

APPLICANT REQUEST

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

CASE INFORMATION

Applicant: Bridget Wright, Sunpro Solar

Property Owner(s): John Musselwhite

Site Acreage: 2.18 acres

Current Zoning: Planned Development Single Family-1

Requested Zoning: Specific Use Permit for Rooftop Solar Panel System

SUBJECT PROPERTY

General Location: 406 Laguna Vista Drive

Parcel ID Number(s): 273631

Existing Use: Single Family Residence

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	PD-23-SF-1	Undeveloped
East	PD-23-SF-1	Undeveloped
South	PD-23-SF-1	Single Family Residence
West	PD-23-SF-1	Single Family Residence

(16)

Future Land Use Plan:

Estate Residential

Comprehensive Plan:

This use is representative of traditional, single-family detached dwellings on large lots that are over one acre in size. This type of land is envisioned to primarily be located in the southern portion of the City and in the ETJ area south and west of Waxahachie.

Thoroughfare Plan:

This property is accessible via Laguna Vista 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, 12 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 one (1) letter of support for the proposed rooftop solar panel system.

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:

(14)

ATTACHED EXHIBITS

1. Ordinance
2. Location Map
3. Site Plan
4. PON Responses
 - a. 1 support | 0 oppose

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@waxahachie.com

Reviewed by:

Shon Brooks, AICP

Director of Planning

sbrooks@waxahachie.com

Case SU-19-0151
Responses Received Inside Required 200' Notification Area
Support: 1 Oppose: 0

Property ID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's Lot	Owner's City	Owner's State	Owner's ZIP	Physical Address
174544	HILL RICHARD H	0.129	LOT 7 LAGUNA VISTA 0.129 AC	407 LAGUNA VISTA DR		WAXAHACHIE	TX	75185	407 LAGUNA VISTA DR WAXAHACHIE TX 75185
174545	MELIN LOUIS & KIMBERLY	0.122	LOT 8 LAGUNA VISTA .122 AC	405 LAGUNA VISTA DR		WAXAHACHIE	TX	75185	405 LAGUNA VISTA DR WAXAHACHIE TX 75185
174546	BLAKE LOYD & JOYCE	0.3	LOT 9 & 10 LAGUNA VISTA 0.3 AC	403 LAGUNA VISTA		WAXAHACHIE	TX	75185	403 LAGUNA VISTA DR WAXAHACHIE TX 75185
174549	RUDD DANIEL J	1.523	LOT 11-18 LAGUNA VISTA 1.523 AC	258 LAGUNA VISTA DR	LOT 11	WAXAHACHIE	TX	75185	258 LAGUNA VISTA DR WAXAHACHIE TX 75185
174552	PHILLIPS HOWARD R & VENITA F	0.258	LOT 3 & 4 LAGUNA VISTA .258 AC	415 LAGUNA VISTA DR		WAXAHACHIE	TX	75185	415 LAGUNA VISTA DR WAXAHACHIE TX 75185
174553	WILSON RICKEY & REBECCA	0.258	LOT 5 & 6 LAGUNA VISTA 0.258 AC	409 LAGUNA VISTA DR		WAXAHACHIE	TX	75185	409 LAGUNA VISTA DR WAXAHACHIE TX 75185
190400	ADAY JOHN C	6.91	956 WM STEWART 6.91 ACRES	201 SAGEBRUSH LN		WAXAHACHIE	TX	75185	155 WILLOWCREST WAXAHACHIE TX 75185
190583	VANTRESE DAVID T	1	956 WM STEWART 1 ACRES	205 AUDRA AVE		WAXAHACHIE	TX	75185	LAGUNA VISTA DR WAXAHACHIE TX 75185
194011	VANTRESE DAVID T	0.59	956 WM STEWART 0.59 ACRES	205 AUDRA AVE		WAXAHACHIE	TX	75185	LAGUNA VISTA DR WAXAHACHIE TX 75185
194012	VANTRESE DAVID T	1.43	956 WM STEWART 1.43 ACRES	205 AUDRA AVE		WAXAHACHIE	TX	75185	LAGUNA VISTA DR WAXAHACHIE TX 75185
224033	SPENCE DENNY ANN	0.91	LOT 19 LAGUNA VISTA PLACE SECT 2 0.91 AC	420 LAGUNA VISTA DR		WAXAHACHIE	TX	75185	420 LAGUNA VISTA RD WAXAHACHIE TX 75185
273831	MUSSEL WHITE JOHN R & LAURIE	1.699	LOT 1 BLK 1 LAGUNA VISTA PLACE PH 2 1.699 AC	2022 CHRISTIE LN		CARROLLTON	TX	75007	406 LAGUNA VISTA DR WAXAHACHIE TX 75185

(10)

Case Number: SU-19-0151

City Reference: 174546

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Wednesday, December 4, 2019** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 S Rogers, Waxahachie, TX 75165.

☒ SUPPORT

☐ OPPOSE

RECEIVED
12/2/19

Comments: I strongly support their choice to use
solar panels!

Loyd Blake 11-23-19
Signature Date

Loyd Blake Joyce Blake
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.

(10)

(17)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A PLANNED DEVELOPMENT SINGLE FAMILY-1 (PD-SF-1) ZONING DISTRICT, LOCATED AT 406 LAGUNA VISTA, BEING PROPERTY ID 273631, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1, BLK 1 IN THE LAGUNA VISTA PLACE PHASE 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 PD-SF-1; 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-19-0151. 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 PDSF-1 to PD-SF-1, with an SUP in order to permit a Rooftop Solar Panel System use on the following property: Lot 1, Blk 1 of the Laguna Vista Place Phase 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.

