

## **Notice Regarding Public Participation and City Council/City Staff Attendance**

Due to the COVID-19 (coronavirus) public health emergency, and in an effort to reduce in-person meetings that assemble large groups of people, Governor Greg Abbott has granted a temporary suspension of certain rules to allow for (1) city council members and city employees to participate in a city council meeting via videoconference call or other remote electronic means without a physical quorum of council members being present at the site of the meeting; and (2) the use of videoconferencing and other remote means to allow the public to observe the meeting and, when required, to participate in the *Public Hearing*.

In an effort to reduce the spread of the virus, for the April 20, 2020 City Council meeting, *individuals will not be allowed to physically attend the meeting*. Individuals will be able to address the Council via telephone conference call on *Public Hearing* items only.

To participate in the telephone conference call, dial any of the following phone numbers:

1 (346) 248-7799

1 (253) 215-8782

1 (888) 475-4499

**Enter Meeting ID: 960 6517 2796**

**Enter Meeting Password: 715271**

To request to speak at one of the public hearings on the agenda, wait for that item to be announced and enter \*9. The meeting moderator will acknowledge your request in turn and allow you to speak.

**If you encounter any problems joining or participating in the meeting, please call our help line at (469) 309-4012**

If you wish to watch the meeting but not participate in the meeting, the City Council meeting will be live streamed on the city's website at:

[http://www.waxahachie.com/government/city\\_council/city\\_council\\_meeting\\_live\\_stream.php](http://www.waxahachie.com/government/city_council/city_council_meeting_live_stream.php)

Pursuant to Section 551.007 of the Texas Government Code, individuals wishing to address the City Council for items listed as *Public Hearings* will be recognized when the public hearing is opened.

A physical quorum of the City Council may not be present during the meeting as some Council Members may choose to participate in the meeting remotely as permitted by Governor Abbott's suspension of various statutes that may be interpreted to require face-to-face interaction between members of the public and public officials.

# **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, April 20, 2020 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. ***Consent Agenda***

All matters listed under Item 4, Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Mayor/City Manager to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the City Council.

- a. Minutes of the City Council meeting of April 6, 2020
  - b. Award of contract for Waxahachie Sports Complex Parking Lot Phase III
  - c. Resolution to deny Oncor's request to increase its distribution rates within the City; authorizing participation with the Oncor Cities Steering Committee; and authorizing the hiring of legal counsel and consulting services
  - d. Consider acceptance of quote for Lee Penn Park Football fence
5. ***Continue Public Hearing*** on a request by Jimmie L. Hutton for a Specific Use Permit (SUP) for a Used Auto Sales use within a Planned Development-35-Commercial zoning district located at 2004 Howard Road, Suite C (Property ID 175299) – Owner: Waxahachie Flea Market (ZDC-000025-2020)
  6. ***Consider*** proposed Ordinance approving ZDC-000025-2020
  7. ***Continue Public Hearing*** on a request by Jeff Crannell, CCM Engineering, for a Zoning Change from a Planned Development-34-Multiple Family-1/General Retail, Single Family-3 and Multiple Family-1 zoning district to Planned Development-Two Family Residential Duplex, with Concept Plan, located at the NW corner of Peters Street at Graham Street (Property ID 193944) - Owner: WAXAHACHIE ISD (ZDC-000017-2020)
  8. ***Consider*** proposed Ordinance approving ZDC-000017-2020
  9. ***Consider*** Development Agreement for ZDC-000017-2020 located at the Northwest corner of Peters Street and Graham Street

10. **Public Hearing** on a request by Michael Westfall, Westfall Engineering, for Voluntary Annexation on approximately 98.740 acres situated in the JB and Ann Adams Survey, Abstract No 5 (Property ID 178972) - Owner: Dirk Nowitzki (ANX-DNX-000011-2020)
11. **Consider** proposed Ordinance approving ANX-DNX-000011-2020
12. **Continue Public Hearing** on a request by Michael Westfall, Westfall Engineering, to establish a Planned Development-Single Family-3 zoning district on approximately 98.695 acres situated in the JB and Ann Adams Survey, Abstract No 5 (Property ID 178972) - Owner: Dirk Nowitzki (ZDC-000024-2020)
13. **Consider** proposed Ordinance approving ZDC-000024-2020
14. **Consider** Development Agreement for ZDC-000024-2020 located at the West side of Broadhead Road and Youngblood Road
15. **Continue Public Hearing** on a request by Barbara Clark, Hope Clinic, for a Zoning Change from a Single Family-2 zoning district to Planned Development-Commercial, with Concept Plan, located at the SE corner of Farley Street at Coleman Street (Property ID 273695) - Owner: CITY OF WAXAHACHIE (ZDC-000022-2020)
16. **Consider** proposed Ordinance approving ZDC-000022-2020
17. **Consider** Development Agreement for ZDC-000022-2020 located at the Southeast corner of Farley Street and Coleman Street
18. **Consider** request by Leslie Porterfield for a Replat of Tract 3, Allen Family Estates, to create Tracts 3A and 3B, Allen Family Estates, 4.833 acres (Property ID 147329) in the Extra Territorial Jurisdiction – Owner: LESLIE PORTERFIELD (SUB-000038-2020)
19. **Public Hearing** on a request by Robert G. Scruggs for a Zoning Change from a Future Development zoning district to Single Family Residential-1, located at 3273 Howard Road (being a portion of Property ID 182107) - Owner: ROBERT G AND SUSAN C SCRUGGS (ZDC-000031-2020)
20. **Consider** proposed Ordinance approving ZDC-000031-2020
21. **Consider** Development Agreement for ZDC-000031-2020 located at 3273 Howard Road
22. **Public Hearing** on a request by Randy Eardley, Wier and Associates, for a Specific Use Permit (SUP) for a Medical Facility use within a Planned Development-1-Commercial zoning district located at the corner of RVG Parkway at 287 (Property ID 238268) – Owner: CRUX INVESTMENTS (ZDC-000042-2020)
23. **Consider** proposed Ordinance approving ZDC-000042-2020
24. **Consider** Development Agreement for ZDC-000042-2020 located at the Northeast corner of US Highway 287 and RVG Plaza

25. **Public Hearing** on a request by Alan Lauhoff, P.E., Atlas Associates Inc., for a Zoning Change from a Single Family-2 zoning district to Planned Development-Single-Family Residential-3, with Concept Plan, located South of Blue Bonnet Trails Phases 1 and 2 (Property ID 264992 and 182275) - Owner: BLUE BONNET TRAILS LLC (ZDC-000030-2020)
26. **Consider** proposed Ordinance approving ZDC-000030-2020
27. **Public Hearing** on a request by Clyde Hargrove, WP Legacy LTD, for Voluntary Annexation on approximately 82+/- acres situated off of Farm to Market Road 877 (Property ID 183566) - Owner: CLYDE HARGROVE (ANX-DNX-000039-2020)
28. **Consider** proposed Ordinance approving ANX-DNX-000039-2020
29. **Public Hearing** on a request by Clyde Hargrove, WP Legacy LTD, for a Zoning Change from Planned Development-23-Single Family Residential-1 to Single Family Residential-1 situated generally on FM 877 just Southeast of Lake Waxahachie (Property ID 183566) - Owner: CLYDE HARGROVE (ZDC-000040-2020)
30. **Consider** proposed Ordinance approving ZDC-000040-2020
31. **Consider** Development Agreement for ZDC-000040-2020 located East of the intersection of Hunter Pass and FM 877
32. **Consider** request by Clyde Hargrove, WP Legacy LTD, for a Plat of Lakeway Estates for 86 residential lots and 1 common area lot, being 110.484 acres situated in the WC Coleman Survey, Abstract 204, the AB Fleury Survey, Abstract 374, and the M Rafferty Survey, Abstract 898 (Property ID 183566) – Owner: CLYDE HARGROVE (SUB-000041-2020)
33. **Consider** a petition for relief request for an impact fee waiver associated with the Lakeway Estates plat (SUB-000041-2020)
34. **Consider** award of a bid to J & K Excavation, LLC for the phase I corridor rehabilitation of Kaufman Street
35. **Consider** a resolution authorizing the reimbursement of the General Fund from the proceeds of future debt for the corridor rehabilitation of Kaufman Street
36. **Consider** award of a bid to Circle H Contractors, LP for the corridor rehabilitation of Cumberland Street
37. **Consider** a resolution authorizing the reimbursement of the General Fund from the proceeds of future debt for the corridor rehabilitation of Cumberland Street
38. **Public Hearing** concerning a substandard structure located at 10 Yinger Street
39. **Consider** an action to require the substandard structure located at 10 Yinger Street to be secured, repaired, removed, and/or demolished
40. **Public Hearing** concerning a substandard structure located at 214 Dunlap Street
41. **Consider** an action to require the substandard located at 214 Dunlap Street to be secured, repaired, removed, and/or demolished

42. **Public Hearing** concerning a substandard structure located at 908 Wyatt Street
43. **Consider** an action to require the substandard located at 908 Wyatt Street to be secured, repaired, removed, and/or demolished
44. Comments by Mayor, City Council, City Attorney and City Manager
45. Adjourn

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

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

City Council  
April 6, 2020

(4a)

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, April 6, 2020 at 7:00 p.m.

Councilmembers Present: David Hill, Mayor  
Mary Lou Shipley, Mayor Pro Tem  
Melissa Olson, Councilmember

Via Teleconference: Chuck Beatty, Councilmember  
Kevin Strength, Councilmember

Others Present: Michael Scott, City Manager  
Albert Lawrence, Assistant City Manager  
Tommy Ludwig, Assistant City Manager  
Robert Brown, City Attorney  
Lori Cartwright, 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. Consent Agenda**

- a. Minutes of the City Council meeting of March 16, 2020
- b. Minutes of the City Council Emergency meeting of March 25, 2020
- c. Waxahachie Community Development Corporation Finance Report for year ended September 30, 2019

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to approve items a. through c. on the Consent Agenda. Councilmember Melissa Olson seconded, All Ayes.*

**5. Introduce Honorary Councilmember**

None

**6. Public Hearing on a request by Jimmie L. Hutton for a Specific Use Permit (SUP) for a Used Auto Sales use within a Planned Development-35-Commercial zoning district located at 2004 Howard Road, Suite C (Property ID 175299) – Owner: Waxahachie Flea Market (ZDC-000025-2020)**

Mayor Hill opened the Public Hearing and announced the applicant requested to continue ZDC-000025-2020 to the City Council meeting of April 20, 2020.

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**7. Consider proposed Ordinance approving ZDC-000025-2020**

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to continue the Public Hearing on a request by Jimmie L. Hutton for a Specific Use Permit (SUP) for a Used Auto Sales use within a Planned Development-35-Commercial zoning district located at 2004 Howard Road, Suite C (Property ID 175299) – Owner: Waxahachie Flea Market (ZDC-000025-2020) to the City Council meeting of April 20, 2020. Councilmember Melissa Olson seconded, All Ayes.*

**8. Public Hearing on a request by Reginald Coulsell for a Specific Use Permit (SUP) for a Private Stables use within a Planned Development-23-Single Family-1 zoning district located at 3910 Howard Road (Property ID 278236) – Owner: Crystal Taylor and Reginald Coulsell II (ZDC-000027-2020)**

Mayor Hill opened the Public Hearing.

Planning Director Shon Brooks reported the applicant is requesting to amend Ordinance 3010 originally approved by City Council on April 2, 2018 to include the language “As long as the current owner (s) of the property maintain ownership, the SUP is not transferable to a new owner if no private stable is constructed before the property is sold”. Mr. Brooks stated staff received one letter of opposition.

Via telephone conference, Ms. Crystal Taylor, owner, was available for questions.

There being no others to speak for or against ZDC-000027-2020, Mayor Hill closed the Public Hearing.

**9. Consider proposed Ordinance approving ZDC-000027-2020**

**ORDINANCE NO. 3180**

**AN AMENDMENT TO ORDINANCE NO. 3010 AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A PRIVATE STABLES USE WITHIN A PLANNED DEVELOPMENT-23-SINGLE FAMILY-1 (PD-23-SF-1) ZONING DISTRICT, LOCATED NORTH OF HUNTER PASS ON FM 877, BEING PROPERTY ID 278236, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING AB FLUERY, ABSTRACT NO. 374, 17.329 ACRES, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Melissa Olson moved to approve Ordinance No. 3180 as presented. Councilmember Kevin Strength seconded, All Ayes.*

**10. Public Hearing on a request by Jacob Perry, Waxahachie ISD, for a Specific Use Permit (SUP) for a Portable Storage Structure or Temporary Building use within a**

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**Single Family-2 zoning district located at 411 N Gibson (Property ID 193942) –  
Owner: Waxahachie ISD (ZDC-000029-2020)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the applicant seeks to construct a portable temporary building to serve as office space for personnel similar to the temporary portable building that was approved in May of 2019. If the applicant is still occupying the building after two years, staff recommended the applicant come back to City Council to renew the Specific Use Permit.

There being no others to speak for or against ZDC-000029-2020, Mayor Hill closed the Public Hearing.

Via telephone conference, Mr. Jacob Perry, Waxahachie WISD, was available for questions.

**11. Consider proposed Ordinance approving ZDC-000029-2020**

**ORDINANCE NO. 3181**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A PORTABLE STORAGE STRUCTURE/TEMPORARY BUILDING USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 411 N GIBSON STREET, BEING PROPERTY ID 193942, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING ABSTRACT 44-49 FERRIS ADMINISTRATION BUILDING, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Kevin Strength moved to approve Ordinance No. 3181 as presented. Councilmember Chuck Beatty seconded, All Ayes.*

**12. Public Hearing on a request by Jeff Crannell, CCM Engineering, for a Zoning Change from a Planned Development-34-Multiple Family-1/General Retail, Single Family-3 and Multiple Family-1 zoning district to Planned Development-Two Family Residential Duplex, with Concept Plan, located at the NW corner of Peters Street at Graham Street (Property ID 193944) - Owner: WAXAHACHIE ISD (ZDC-000017-2020)**

Mayor Hill opened the Public Hearing.

A lengthy discussion was held and there was some confusion pertaining to the dedicated property proposed by Friendship Missionary Baptist Church. Director of Planning and Zoning, Mr. Shon Brooks, stated nine acres of dedicated land was approved at the Planning & Zoning Commission meeting; however, the church is now asking to dedicate less acreage in order to expand in the future.

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Via telephone conference, Mr. Ricky Slaughter, Friendship Missionary Baptist Church, stated after the Planning and Zoning Commission meeting it was determined the church needed the extra space and proposed three acres.

Via telephone conference, Mr. Cody Crannell, CCM Engineer, was available for questions.

Via telephone conference those that spoke against ZDC-000017-2020:

Ms. Betty Square Coleman, 116 Bradshaw, Waxahachie

Mr. Brooks reported staff received five letters in opposition.

**13. Consider proposed Ordinance approving ZDC-000017-2020**

**Action:**

*After further discussion, Councilmember Kevin Strength moved to continue Public Hearing on a request by Jeff Crannell, CCM Engineering, for a Zoning Change from a Planned Development-34-Multiple Family-1/General Retail, Single Family-3 and Multiple Family-1 zoning district to Planned Development-Two Family Residential Duplex, with Concept Plan, located at the NW corner of Peters Street at Graham Street (Property ID 193944) - Owner: WAXAHACHIE ISD (ZDC-000017-2020) to the City Council meeting of April 20, 2020. Councilmember Chuck Beatty seconded, All Ayes.*

**14. Consider Development Agreement for ZDC-000017-2020 located at the Northwest corner of Peters Street and Graham Street**

**Action:**

*Councilmember Melissa Olson moved to continue the Development Agreement for ZDC-000017-2020 located at the Northwest corner of Peters Street and Graham Street to the City Council meeting of April 20, 2020. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

**15. Public Hearing on a request by Michael Westfall, Westfall Engineering, to establish a Planned Development-Single Family-3 zoning district on approximately 98.695 acres situated in the JB and Ann Adams Survey, Abstract No 5 (Property ID 178972) - Owner: Dirk Nowitzki (ZDC-000024-2020)**

Mayor Hill opened the Public Hearing and announced the applicant requested to continue ZDC-000024-2020 to the City Council meeting of April 20, 2020.