(17)

MAYOR

ATTEST:

City Secretary

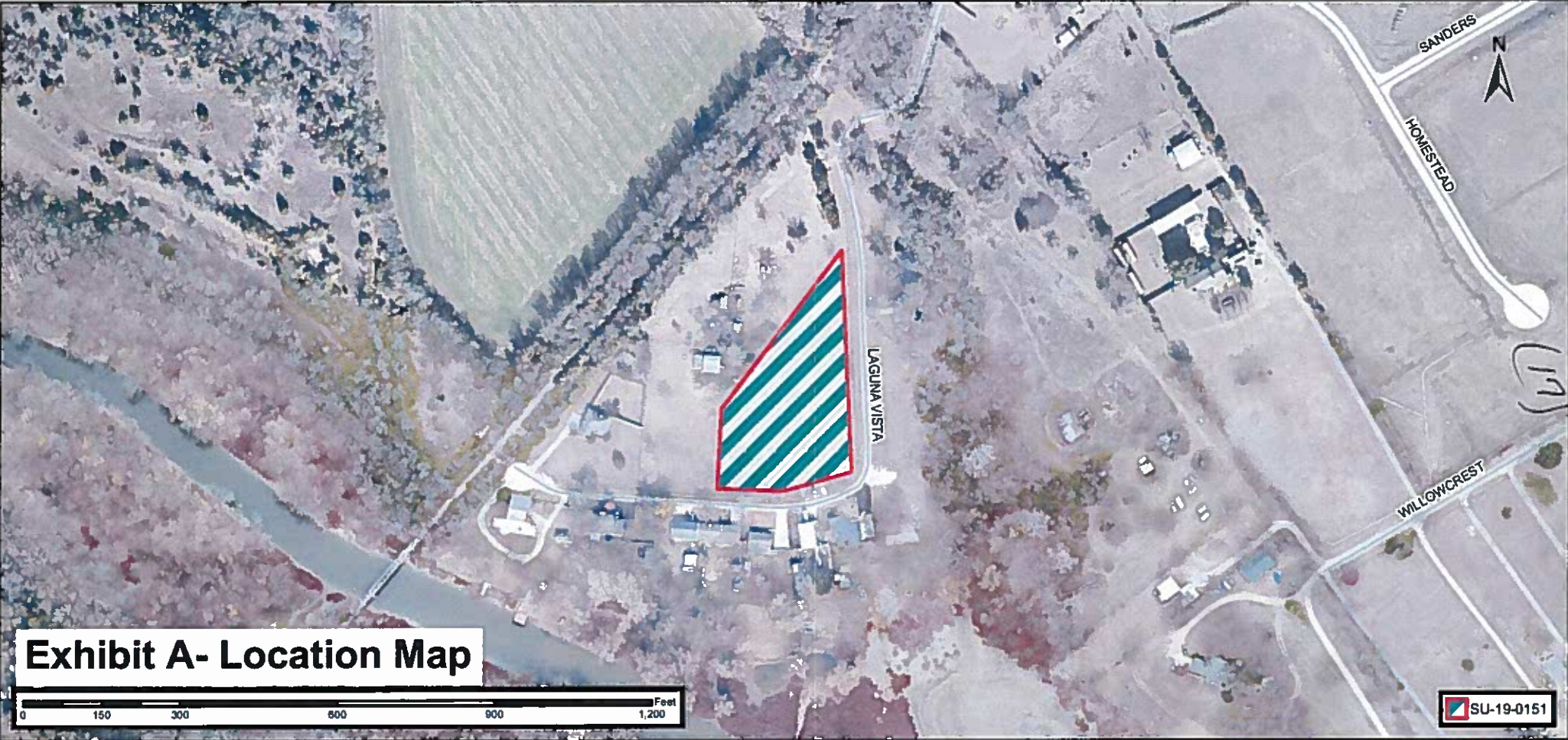
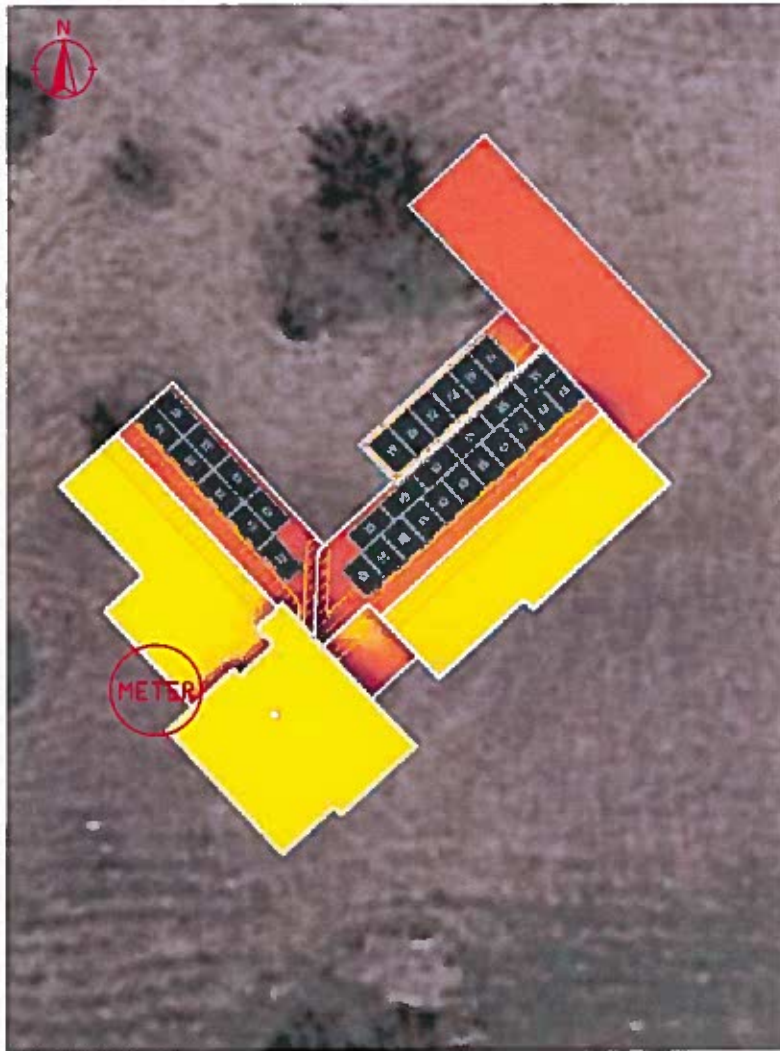