**16. Consider proposed Ordinance approving ZDC-000024-2020**

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to continue the Public Hearing on a request by Michael Westfall, Westfall Engineering, to establish a Planned Development-Single Family-3 zoning district on approximately 98.695 acres situated in the JB and Ann Adams Survey, Abstract No 5 (Property ID 178972) - Owner: Dirk Nowitzki (ZDC-000024-2020) to the City Council meeting of April 20, 2020. Councilmember Melissa Olson seconded, All Ayes.*

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17. **Public Hearing on a request by Michael Westfall, Westfall Engineering, for Voluntary Annexation on approximately 98.740 acres situated in the JB and Ann Adams Survey, Abstract No 5 (Property ID 178972) - Owner: Dirk Nowitzki (ANX-DNX-000011-2020)**

Mayor Hill opened the Public Hearing and announced the applicant requested to continue ANX-DNX-000011-2020 to the City Council meeting of April 20, 2020.

18. **Consider proposed Ordinance approving ANX-DNX-000011-2020**

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to continue the Public Hearing on a request by Michael Westfall, Westfall Engineering, for Voluntary Annexation on approximately 98.740 acres situated in the JB and Ann Adams Survey, Abstract No 5 (Property ID 178972) - Owner: Dirk Nowitzki (ANX-DNX-000011-2020) to the City Council meeting of April 20, 2020. Councilmember Melissa Olson seconded, All Ayes.*

19. **Public Hearing on a request by Barbara Clark, Hope Clinic, for a Zoning Change from a Single Family-2 zoning district to Planned Development-Commercial, with Concept Plan, located at the SE corner of Farley Street at Coleman Street (Property ID 273695) - Owner: CITY OF WAXAHACHIE (ZDC-000022-2020)**

Mayor Hill opened the Public Hearing and announced the applicant requested to continue ZDC-000022-2020 to the City Council meeting of April 20, 2020.

20. **Consider proposed Ordinance approving ZDC-000022-2020**

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to continue the Public Hearing on a request by Barbara Clark, Hope Clinic, for a Zoning Change from a Single Family-2 zoning district to Planned Development-Commercial, with Concept Plan, located at the SE corner of Farley Street at Coleman Street (Property ID 273695) - Owner: CITY OF WAXAHACHIE (ZDC-000022-2020) to the City Council meeting of April 20, 2020. Councilmember Melissa Olson seconded, All Ayes.*

21. **Consider approval of a request by David Hargrove, Legacy Grove Development LLC, for a Replat of Lot 9X, Block A, Lot 20X, Block J, Lot 7X, Block K, Lot 12X, Block L, Lot 9, Block A, Lots 1-8, 10, 11, and 20, Block J, Lots 7 and 8, Block K, and Lots 11 and 12, Block L, Buffalo Ridge Phase IV, to eliminate the HOA open space lots and incorporate into the adjacent single family lots along Garden Valley Parkway and to establish a 5 foot Wall Maintenance Easement, being 26.033 acres (Property ID 276333, 276354, 276371, 274374, 276332, 276334, 276335, 276336, 276337, 276338, 276339, 276340, 276341, 276343, 276344, 276353, 276362, 276363, 276373, and 276372) – Owners: J Houston Homes, Bloomfield Homes LP, and Matthew P and Charity F Kennedy (SUB-000016-2020)**

Mr. Brooks reported the purpose of the replat is to eliminate the HOA open space lots which will be taken in by the adjacent homes, and establish a 5' wall easement along Garden Valley Parkway.

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**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to approve a request by David Hargrove, Legacy Grove Development LLC, for a Replat of Lot 9X, Block A, Lot 20X, Block J, Lot 7X, Block K, Lot 12X, Block L, Lot 9, Block A, Lots 1-8, 10, 11, and 20, Block J, Lots 7 and 8, Block K, and Lots 11 and 12, Block L, Buffalo Ridge Phase IV, to eliminate the HOA open space lots and incorporate into the adjacent single family lots along Garden Valley Parkway and to establish a 5 foot Wall Maintenance Easement, being 26.033 acres (Property ID 276333, 276354, 276371, 274374, 276332, 276334, 276335, 276336, 276337, 276338, 276339, 276340, 276341, 276343, 276344, 276353, 276362, 276363, 276373, and 276372) – Owners: J Houston Homes, Bloomfield Homes LP, and Matthew P and Charity F Kennedy (SUB-000016-2020). Councilmember Melissa Olson seconded, All Ayes.*

- 22. Consider resetting public hearings regarding consideration of revoking SUP of Oak Cliff Metals to May 12<sup>th</sup> Planning and Zoning Commission meeting and May 18<sup>th</sup> City Council meeting**

City Manager Michael Scott requested City Council consider resetting the public hearings regarding consideration of revoking SUP of Oak Cliff Metals to the May 12<sup>th</sup> Planning and Zoning Commission meeting and the May 18<sup>th</sup> City Council meeting.

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to reset the public hearings regarding consideration of revoking SUP of Oak Cliff Metals to the May 12<sup>th</sup> Planning and Zoning Commission meeting and the May 18<sup>th</sup> City Council meeting. Councilmember Kevin Strength seconded, All Ayes.*

- 23. Consider a Supplemental Appropriation to the Wastewater fund for the purchase of a replacement vactor truck**

Assistant City Manager Tommy Ludwig stated the truck is used in maintaining the sanitary sewer collection system for performing such functions cleaning and vacuuming sewer lines, and conducting hydro-excavations of water and sewer lines. He stated recently the Vac Truck was damaged and staff determined that the cost for repairing the truck is prohibitive based on its current value.

**Action:**

*Councilmember Kevin Strength moved to approve a Supplemental Appropriation to the Wastewater fund for the purchase of a replacement vactor truck as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

- 24. Consider purchase of a vactor truck with CLS Equipment Co., Inc. through the HGAC Cooperative Pricing Program**

Mr. Ludwig reported the department is requesting to accelerate the replacement of the Vac Truck to this fiscal year with a supplemental appropriation. Staff recommended purchasing a new Freightliner Vac-Con Sewer Truck through the HGAC Cooperative Purchasing Agreement for a total cost of \$379,100. Staff has identified savings in the amount of \$200,000 from the 4-Sand Filter Rehabilitations that will be used to offset the cost of this purchase. The supplemental

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appropriation will provide the difference, in the amount of \$179,000, needed for the purchase of the equipment.

**Action:**

*Councilmember Melissa Olson moved to approve the purchase of a vactor truck with CLS Equipment Co., Inc. through the HGAC Cooperative Pricing Program as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

**25. Consider a supplemental appropriation in the Building and Community Services Department for a request for proposal service agreement with Solid Waste Specialist LLC**

Mr. Ludwig presented a service agreement with Solid Waste Specialist LLC in the amount of \$39,546. He stated the City's existing contract for solid waste recycling services expires on March 31, 2021 and as a result the City must re-advertise the service and review new proposals from interested firms. He stated Solid Waste Specialist LLC will manage the procurement process on behalf of the City.

**Action:**

*Councilmember Kevin Strength moved to approve a supplemental appropriation in the Building and Community Services Department for a request for proposal service agreement with Solid Waste Specialist LLC as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

**26. Consider proposed Resolution for temporary over hire of a firefighter position**

Fire Chief Rick Boyd announced after 20 years of exceptional service, Captain Jon Wilson retired from the Waxahachie Fire-Rescue (WFR) on April 20, 2020 and explained the WFR has promotional openings in the ranks of Captain, Lieutenant (LT) and Pump Engineer (PE). Chief Boyd stated while the Captain position has been filled from the current Promotional List, they do not have such a list for LT and PE and the lists shall not be established until the middle of June to early July 2020.

Chief Boyd presented a Resolution to temporarily over hire one (1) person in the rank of FF until the LT and PE promotions are effectuated or a maximum of 120 days, whichever comes first.

**RESOLUTION NO. 1282**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, AUTHORIZING THE CITY MANAGER, WHEN A PROMOTIONAL VACANCY EXISTS OR OTHER NECESSARY CIRCUMSTANCES, TO OVERHIRE ENTRY LEVEL CIVIL SERVICE POSITIONS FOR WAXAHACHIE FIRE-RESCUE ("WFR").**

**Action:**

*Councilmember Melissa Olson moved to approve Resolution No. 1282. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

**27. Consider proposed bid from Estes Electric for the purchase and installation of site and trail lighting at Lee Penn Park**

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Assistant City Manager Albert Lawrence presented a bid for services and authorizing an agreement with Estes Electric for the purchase and installation of lighting for the site surrounding the parking and playground area and along the football field side of the walking trail in Lee Penn Park. Mr. Lawrence recommended accepting a bid of \$137,883 and noting the available fund balance in the 2019 Certificate of Occupancy Park Bonds total \$592,000.