Exhibit A- Location Map

Exhibit B - Site Plan**Install Map - John Musselwhite**

Quantity: 32
 Panel: LG 335N1C-V5
 Inverter: Enphase IQ7-60-2-US (240V)



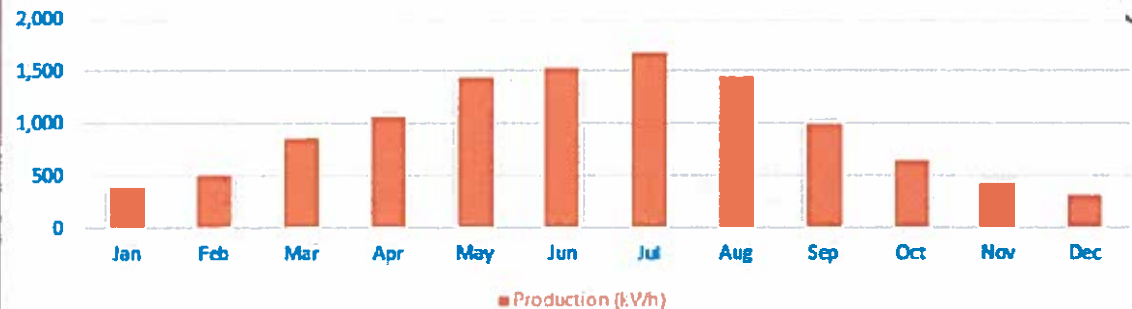
NOTE: THIS DESIGN IS NOT ABSOLUTE AND MAY BE SUBJECT TO MINOR ON-SITE REDESIGN DUE TO UNFORESEEN OBSTRUCTIONS OR SIZE RESTRICTIONS TO BE APPROVED BY THE HOMEOWNER

**Estimated Energy Savings**

Annual Results	11,334 kWh per Year*	
	Low	High
Estimated Solar Energy Production (kWh/yr)	11,034	11,634
Estimated Energypro Efficiency Savings (kWh/yr)**	2,000	6,000
Solar + Energypro Estimated Annual Benefit (kWh/yr)	13,034	17,634
Monthly Estimates (kWh/mo)	307	1,682

*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

***obstructions like vents, heat stacks, etc will cause shading on panels at certain points of the day resulting in minor production loss (issue isolated to panels near obstructions only) ***

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

DocuSigned by:
 X JOHN MUSSELWHITE
 FDF927DB288E4D4

MARCJONES
 CONSTRUCTION
 residential · commercial · solar

SUNPRO
 SOLAR HOME SPECIALISTS

406 Laguna Vista Rd Waxahachie TX 75165			
Install:	10.72 kW Solar Panel System		
Jurisdiction:	City of Waxahachie		
Utility:	Oncor ESI ID: 10443720009564889		
Designer:	M Williams		
Date:	11/18/2019	REV: 1	Sheet: 1 of 1

(18)

Planning & Zoning Department

Zoning Staff Report

Case: SU-19-0144



MEETING DATE(S)

Planning & Zoning Commission: December 10, 2019

City Council: December 16, 2019

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting held December 10, 2019, the Commission voted 7-0 to recommend approval of case no. SU-19-0144, per staff comments.

CAPTION

Public Hearing on a request by Jarod Scoggin, Scoggin Outdoor Living & Shops, for a Specific Use Permit (SUP) for **Accessory Building (Residential) Greater than or Equal to 700 S.F.** use within a Planned Development-Single Family-1 zoning district located at 109 Willowcrest Drive (Property ID 174739) – Owner: Keith M & Teresa A Williams (SU-19-0144)

APPLICANT REQUEST

The applicant is requesting to construct a 480 sq. ft. addition to an existing garage structure at 109 Willowcrest Dr.

CASE INFORMATION

Applicant: Jarod Scoggin, Scoggin Outdoor Living and Shops

Property Owner(s): Keith and Teresa Williams

Site Acreage: 1.22 acres

Current Zoning: PD-23-SF1

Requested Zoning: PD-23-SF1

SUBJECT PROPERTY

General Location: 109 Willowcrest Dr.

Parcel ID Number(s): 174739

Existing Use: Single Family Residence

Development History: N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	PD-23-SF1	Single Family Residences
East	PD-23-SF1	Single Family Residences
South	---	Waxahachie Lake Pavilion
West	PD-23-SF1	Single Family Residences

Future Land Use Plan: Low Density Residential

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

Thoroughfare Plan: The subject property is accessible via Willowcrest Dr.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant intends to construct a 480 sq. ft. addition to an existing 960 sq. ft. garage structure at 109 Willowcrest Dr. Per the City of Waxahachie Zoning Ordinance, "Accessory structures equal to or greater than 700 square feet shall only be permissible by a Specific Use Permit (SUP)".

Proposed Use:

The applicant is requesting approval to construct a 24 ft. x 20 ft. x 13 ft. tall (480 sq. ft.) addition to an existing 960 sq. ft. garage structure (totaling 1,440 sq. ft.). Per ECAD (Ellis County Appraisal District), the existing home on the subject property is 3,304 sq. ft. The applicant intends to construct the proposed addition out of masonry (brick) to be consistent with the existing structure. Per the applicant, the additional space will be used to protect classic cars from inclement weather.

During site visits, staff noticed there was at least one accessory structure over 1,000 sq. ft. within 300 ft. of the subject property. At the time of this report (12/3/2019), staff has yet to receive any calls of opposition from surrounding neighbors. Due to surrounding accessory structures within the neighborhood area, and at least one accessory structure over 1,000 sq. ft. within 300 ft. of the subject property, staff believes such exception will not alter the essential character of the district in which is located.

PON RESPONSES

Staff received one (1) letter of support 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, 8 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. Staff has no outstanding concerns for the applicant.

APPLICANT RESPONSE TO CONCERNS

1. The applicant has addressed all of staff 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. Staff suggests that a Developer's Agreement be in place before final approval.
 2. Subject to approval of this application, an approved building permit will be required prior to the commencement of the construction. As part of the building permit review process, Building Inspections will ensure that the materials and construction complies with all regulations.

ATTACHED EXHIBITS

1. Ordinance
2. Site Layout Plan
3. Site Photos
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:
Colby Collins
Senior Planner
ccollins@waxahachie.com

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

Case SU-19-0144
Responses Received Inside Required 200' Notification Area
Support: 1 Oppose: 0

PropertyID	Owner's Name	Acreage	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
174729	MAJOR WILLIAMS C	1.31	4 LAKEVIEW 1.31 ACRES	113 WILLOWCREST	WAXAHACHIE	TX	75165	113 WILLOWCREST WAXAHACHIE TX 75165
174731	SINGLETON MARVIN E III	4.563	LOT 6R LAKEVIEW-REV 4.563 AC	PO BOX 717	WAXAHACHIE	TX	75168	125 WILLOWCREST WAXAHACHIE TX 75165
174737	JENKINS KENNETH B & KAREN N	1.18	1 LAKEVIEW 1.18 ACRES	2710 OLD ITALY RD	WAXAHACHIE	TX	75165	2710 OLD ITALY RD WAXAHACHIE TX 75165
174738	BARR SIDNEY ANN	1.18	2 LAKEVIEW 1.18 ACRES	105 WILLOWCREST	WAXAHACHIE	TX	75165	105 WILLOWCREST WAXAHACHIE TX 75165
174739	WILLIAMS KEITH M & TERESA A	1.22	LOT 3 LAKEVIEW-REV 1.22 AC	109 WILLOWCREST	WAXAHACHIE	TX	75165	109 WILLOWCREST WAXAHACHIE TX 75165
200101	HARRINGTON D ANNE & RANDY	1	1 D ANNE S PLACE 1 ACRES	100 WILLOWCREST	WAXAHACHIE	TX	75165	100 WILLOWCREST WAXAHACHIE TX 75165
248513	HARRINGTON RANDY & D'ANNE	2.787	956 WM STEWART 2.787 ACRES	100 WILLOWCREST DR	WAXAHACHIE	TX	75165	OLD ITALY RD WAXAHACHIE TX 75165
259868	ALMAND THOMAS L & KAYE F	1	956 WM STEWART 1 ACRES	120 WILLOWCREST	WAXAHACHIE	TX	75165	120 WILLOWCREST WAXAHACHIE TX 75165
268673	WAXAHACHIE HOMESTEAD ESTATES LLC	1.049	LOT 14 BLK A HOMESTEAD ESTATES 1.049 AC	6031 W I20 STE 226	ARLINGTON	TX	76017	157 HOMESTEAD LN WAXAHACHIE TX 75165

(18)

(18)

RECEIVED
12/11/19



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: SU-19-0144

SINGLETON MARVIN E III
PO BOX 717
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, December 10, 2019 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 16, 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 Jarod Scoggin, Scoggin Outdoor Living & Shops, for a Specific Use Permit (SUP) for Accessory Building (Residential) Greater than or Equal to 700 S.F. use within a Planned Development-Single Family-I zoning district located at 109 Willowcrest Drive (Property ID 174739) - Owner: Keith M & Teresa A Williams (SU-19-0144)

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-19-0144

City Reference: 174731

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, December 4, 2019* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 S Rogers, Waxahachie, TX 75165.

☒

SUPPORT

☐

OPPOSE

Comments: _____

Mark Singleton
Signature

12/4/19
Date

Mark Singleton
Printed Name and Title

125 W. Willowcrest Dr 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.

(19)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A +700 ACCESSORY STRUCTURE USE WITHIN A PLANNED DEVELOPMENT-23-SINGLE FAMILY 1 (PD-23-SF1) ZONING DISTRICT, LOCATED AT 109 WILLOWCREST DRIVE, BEING PROPERTY ID 174739, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 3 IN THE LAKEVIEW-REV SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as PD-23-SF1; 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-19-0144. 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-23-SF1 to PD-23-SF1, with an SUP in order to permit a +700 Accessory Structure use on the following property: Lot 3, Lakeview-Rev subdivision, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B.