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to award a bid to Estes Electric for the purchase and installation of site and trail lighting at Lee Penn Park as presented. Councilmember Kevin Strength seconded, All Ayes.*

**28. Consider proposed bid from The Nay Company for the Cemetery Pavilion**

Mr. Lawrence requested approval of a bid of \$152,000 from The Nay Company for the construction of a pavilion in the Waxahachie City Cemetery. He explained this project will be funded by the Cemetery Maintenance Fund and explained it has a balance of over \$1,000,000. It is the intent of the Cemetery Board to sell niches in the Columbarium to recuperate the cost.

**Action:**

*Councilmember Melissa Olson moved to award a bid to The Nay Company for the Cemetery Pavilion. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

**29. Convene into Executive Session for consultation with attorney regarding consideration of ordinance repealing, amending and/or replacement of Amended Order of March 25, 2020 related to COVID-19 Emergency Declaration as permitted under Section 551.071, Texas Government Code**

Mayor Hill announced at 8:12 p.m. the City Council would convene into Executive Session for consultation with attorney regarding consideration of ordinance repealing, amending and/or replacement of Amended Order of March 25, 2020 related to COVID-19 Emergency Declaration as permitted under Section 551.071, Texas Government Code.

**30. Reconvene and take any necessary action**

The meeting reconvened at 8:44 p.m.

City Manager Michael Scott stated the Ordinance that is being considered is repealing the Mayor's previous action of March 16, 2020 and replacing it with a new order that essentially follows GA14 issued by the governor on March 31, 2020. Mr. Scott stated it is in line with the Ellis County order that was issued last Friday and essentially pushes out the date through April 30, 2020 expiring at 11:59 p.m.

**ORDINANCE NO. 3182**

***AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, DECLARING A LOCAL STATE OF DISASTER DUE TO A PUBLIC HEALTH EMERGENCY AND ENACTING REGULATIONS RELATED THERETO; MAKING FINDINGS; PROVIDING FOR SEVERABILITY, SAVINGS AND REPEALING CLAUSES; PROVIDING FOR***

(4a)

***PENALTIES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.***

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to approve Ordinance No. 3182 as presented. Councilmember Kevin Strength seconded. The vote was as follows:*

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

*Noes: Melissa Olson*

**The motion carried.**

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

Assistant City Manager Albert Lawrence thanked Emergency Management Coordinator Thomas Griffith and Mayor Hill for working so hard during the epidemic.

City Manager Michael Scott thanked Mr. Griffith and his team, first responders and the medical care professionals that are on the front line. He stated Assistant City Manager Albert Lawrence has also spent a number of time and effort on the epidemic and thanked him.

Mayor Pro Tem Mary Lou Shipley stated the new Police Department that houses the Emergency Management Office has definitely been utilized and thanked Police Chief Goolsby for such a sophisticated design.

Councilmember Kevin Strength stated he continues to pray for the families affected by COVID-19. He announced he has a new granddaughter.

Councilmember Chuck Beatty stated he is adhering to the example of teleconferencing to air on the side of caution and chose to stay home.

**32. Adjourn**

There being no further business, the meeting adjourned at 8:50 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary



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## Memorandum

To: Waxahachie City Council  
From: James Villarreal, Assistant Director Sports Complex  
Thru: Michael Scott, City Manager  
Date: April 15<sup>th</sup>, 2020  
Re: Waxahachie Sports Complex Parking Lot Phase III

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On Tuesday, April 14, 2020 the Waxahachie Community Development Corporation (WCDC) convened to consider approval of awarding a bid for Phase III of the Sports Complex Parking improvements.

The supporting documentation presented at that meeting is attached for your review and consideration.

The WCDC Board unanimously voted to approve the parking lot improvements in the amount of **\$730,497.92**. Again, these funds were budgeted for within the 2019-20 Sports Complex operating budget.



## Memorandum

To: Waxahachie Community Development Corporation  
From: James Villarreal, Assistant Director Sports Complex  
Thru: Michael Scott, City Manager  
Date: March 31, 2020  
Re: Waxahachie Sports Complex Parking Lot Phase III

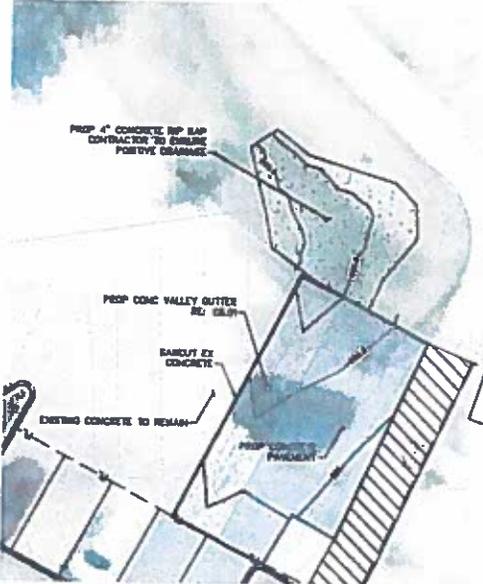
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On Tuesday March 26<sup>th</sup> 2020 the City of Waxahachie received sealed bids from 7 contractors. Bid opening took place at the Parks and Recreation Building at 10:00 am. The opening was conducted by Misty Christian with Kimley-Horn, as well as John Smith, and myself. Kimley-Horn provided a call in number and passcode for all contractors to be included in the live bid opening via conference call. The summary of bids as well an audio recording was posted to CIVCAST in which all contractors are familiar with to view the summary and listen to the audio recording.

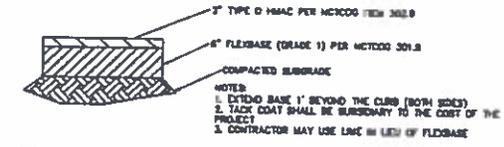
Kimley-Horn has reviewed the bids and the qualifications of the lowest bidder qualifications. Based on these reviews, it appears SPI Asphalt Argyle, TX. is the lowest qualified, responsive bidder.

It is staff's recommendation to award the bid to SPI Asphalt in the amount of \$503,058.00 Base Bid North Lot and South Lot, \$124,555.00 Alternate #1, and \$57,884.92 Alternate #3. In addition to the scope included in the bid, we recommend to allocate \$15,000.00 for testing services and \$30,000.00 for contingency. Therefore, we recommend the award of the bid to SPI Asphalt and a construction budget amount of \$730,497.92 for this project. If you recall, \$748,000 was in the FY19-20 Budget for the construction phase of this project.

**NORTH LOT DRAINAGE**

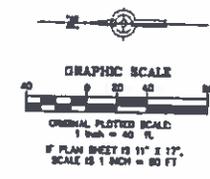


- NOTES**
1. ADJUSTMENTS TO THE PAVING CURB AND GUTTER MAY BE MADE WITH CITY APPROVAL IN ORDER TO AVOID SPRINKLERS AND LIGHT POLES.
  2. REMOVING AND REINSTALLING HANDCAP SIGNS AND WHEEL STOPS WITHIN THE PARKING AREA IN ORDER TO INSTALL THE PAVEMENT MARKINGS SHALL BE CONSIDERED SUBSIDIARY TO THE COST OF THE PROJECT.
  3. EXISTING TREES SHALL REMAIN AND SHALL BE PROTECTED. CONTRACTOR TO SEAL COAT AND RE-STRIP ALL EXISTING PAVEMENT.
  4. FOR HANDICAPPED STRIPING DETAILS, RE. C102.