SPECIFIC USE PERMIT

Purpose and Intent

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

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A +700 ACCESSORY STRUCTURE USE IN THE PLANNED DEVELOPMENT-23-SINGLE FAMILY 1 (PD-23-SF1) DISTRICT; the following standards and conditions are hereby established as part of this

(119)

ordinance:

1. The site plan shall conform as approved by the City Council under case number SU-19-0144.
2. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
3. Per the applicant's request, a Developer's Agreement will be required for the property.
4. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit and Exhibit B-Site Layout Plan.
5. The garage addition shall be constructed of 100% brick to be consistent with the existing structure.

Compliance

All development must conform to the approved site plan and all exhibits incorporated as exhibits to this ordinance, as well as those incorporated herein by reference.

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

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

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

PASSED, APPROVED AND ADOPTED on this 16th day of December, 2019.

MAYOR

ATTEST:

City Secretary

STATE OF TEXAS	§	DEVELOPMENT AGREEMENT
	§	FOR 109 WILLOWCREST DR.
COUNTY OF ELLIS	§	

This Development Agreement for 109 Willowcrest Dr. ("Agreement") is entered into between Keith and Teresa Williams ("Williams") and the City of Waxahachie, Texas ("City"). Williams and the City are sometimes referred herein together as the "Parties" and individually as a "Party."

Recitals:

1. Williams is the owner of approximately 1.22 acres of real property generally located at 109 Willowcrest Dr., parcel number 174739, in the City of Waxahachie, Texas (the "Property"), for which he has requested a Specific Use Permit ("SUP") to allow for an accessory structure more than 700 sq. ft. The Property is currently zoned Planned Development by the City, and is anticipated to have a SUP on December 16, 2019.

2. The planned use of the Property is to construct a 480 sq. ft. addition to an existing garage structure at 109 Willowcrest Dr. The SUP zoning process is utilized to ensure that the Property would develop in a manner that meets the City's desired development standards, as well as providing Williams with agreed-upon and negotiated standards consistent with their objectives.

3. As is reflected by the public records of the City, significant discussions and negotiations between representatives of Williams and the City of Waxahachie staff have occurred during various meetings, in an effort to obtain an agreed-upon and negotiated set of zoning and development standards to be reflected in the SUP **Ordinance No. ####** (the "109 Willowcrest Dr. SUP Ordinance"), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for 109 Willowcrest Dr.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the 109 Willowcrest Dr. SUP Ordinance as contractually-binding obligations between the City of Waxahachie and Williams, and to recognize William's reasonable investment-backed expectations in the 109 Willowcrest Dr. SUP Ordinance.

NOW, THEREFORE, for and in consideration of the above and foregoing premises, the benefits to each of the Parties from this Agreement, and other good and valuable consideration, the sufficiency of which is hereby acknowledged and agreed, the Parties do hereby agree as follows:

Section 1. Incorporation of Premises. The above and foregoing Recitals are true and correct and are incorporated herein and made a part hereof for all purposes.

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

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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 109 Willowcrest Dr. SUP 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 Williams. Williams agrees to the minimum masonry requirements of the Zoning Ordinance. The construction of the garage will be 100% brick. In consideration of Williams agreement in this regard, the City of Waxahachie agrees that Williams has reasonable investment-backed expectations in the 109 Willowcrest Dr. SUP Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the 109 Willowcrest Dr. SUP Ordinance without impacting Williams'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 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.

(20)

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 Williams 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}

(20)

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

: KEITH AND TERESA WILLIAMS

By: _____

Date: _____

(50)

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

Before me, the undersigned authority, on this 16th day of December, 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 16th day of December, 2019, personally appeared _____, representative of Keith and Teresa Williams, 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: _____

(50)

EXHIBIT A

109 Willowcrest Dr. SUP Ordinance

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A +700 ACCESSORY STRUCTURE USE WITHIN A PLANNED DEVELOPMENT-23-SINGLE FAMILY 1 (PD-23-SF1) ZONING DISTRICT, LOCATED AT 109 WILLOWCREST DRIVE, BEING PROPERTY ID 174739, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 3 IN THE LAKEVIEW-REV SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as PD-23-SF1; 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-19-0144. 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-23-SF1 to PD-23-SF1, with an SUP in order to permit a +700 Accessory Structure use on the following property: Lot 3, Lakeview-Rev subdivision, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B.

SPECIFIC USE PERMIT

Purpose and Intent

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

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A +700 ACCESSORY STRUCTURE USE IN THE PLANNED DEVELOPMENT-23-SINGLE FAMILY 1 (PD-23-SF1) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The site plan shall conform as approved by the City Council under case number SU-19-0144.
2. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
3. Per the applicant's request, a Developer's Agreement will be required for the property.
4. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit and Exhibit B-Site Layout Plan.
5. The garage addition shall be constructed of 100% brick to be consistent with the existing structure.

Compliance

All development must conform to the approved site plan and all exhibits incorporated as exhibits to this ordinance, as well as those incorporated herein by reference.

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

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

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

PASSED, APPROVED AND ADOPTED on this 16th day of December, 2019.