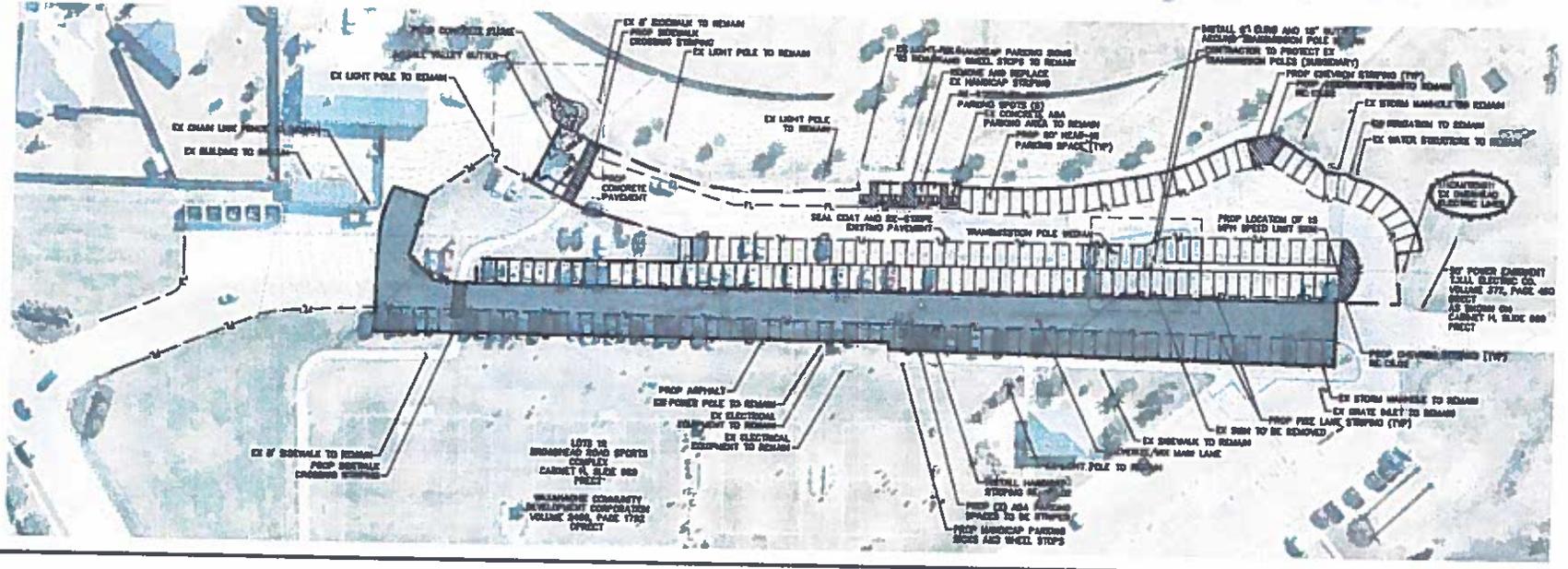
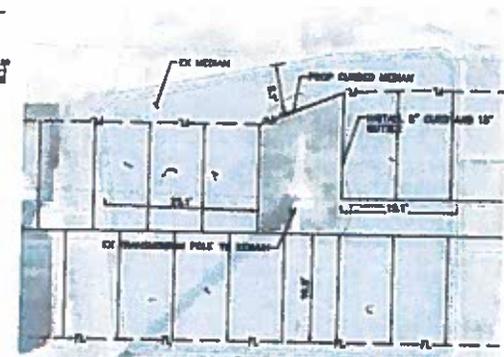


1. PARKING LOT TYPICAL SECTION  
C1.01 PROPOSED ASPHALT PAVING

- LEGEND**
- PROPOSED ASPHALT PAVEMENT
  - PAVEMENT/ASPH EXISTING PAVEMENT
  - SEAL COAT AND RE-STRIP EXISTING PAVEMENT



**TRANSMISSION POLE MEDIAN**



2020-02-18 16:21:44, Sacramento, CA  
 2020-02-18 16:23:32 (Overhaul) [User Name]  
 2020-02-18 16:23:32 (Overhaul) [User Name]  
 2020-02-18 16:23:32 (Overhaul) [User Name]

**CITY OF WAXAHACHIE  
WAXAHACHIE SPORTS COMPLEX  
PARKING LOT IMPROVEMENTS  
PHASE III**

---

**BASE BID  
NORTH PARKING LOT  
SITE AND STRIPING PLAN**

DATE: FEBRUARY 2020  
 DESIGN: USC  
 DRAWN: [Name]  
 CHECKED: GLS  
 PWA MAIL: 081260747

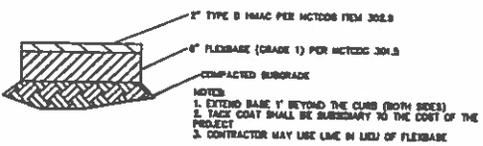
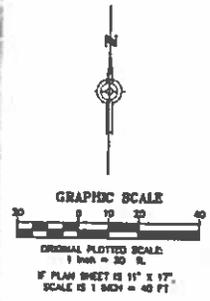
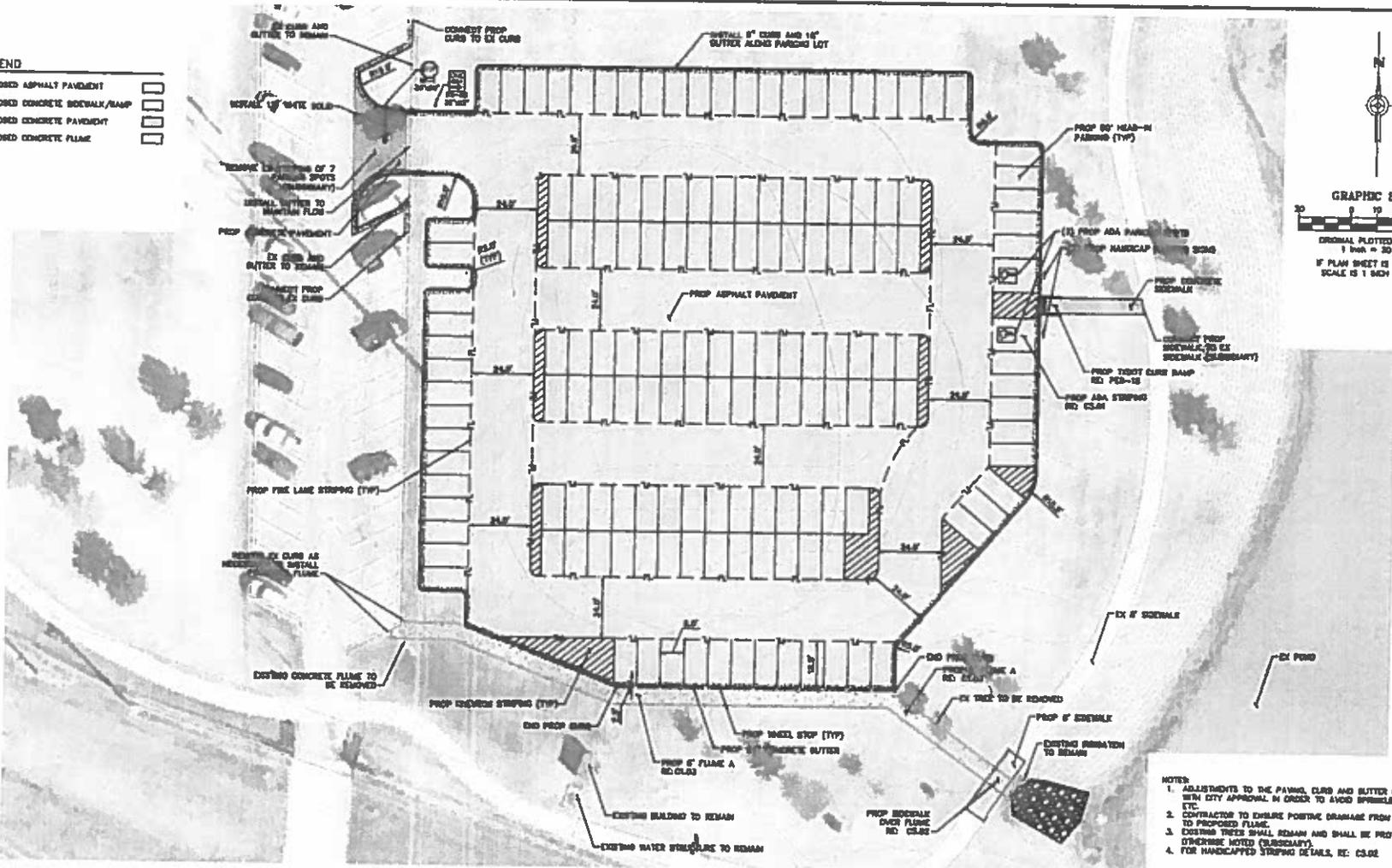
1971

**C1.01**

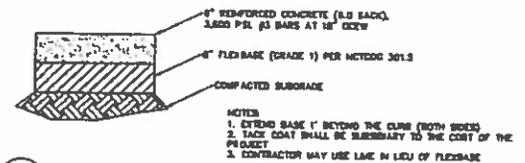
2020-02-18 16:21:54, Birmingham, AL  
 2020-02-18 16:22:28, [User Name]  
 [User Name]  
 [User Name]