(30)

MAYOR

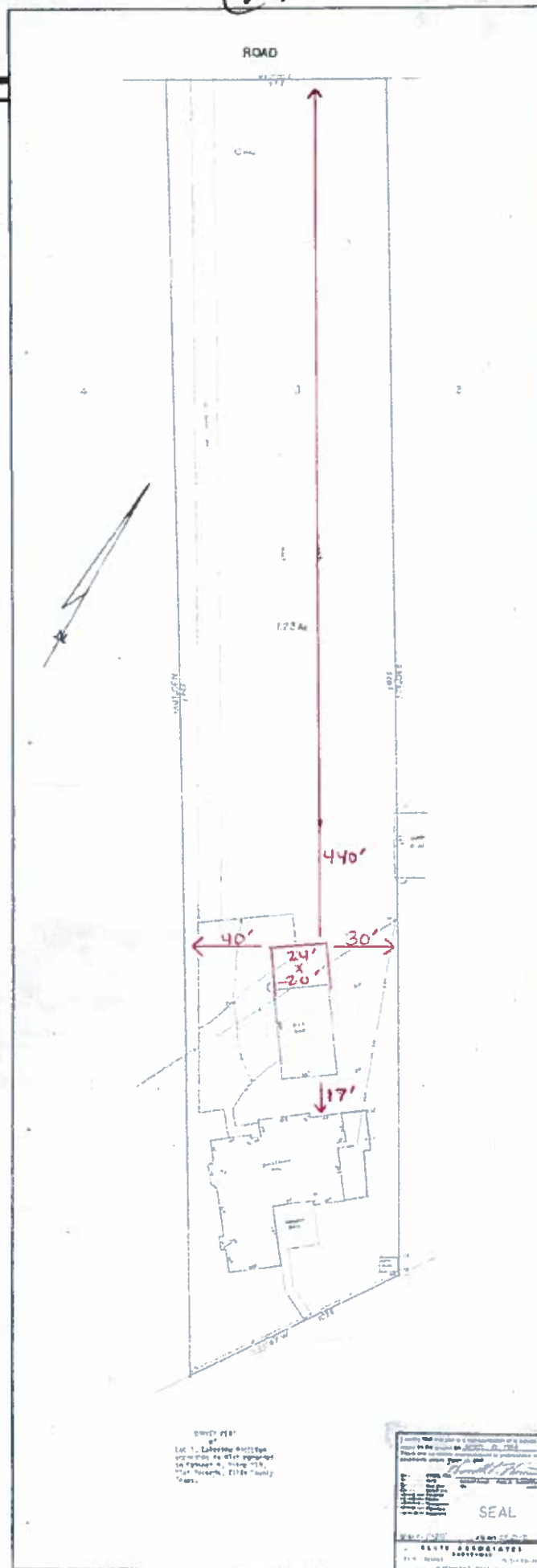
ATTEST:

City Secretary



Exhibit A - Location Exhibit

(20)







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(21)

Planning & Zoning Department Zoning Staff Report



Case: SU-19-0143

MEETING DATE(S)

Planning & Zoning Commission: December 10, 2019

City Council: December 16, 2019

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting held December 10, 2019, the Commission voted 7-0 to recommend approval of case no. SU-19-0143, per staff comments.

CAPTION

Public Hearing on a request by Staci Dean, Daiquiriville, for a Specific Use Permit (SUP) for **Convenience Store (Daiquiri Shop)** use within a General Retail zoning district located at 2801 N Highway 77, Suite 140 (Property ID 272779) – Owner: SAP Properties LLC (SU-19-0143)

APPLICANT REQUEST

The applicant is requesting approval to allow a proposed Daiquiri Shop within an existing retail strip center (North Grove Business Park).

CASE INFORMATION

Applicant: Staci Dean, Daiquiriville

Property Owner(s): Blain Vinson

Site Acreage: 2.337 acres

Current Zoning: General Retail

Requested Zoning: General Retail

SUBJECT PROPERTY

General Location: 2801 N. Highway 77, Suite 140

Parcel ID Number(s): 272779

Existing Use: Retail Strip Center (North Grove Business Park)

Development History: The Final Plat for North Grove Business Park, Phases 1 & 3 was approved by City Council on December 18, 2017.

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	GR	Chicken Express
East	PD-GR	Currently Undeveloped
South	GR	Currently Undeveloped
West	PD-C	Currently Undeveloped

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

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

Thoroughfare Plan:

The subject property is accessible via U.S. Highway 77.

Site Image:

(21)

PLANNING ANALYSIS

Purpose of Request:

The purpose of this request is to allow a proposed Daiquiri Shop within an existing retail strip center (North Grove Business Park).

Per the City of Waxahachie Zoning Ordinance, a Convenience Store with alcohol sales requires a Specific Use Permit.

Proposed Use:

The applicant is requesting approval to allow a proposed Daiquiri Shop within an existing retail strip center (North Grove Business Park), located along U.S. Highway 77. The proposed development, Daquiriville, will provide food, beer and wine-based Daiquiris. There will also be a kitchen installed so food can be provided to the customers. While the applicant intends to make minor interior remodeling changes, the applicant does not intend on expanding the building in any way. The proposed alcohol to food percentage sales ratio will be seventy (alcohol) to thirty (food).

Per the Operational Plan, in addition to four owners, there will be three additional employees. Business hours will be:

- Tuesday – Thursday: 10:30am – 9:00pm
- Friday – Saturday: 10:30am – 11:00pm
- Sunday: 12:00pm – 5:00pm

PON RESPONSES

Outside 200 ft. Notification Area: Staff has received three (3) letters of support 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, 6 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. Staff has no outstanding concerns for the applicant.

APPLICANT RESPONSE TO CONCERNS

1. The applicant has addressed all staff 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. The business must conform to City of Waxahachie requirements as well as adhere to TABC provisions, as defined in the Alcoholic Beverage Code of the State of Texas.
 2. The operator must maintain compliance with State regulations and local ordinances for food service operations.
 3. If approved, the City Council shall have the right to review the Specific Use Permit after 12-months if needed.