**LEGEND**

PROPOSED ASPHALT PAVEMENT	[Pattern]
PROPOSED CONCRETE SIDEWALK/RAMP	[Pattern]
PROPOSED CONCRETE PAVEMENT	[Pattern]
PROPOSED CONCRETE CURB	[Pattern]



1 PARKING LOT TYPICAL SECTION  
 C1.02 PROPOSED ASPHALT PAVING



2 PARKING LOT TYPICAL SECTION  
 C1.02 PROPOSED CONCRETE PAVING

- NOTES**
1. ADJUSTMENTS TO THE PAVING, CURB AND BUTTER MAY BE MADE WITH CITY APPROVAL IN ORDER TO AVOID UNNECESSARY LIGHT POLES, ETC.
  2. CONTRACTOR TO ENSURE POSITIVE DRAINAGE FROM PROPOSED LOT TO PROPOSED FLUME.
  3. EXISTING TREES SHALL REMAIN AND SHALL BE PROTECTED UNLESS OTHERWISE NOTED OTHERWISE.
  4. FOR HANDICAPPED STRIPING DETAILS, RE: C3.02

**Kimley»Horn**

1000 N. UNIVERSITY BLVD., SUITE 100  
 BIRMINGHAM, AL 35293  
 TEL: 205.988.1000  
 FAX: 205.988.1001  
 WWW.KIMLEY-HORN.COM

**CITY OF WAXAHACHIE  
 WAXAHACHIE SPORTS COMPLEX  
 PARKING LOT IMPROVEMENTS  
 PHASE III**

**BASE BID  
 SOUTH PARKING LOT  
 SITE AND STRIPING PLAN**

DATE:	FEBRUARY, 2020
DESIGNER:	MDG
DRAWN:	WWS
CHECKED:	ELS
DATE:	02/12/2020

SHEET NUMBER

**C1.02**

(47)







(40)

## Memorandum

To: Honorable Mayor and City Council  
From: Albert Lawrence, Assistant City Manager *ASL*  
Thru: Michael Scott, City Manager *MS*  
Date: April 15, 2020  
Re: Consider Resolution to Deny Rate Increase Request by Oncor

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**Item Description:** Consider resolution to deny Oncor's request to increase its distribution rates within the City; authorizing participation with the Oncor Cities Steering Committee; and authorizing the hiring of legal counsel and consulting services.

**Item Summary:** Oncor has submitted a request to the Public Utility Commission (PUC) to amend its Distribution Cost Recovery Factor which would ultimately increase their distribution revenues by \$75,889,531. This would equate to approximately a \$0.88 increase to the average residential customers' monthly bill. Staff recommends adopting a resolution denying this rate increase.

The City of Waxahachie has retained jurisdiction to regulate utility rates and is an active member of the Oncor Cities Steering Committee (OCSC). The OCSC is a large group of similarly situated cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor's service area in matters before the PUC and the courts. In the past, the OCSC, with assistance from legal firms and consultants, have been very successful in negotiating terms of utility rate increases that were significantly lower than originally requested by Oncor. This success has been instrumental in saving money for our residents and businesses.

**Fiscal Impact:** The City of Waxahachie is already a member of the OCSC and there will be no additional costs associated with hiring of legal services or consultants to conduct the rate negotiations on behalf of the OCSC. All expenses associated with this rate must be reimbursed by Oncor. Legal counsel and consultants approved by OCSC will submit monthly invoices that will be forwarded to Oncor for reimbursement.

(4C)

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY OF CITY OF WAXAHACHIE, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH ONCOR CITIES STEERING COMMITTEE; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.**

WHEREAS, the City of Waxahachie, Texas ("City") is an electric utility customer of Oncor Electric Delivery Company LLC ("Oncor" or "Company"), and a regulatory authority with an interest in the rates and charges of Oncor; and

WHEREAS, the Oncor Cities Steering Committee ("OCSC") is a coalition of similarly situated cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor's service area in matters before the Public Utility Commission ("Commission") and the courts; and

WHEREAS, on or about April 3, 2020, Oncor filed with the Commission an Application to Amend its Distribution Cost Recovery Factor ("DCRF"), Commission Docket No. 50734, seeking to increase distribution rates by \$75.9 million annually (an approximately \$0.88 increase to the average residential customer's bill); and

WHEREAS, the City of Waxahachie will cooperate with OCSC in coordinating their review of Oncor's DCRF filing with designated attorneys and consultants, prepare a common response, negotiate with the Company, and direct any necessary litigation, to resolve issues in the Company's filing; and

WHEREAS, all electric utility customers residing in the City will be impacted by this ratemaking proceeding if it is granted; and

WHEREAS, working with the OCSC to review the rates charged by Oncor allows members to accomplish more collectively than each city could do acting alone; and

WHEREAS, OCSC's members and attorneys recommend that members deny Oncor's DCRF.

(40)

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

SECTION 1. That the City is authorized to participate with OCSC in Commission Docket No. 50734.

SECTION 2. That, subject to the right to terminate employment at any time, the City of Waxahachie hereby authorizes the hiring of the law firm of Lloyd Gosselink Rochelle & Townsend, P.C. and consultants to negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal Oncor's DCRF application.

SECTION 3. That the rates proposed by Oncor to be recovered through its DCRF charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

SECTION 4. That the Company shall continue to charge its existing rates to customers within the City.

SECTION 5. That the City's reasonable rate case expenses shall be reimbursed in full by Oncor within 30 days of the adoption of this Resolution.

SECTION 6. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

SECTION 7. That a copy of this Resolution shall be sent to Tab Urbantke, Attorney for Oncor, at Hunton Andrews Kurth LLP, 1445 Ross Avenue, Suite 3700, Dallas, Texas 75202, and to Thomas Brocato, General Counsel to OCSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, TX 78767-1725, or [tbrocato@lglawfirm.com](mailto:tbrocato@lglawfirm.com).

PASSED AND APPROVED this 20th day of April, 2020.

\_\_\_\_\_  
David Hill, Mayor

ATTEST:

\_\_\_\_\_  
Lori Cartwright, City Secretary

(40)

APPROVED AS TO FORM:

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Robert Brown, City Attorney

Mr. Brocato's Direct Line: (512) 322-5857  
Email: [tbrocato@lglawfirm.com](mailto:tbrocato@lglawfirm.com)

## M E M O R A N D U M

TO: Steering Committee of Cities Served by Oncor ("OCSC")  
FROM: Thomas Brocato  
Patrick Dinnin  
DATE: April 7, 2020  
RE: Oncor – Distribution Cost Recovery Factor ("DCRF") filing

On April 3, 2020, Oncor Electric Delivery Company LLC ("Oncor" or "Company") filed an Application for Approval to Amend its Distribution Cost Recovery Factor ("DCRF") in Public Utility Commission of Texas ("Commission") Docket No. 50734. In the filing, the Company is seeking an increase in distribution revenues of \$75,889,531. This equals an approximately \$0.88 increase to the average residential customer's bill. This is Oncor's third DCRF filing under a law adopted in 2011 allowing electric utilities to file limited issue, limited review cases.

OCSC has engaged the services of a consultant, Mr. Karl Nalepa, to review the Company's filing. Mr. Nalepa will review the filing and identify adjustments that should be made to the Company's request. We are recommending that cities retaining original jurisdiction deny the requested relief.

The Commission's rules allow cities 60 days to act on this application. That deadline is June 2, 2020. **Accordingly, we request that each city retaining original jurisdiction schedule the draft resolution attached to this memorandum for consideration at their next council meeting.**

If you have any concerns or question please do not hesitate to contact me at (512) 322-5857, [tbrocato@lglawfirm.com](mailto:tbrocato@lglawfirm.com) or Patrick Dinnin at 512-322-5848, [pdinnin@lglawfirm.com](mailto:pdinnin@lglawfirm.com). We appreciate your continued support.



# Memorandum

To: Honorable Mayor and City Council  
From: Gumaro Martinez, Assistant Director of Parks & Recreation  
Thru: Michael Scott, City Manager  
Date: April 16, 2020  
Re: Consider Acceptance of Quote for Lee Penn Park Football Fence

---

**Item Description:** Consider accepting a quote of \$39,220 from J&K Excavation, LLC for the installation of a perimeter fence for the football field at Lee Penn Park.