(21)

ATTACHED EXHIBITS

1. Ordinance
2. Floor Plan
3. Business Plan
4. Menu
5. 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:
Colby Collins
Senior Planner
ccollins@waxahachie.com

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

Business Plan

Daiquiriville is a local family-based business that will provide food, beer and wine-based Daiquiris. It is owned by Staci, Tina, Lou and Bobby Dean, all Ellis county residents for about 12 years. They are excited to be the first to bring this trendy concept to Waxahachie. This unique service will provide the residence of Waxahachie not only an opportunity to entertain at home with restaurant style beverages but also the opportunity to escape reality with our sit in Daiquiri Bar and food selections.

Daiquiris will be served in gallon, half gallon, 32oz and 16 oz sizes and offered in a variety of flavors. Daiquiris will be mixed with a flavor concentrate and wine in a Daiquiri machine and served frozen. There will be a kitchen and the food menu will range from fried pickles to wings and our unique Pineapple bowls. The proposed beverage to food percentage sales ratio will be seventy (alcohol) to thirty (food).

We plan to have three additional employees on top of the four owners at the beginning stages of opening. Our business hours will be Tuesday through Thursday from 10:30 am to 9:00pm, Friday and Saturday from 10:30am to 11:00pm and Sunday from 12:00PM to 5:00pm. Hours may change depending on the foot traffic in the area. With the 100,000 vehicles that pass through HWY 287, 77 and I-35 everyday we anticipate having anywhere from 50-250 customers daily.

(21)

DAIQUIRIVILLE MENU

Daiquiris

Electric Lemonade

Pineapple Express

Cherry Limeade

Hurricane

Peach

Strawberry Colada

Mango

Margarita

Pink Lemonade (virgin)

Beer

(served by single or bucket)

Bud Light

Coors Light

Miller Light

Corona

Wine

White

Red

Appetizers

Fried Pickles

Hawaiian Ckn Kabobs

Chips and Salsa

House Salad

French Fries

Daiquiriville Specials

Pineapple Shrimp Bowl

Pineapple Teriyaki Bowl

Hot Link Sandwich

Wings

6pc

10pc

18pc

25pc

*Buffalo, BBQ, Mango Habanero,

Lemon Pepper, Cajun

*Served with Celery/Carrots

Dessert

Pineapple Fruit Bowl

*Served with dipping sauce

Cheesecake

Case SU-19-0143
Responses Received Inside Required 200' Notification Area
Support: 0 Oppose: 0

PropertyID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
189379	SHRIDHARANI CRYSTAL S	8.39	848 A S PRUITT 8.39 ACRES	1204 TRAVIS CIR S	IRVING	TX	75038	HIGHWAY 77 WAXAHACHIE TX 75165
189387	HWY 77 INVESTMENTS LLC DUSTY AUTREY	71.808	848 A S PRUETT 71.808 ACRES	200 S ELM	WAXAHACHIE	TX	75165	2850 N HIGHWAY 77 WAXAHACHIE TX 75165
272778	MOMO PROPERTIES LLC	1.148	LOT 2 BLK A NORTH GROVE BUSINESS PARK PH 1 & 3 1.148 AC	207 KIMBERLY DR	CLEBURNE	TX	76031	2831 HIGHWAY 77 WAXAHACHIE TX 75165
272779	SAP PROPERTIES LLC	2.337	LOT 1 BLK B NORTH GROVE BUSINESS PARK PH 1 & 3 2.337 AC	7851 CLARK CT	OVILLA	TX	75154	2801 HIGHWAY 77 WAXAHACHIE TX 75165
272780	SAP PROPERTIES LLC	6.897	LOT 1 BLK D NORTH GROVE BUSINESS PARK PH 1 & 3 6.897 AC	7851 CLARK CT	OVILLA	TX	75154	2000 ENTERPRISE PKWY WAXAHACHIE TX 75165
272782	SAP PROPERTIES LLC	6.437	LOT 1 BLK E NORTH GROVE BUSINESS PARK PH 1 & 3 6.437 AC	7851 CLARK CT	OVILLA	TX	75154	2001 ENTERPRISE PKWY WAXAHACHIE TX 75165
273875	LEDBETTER REAL ESTATE LTD	1.248	LOT 2 BLK B NORTH GROVE BUSINESS PARK PH 2 & 4 1.248 AC	105 RIDGECREST DR	WAXAHACHIE	TX	75165	N HIGHWAY 77 WAXAHACHIE TX 75165
273981	CANCUN'S NG77 PROPERTIES LLC	1.15	LOT 2R-1 BLK E NORTH GROVE BUSINESS PARK PH 2 & 4-REV 1.15 AC	117 TERRACE ST	DESOTO	TX	75115	CORPORATE PKWY WAXAHACHIE TX 75165

(16)

Case SU-19-0143
Responses Received Outside Required 200' Notification Area
Support: 3 Oppose: 0

PropertyID	Owner's Name	Physical Address
153627	DEBORAH GRUBBS	1201 SOUTHVIEW
156508	REBECCA FARRIS	1110 PANORAMA LOOP
269132	BRANDON BOLING	232 BUCKSKIN DRIVE

(12)

(21)

RECEIVED
10/30/19

To Whom It May Concern:

My name is Deborah Grubbs and I am a resident of Waxahachie, Texas. I would love to have a place like Daiquiriville in the area. It would be convenient to be able to walk in to have dinner and take my drinks to go. The idea of taking a daiquiri home and enjoying it as opposed to drinking it there is better to me than someone drinking at the place of business and then driving home.