**Item Summary:** Typically projects less than \$50,000 do not go through the formal competitive bid process or go to City Council for approval. Staff will gather multiple quotes and select the lowest quote for the project. However, the City utilizes this particular contractor for multiple projects throughout the year that cumulatively may put this contractor over the \$50,000 threshold as defined by the Local Government Code, Section 252 - Purchasing and Contracting Authority of Municipalities. Therefore, staff wanted bring this project to City Council for consideration.

The fence project is part of the phase III improvements to Lee Penn Park and will help control the gate and provide safety for little league football play, as well as, protect the football field. Staff gathered quotes as listed below and the \$39,220 quote from J&K Excavation was the lowest quote submitted.

Quotes received:

- J&K Excavation \$39,220
- Axperts Tree Service \$42,900
- T-Bar Fence \$67,704
- LCM Corporation \$78,392

**Fiscal Impact:** This project will be funded by the 2019 CO Park Bond Fund that has been designated for Lee Penn Park phase III Improvements and has adequate funds available.

(546)



## Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager

Date: April 15, 2020

Re: ZDC-000025-2020 2004 Howard Rd. – Used Auto Sales

---

The applicant requested to continue case no. ZDC-000025-2020 to the May 26, 2020 Planning and Zoning meeting agenda, and the June 1, 2020 City Council meeting agenda.

(1)

**Planning & Zoning Department**  
**Zoning Staff Report**



**Case: ZDC-000017-2020**

**MEETING DATE(S)**

*Planning & Zoning Commission:* March 24, 2020

*City Council:* April 20, 2020 (continued from April 6, 2020)

**ACTION SINCE INITIAL STAFF REPORT**

At the City Council meeting, held April 6, 2020, the City Council voted 5-0 to continue case number ZDC-000017-2020 to the April 20, 2020 City Council meeting.

**CAPTION**

*Public Hearing* on a request by Jeff Crannell, CCM Engineering, for a Zoning Change from a Planned Development-34-Multiple Family-1/General Retail, Single Family-3 and Multiple Family-1 zoning district to Planned Development-Two Family Residential Duplex, with Concept Plan, located at the NW corner of Peters Street at Graham Street (Property ID 193944) - Owner: WAXAHACHIE ISD (ZDC-000017-2020)

**APPLICANT REQUEST**

The purpose of this request is to create a residential planned development that allows for 120 townhome lots.

**CASE INFORMATION**

*Applicant:* Jeff Crannell, CCM Engineering

*Property Owner(s):* Waxahachie ISD

*Site Acreage:* 24.76 acres

*Current Zoning:* Planned Development-34-Multiple Family-1/General Retail, Single Family-3 and Multiple Family-1

*Requested Zoning:* Planned Development-Two Family Residential

**SUBJECT PROPERTY**

*General Location:* NW corner of Peters Street at Graham Street

*Parcel ID Number(s):* 193944

*Existing Use:* Currently Undeveloped/Open Space

*Development History:* N/A

(1)

**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	SF3	WISD
East	MF1	Waxahachie Housing Authority
South	SF3	Single Family Residential
West	SF3	Highland Park Subdivision

*Future Land Use Plan:*

Low Density Residential and Public/Semi-Public

*Comprehensive Plan:*

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

**Low Density Residential:** 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 N. Getzendaner Ave. and Peters St.

*Site Image:*



**PLANNING ANALYSIS**

**Case History**

On November 12, 2019, the applicant presented a proposed Planned Development consisting of 127 (70 patio home lots and 57 single family) mixed residential uses on 24.76 acres to the Planning and Zoning Commission. Largely due to the development not meeting the lot size requirements, the Planning and Zoning Commission voted 6-0 to recommend denial for the proposed development. On November 14, 2019, the applicant decided not to appeal to the City Council.

(1)

On March 24, 2020, the Planning and Zoning Commission voted 4-1 to approve the applicant's second submittal, ZDC-17-2020, consisting of 120 townhome lots and dedicating 9 acres to the City of Waxahachie. Subsequently, the City Council voted 5-0 to continue the case to the April 20, 2020 City Council meeting.

Purpose of Request:

The purpose of this request is to create a residential planned development that allows for townhome uses.

Proposed Use:

The developer intends to develop one hundred and twenty (120) townhomes on 15.68 acres. The project is projected to be constructed in one phase, and the applicant also intends to dedicate 9 acres of the 24.76 total acres to Friendship Missionary Baptist Church (1 acre) and the City of Waxahachie (8 acres) to be used for open space or possibly city park land that will abut and connect to the existing Lee Penn Park.

Note: If this case is approved, it will remove the existing Multi Family zoning that will allow apartments in the subject area.

CHANGES FROM THE 4/6/20 CITY COUNCIL MEETING

- Dedicating 8 acres of land to the City of Waxahachie (originally proposed 9 acres)
- Dedicating 1 acre of land to the adjacent church (Friendship Missionary Baptist Church)

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

- Open Space (8 acres dedicated to City of Waxahachie)
- 1 acre dedicated to adjacent church (Friendship Missionary Baptist Church)
- Walking Trail (connecting to Lee Penn Park)
- Home Owner's Association

Conformance with the Comprehensive Plan:

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

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

Development Standards:

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

Permitted Uses:

- Townhomes
- Open Space/Park

(1)

**Table 2: Proposed Planned Development Standards (Two Family)**

**\*Per 5.09 Single Family Attached (Townhomes)**

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

Standard	City of Waxahachie	Symphony Estates Proposed	Meets Y/N
Min. Lot Area (Sq. Ft.)	3,630	3,640	Yes
Min. Dwelling Unit (Sq. Ft.)	1,000	1,300	Yes
Min. Front Yard (Ft.)	15	20	Yes
Min. Side Yard (Ft.)	0	10	Yes
Min. Rear Yard (Ft.)	10	10	Yes
Max. Height	2 stories	2 stories	Yes
Max. Lot Coverage (%)	<b>50</b>	65	No
Parking	2 behind front building plane, at least 1 enclosed	2 car garage with 2 spaces in front of the garage	Yes

The base zoning(s) for the subject property consist of Multi Family-1, Single Family-3, and General Retail. The table below (Table 3) depicts the zoning requirements for each use.

**Table 3: Subject Property Base Zoning(s) Standards**

Standard	Multi Family-1	Single Family-3	General Retail
Min. Lot Area (Sq. Ft.)	7,260/Lot	10,000	7,000
Min. Dwelling Unit (Sq. Ft.)	600/unit + 100/bedroom. 450/efficiency	1,200	N/A
Min. Front Yard (Ft.)	25	30	40
Min. Side Yard (Ft.)	50	10; 15 (ROW)	20; 0 (adj. to retail)
Min. Rear Yard (Ft.)	50	25	20; 25 (adj. to residential)
Max. Height	2 stories	2 stories	2 stories
Max. Lot Coverage (%)	40	50	40

**ADDITIONAL PROJECT NOTES:**

- A 6ft. brick screening wall will be constructed along Graham Street
- Minimum masonry will be 75%
- Masonry products will offer a selection of brick and stone accents
- Outside storage is prohibited
- Carports are prohibited
- A sidewalk will be constructed along Graham Street

**NEIGHBORHOOD OUTREACH**

On February 20, 2020, the applicant met with surrounding neighborhood residents at Friendship Missionary Baptist Church (Waxahachie, TX) to discuss the two proposed development ideas. At the conclusion of the meeting, it was determined that the general consensus supported the original development of single family homes and townhomes that was presented to the Planning and Zoning Commission on November 12, 2019.

**SPECIAL EXCEPTION/VARIANCE REQUEST**

**Lot Coverage**

Per the City of Waxahachie Zoning Ordinance, the maximum lot coverage for townhomes is 50%. The applicant is proposing 65% lot coverage.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 113 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.

**PON RESPONSES**

Staff received five (5) letters of opposition for the proposed development.

**STAFF CONCERNS**

- 1. Staff has no outstanding concerns for the applicant.

**APPLICANT RESPONSE TO CONCERNS**

- 1. Staff has no outstanding concerns for the applicant.

**RECOMMENDATION**

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

- Denial
- Approval, as presented.
- Approval, per the following comments:
  - 1. Per the applicant's request, a Development Agreement will be required for the development.
  - 2. The applicant shall dedicate 9 acres of the 24.76 total acres to Friendship Missionary Baptist Church (1 acre) and the City of Waxahachie (8 acres) to be used for open space or possibly city park land that will abut and connect to the existing Lee Penn Park.
  - 3. A walking trail shall be provided to connect to Lee Penn Park.
  - 4. The Symphony Estates development shall consist of a Home Owner's Association.
  - 5. The maximum lot coverage for the development shall be 65%.
  - 6. A 6ft. brick screening wall will be constructed along Graham Street. Ornamental fencing with masonry columns shall surround the remainder of the property.
  - 7. A minimum of 20 parking spaces shall be provided for overflow (visitors) parking.
  - 8. A 6ft. (minimum) sidewalk will be constructed along Graham Street
  - 9. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.