Thank you,

Outside Notification Area
PID: 153627

Deborah Grubbs

1201 Southview, Waxahachie

(21)

RECEIVED
10/30/19

Outside Notification Area
PID: 156508

October 28, 2019

City of Waxahachie

To Whom It May Concern:

I am a longtime resident of the City of Waxahachie and I would very much like to see the food and drink options in our city expand with a business such as Daiquiriville.

I think it's a great option to have dinner and then be able to take my drink home with me instead of drinking too much and driving home. I believe this would be felt the same by many of the other residents of our city.

We frequent the Cork House Winery on the square and love the option to buy a bottle of wine and take what we don't drink with us. This allows us to purchase what we like, have only a glass and remain a responsible citizen on the road.

I encourage you to welcome Daiquiriville to Waxahachie. Our great city is consistently growing and expanding with new business and ideas bringing more growth to our community. This would be a great option for the citizens of Waxahachie and surrounding cities to enjoy.

Sincerely,



Rebecca Farris

1110 Panorama Loop, Waxahachie

(21)

10-28-2019

RECEIVED
10/30/19

To whom it may concern;

I am writing to notify you that as a resident of Waxahachie my wife and I would thoroughly enjoy a Daiquiri Place within the City. I love the idea of being able to take a drink home to enjoy in the comfort of my own home. The surrounding cities have these establishments and I feel like it would be a great addition to the City of Waxahachie. Thank you for taking the time to read and consider this request.

Sincerely,
Brandon Boling
Brandon Boling

Outside Notification Area
PID: 269132

232 Buckskin Dr. Waxahachie

(24)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A CONVENIENCE STORE WITH ALCOHOL SALES (DAIQUIRI SHOP) USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT 2801 N. HIGHWAY 77, SUITE 140, BEING PROPERTY ID 272779, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1, BLOCK B IN NORTH GROVE BUSINESS PARK PHASE 1 AND #, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

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

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number SU-19-0143. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from GR to GR, with an SUP in order to permit a Convenience Store with Alcohol Sales (Daiquiri Shop) use on the following property: Lot 1, Block B of North Grove Business Park Phase 1 and 3, which is shown on Exhibit A, in accordance with the Floor Plan attached as Exhibit B.

SPECIFIC USE PERMIT

Purpose and Intent

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

(82)

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A CONVENIENCE STORE WITH ALCOHOL SALES (DAIQUIRI SHOP) USE IN THE GENERAL RETAIL (GR) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The site plan shall conform as approved by the City Council under case number SU-19-0143.
2. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
3. The business must conform to City of Waxahachie requirements as well as adhere to TABC provisions, as defined in the Alcoholic Beverage Code of the State of Texas.
4. The operator must maintain compliance with State regulations and local ordinances for food service operations.
5. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit and Exhibit B- Floor Plan.
6. If approved, the City Council shall have the right to review the Specific Use Permit after 12-months if needed.

Compliance

All development must conform to the approved site plan and all exhibits incorporated as exhibits to this ordinance, as well as those incorporated herein by reference.

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

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

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

PASSED, APPROVED AND ADOPTED on this 16th day of December, 2019.

(22)

MAYOR

ATTEST:

City Secretary



Exhibit B

(23-36)



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Assistant City Manager
Thru: Michael Scott, City Manager
Date: December 13, 2019
Re: Substandard Structure Public Hearings

On Monday December 16, 2019 a series of public hearings will be held, and corresponding action items will appear before City Council for consideration associated with seven substandard structures within the City of Waxahachie. As a reminder, in February of 2019 City Council authorized the repeal and replacement of Chapter 8 (Building) Section 57-74 Substandard and Inadequate Structures within the Code of Ordinances. The changes to this section of code, approved by the City Council, provided for:

- The elimination of repetitive, unnecessary and confusing language from the previous ordinance
- Clearer definitions of what constitutes a substandard structure, enabling Code Compliance and Building Inspection staff to better address violations
- A simplified and distinct process by which structures are to be deemed substandard, how orders by City Council may be issued, and ultimately how structures may be demolished if and when necessary

In July of 2019 a Notice of Substandard Structure were issued to the seven properties referenced above, identifying why the structures had been determined to be substandard and what action was required to bring the properties into compliance. The

(23-36)

City Code requires that permits must be applied for within 15 days and the necessary repairs be made within 90 day from the issuance of the notice. One of the seven properties has applied for and received a permit, however to date staff is not aware of any repairs that have been made nor have any inspections been requested for the eight properties.

Following the Public Hearing for each substandard property will be an agenda item for Council action. The Council may choose to take no action, or they may order the property owner to 1) repair, 2) remove, and/or 3) demolish the property. The Code states that 30 days are provided to the property owner to take any action ordered by Council, but that additional time may be granted to the property owner at the discretion of Council.

Staff is recommending to City Council that the each property owner be ordered to repair or demolish their property, within a time frame that the City Council deems fair and appropriate. In addition, staff requests that if at the end of that time period the order has not been carried out, Council authorize staff to demolish the property in question. Specifically, staff recommends the following motion: "I make a motion for the property located at ADDRESS to be repaired or demolished within XX days. If after the XX days, and Council's order has not been carried out, staff is authorized to demolish the property".

Please note that in the Council Work Session, staff will present a photographic presentation of the properties that have been determined to be substandard. For your reference, below is the list of addresses for the properties:

- 10 Yinger Street
- 608 Dr. Martin Luther King Jr. Boulevard
- 214 Dunlap Street
- 712 Givens Street
- 218 Wyatt Street
- 400 Wyatt Street
- 908 Wyatt Street

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

Tommy Ludwig