**ATTACHED EXHIBITS**

- 1. Development Agreement/Ordinance
- 2. Location Exhibit
- 3. Concept Plan
- 4. PON Responses

(1)

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*  
Colby Collins  
Senior Planner  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

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

Case ZDC-00017-2020  
 Responses Received Inside Required 2007 Notification Area  
 Support: 0 Oppans: 5

Owner/ID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
173782	MICRELAND WYMAN ANN	0.173	2.3 TOM GRAMM 0.173 ACRES	302 GRAMM ST	WALAHACHE	TX	75108	302 GRAMM ST WALAHACHE TX 75108
173783	HANDBS WILLIE E SR & OWENDELVYN	0.215	2.48 3 TOM GRAMM 0.215 ACRES	1501 BRACKENS ST	WALAHACHE	TX	75108	1501 BRACKENS ST WALAHACHE TX 75108
173783	BLANCH WICK	0.175	1.9 TOM GRAMM 0.175 ACRES	300 GRAMM ST	WALAHACHE	TX	75108	300 GRAMM ST WALAHACHE TX 75108
173772	JANSHEN MATYLENE L	0.181	LOT 2 BLK 2 TOM GRAMM 181 AC	294 GRAMM ST	WALAHACHE	TX	75108	294 1/2 GRAMM ST WALAHACHE TX 75108
173773	RAMIREZ RICARDO & ELVA A RAMIREZ	0.022	LOT 3 BLK 2 TOM GRAMM 302 AC	115 BROCK LN	MILLSAP	TX	76080	304 GRAMM ST WALAHACHE TX 75108
173774	DAVIS MARA DEBRA V	0.161	2.4 TOM GRAMM 0.161 ACRES	208 GRAMM ST	WALAHACHE	TX	75108	208 GRAMM ST WALAHACHE TX 75108
173775	DAVIS MARTIN V	0.213	0.78 2 TOM GRAMM 0.213 ACRES	208 GRAMM ST	WALAHACHE	TX	75108	1500 BRACKENS ST WALAHACHE TX 75108
173781	DAVIS MARY A	0.161	1.2 TOM GRAMM 0.161 ACRES	204 GRAMM ST	WALAHACHE	TX	75108	204 GRAMM ST WALAHACHE TX 75108
173784	WREN LADD	0.47	TR 17 B HAMPTON HILLS 2 0.47 ACRES	1915 PERRIS AVE	WALAHACHE	TX	75108	014 GRAMM ST WALAHACHE TX 75108
174021	R-H DEVELOPMENT GROUP LLC	0.138	1.9 48 HIGHLAND PARK 0.138 AC	1114 PERRY AVE	WALAHACHE	TX	75108	711 PERRY AVE WALAHACHE TX 75108
174029	DAVIS CLIFTON	0.138	46 HIGHLAND PARK 0.138 ACRES	128 ROCEDO RD	WALAHACHE	TX	75108	711 PERRY AVE WALAHACHE TX 75108
174029	MC GRUDER MAGONOLA	0.138	41 HIGHLAND PARK 0.138 ACRES	704 PERRY AVE	WALAHACHE	TX	75108	704 PERRY AVE WALAHACHE TX 75108
174033	JACKSON VINCENT	0.138	44 HIGHLAND PARK 0.138 ACRES	808 STAIN GLASS DR	WALAHACHE	TX	75108	711 PERRY AVE WALAHACHE TX 75108
174034	VELA ESTANISLAO JR	0.138	LOT 46 HIGHLAND PARK 138 AC	121 PERRY AVE	WALAHACHE	TX	75108	723 PERRY AVE WALAHACHE TX 75108
174035	JORDAN BRENDA & RONALD L LEVINGSTON JR	0.138	47 HIGHLAND PARK 0.138 ACRES	P O BOX 45	WALAHACHE	TX	75108	717 PERRY AVE WALAHACHE TX 75108
174039	JOHNSON BESSIE ORACE	0.138	48 HIGHLAND PARK 0.138 ACRES	715 PERRY AVE	WALAHACHE	TX	75108	715 PERRY AVE WALAHACHE TX 75108
174037	STRAUGHTON WOODENOMINATIONAL CHURCH	0.241	LOT 37A HIGHLAND PARK ADDN-REV 241 AC	PO BOX 342	WALAHACHE	TX	75108	714 PERRY AVE WALAHACHE TX 75108
174039	EDUARDO DONTAR	0.121	39 HIGHLAND PARK 0.121 ACRES	702 PERRY AVE	WALAHACHE	TX	75108	720 PERRY AVE WALAHACHE TX 75108
174040	JONES PERRY & MAGGIE LACEY	0.121	40 HIGHLAND PARK 0.121 ACRES	722 PERRY AVE	WALAHACHE	TX	75108	722 PERRY AVE WALAHACHE TX 75108
174043	DAVIS CARROLL & CLAYTON HARRINGTON	0.172	LOT 32-33 HIGHLAND PARK 172 AC	2034 MEDONAY DR	FORT WORTH	TX	76133	708 PERRY AVE WALAHACHE TX 75108
174044	ERSHINE KATEEN & ERSKINE HELEN & ERSKINE LAKESHA & ERSKINE DON	0.096	34 HIGHLAND PARK 0.096 ACRES	P BOX 3945	WALAHACHE	TX	75108	718 PERRY AVE WALAHACHE TX 75108
174045	ERSKINE KATEEN & ERSKINE HELEN & ERSKINE LAKESHA & ERSKINE DON	0.096	35 HIGHLAND PARK 0.096 ACRES	P BOX 3945	WALAHACHE	TX	75108	712 PERRY AVE WALAHACHE TX 75108
174046	DALLAS SMOUL INVESTMENTS LP	0.121	LOT 36 HIGHLAND PARK 0.121 AC	3085 STEAKHOUSE FWY	DALLAS	TX	75247	714 PERRY AVE WALAHACHE TX 75108
174047	ROSS LINDA & FOSTER	0.096	LOT 24 HIGHLAND PARK 096 AC	1317 CARDOAN LN	DE SOTO	TX	75116	600 PERRY AVE WALAHACHE TX 75108
174048	ERSKINE KATEEN & ERSKINE HELEN & ERSKINE LAKESHA & ERSKINE DON	0.096	LOT 25 HIGHLAND PARK 0.096 AC	211 CARDOAN LN	DE SOTO	TX	75116	600 PERRY AVE WALAHACHE TX 75108
174050	STEELE BRISSE LEE NEALY & SANDRA WACKER	0.096	LOT 29 HIGHLAND PARK 0.096 AC	636 AZALEA DR	RED OAK	TX	75154	700 PERRY AVE WALAHACHE TX 75108
174051	EDWARDS DONTAE & ERICA	0.096	LOT 30 HIGHLAND PARK 096 AC	703 PERRY	WALAHACHE	TX	75108	703 PERRY AVE WALAHACHE TX 75108
174052	HARIST FDR HUMANITY OF COLLIS COUNTY TX INC	0.096	LOT 19 HIGHLAND PARK 0.096 AC	PO BOX 157	WALAHACHE	TX	75108	800 PERRY AVE WALAHACHE TX 75108
174054	CASH ALESHA ETAL	0.096	LOT 20 HIGHLAND PARK 0.096 AC	240 ROCKY HILLS PL	DALLAS	TX	75146	704 PERRY AVE WALAHACHE TX 75108
174054	ONCOR ELECTRIC DELIVERY COMPANY CIO STATE & LOCAL TAX DEPT	0.096	LOT 21 HIGHLAND PARK 0.096 AC	PO BOX 126100	DALLAS	TX	75231	804 PERRY AVE WALAHACHE TX 75108
174055	ONCOR ELECTRIC DELIVERY COMPANY CIO STATE & LOCAL TAX DEPT	0.096	LOT 22 HIGHLAND PARK 0.096 AC	PO BOX 126100	DALLAS	TX	75231	804 PERRY AVE WALAHACHE TX 75108
174057	MARCO MUR A	0.096	LOT 13 HIGHLAND PARK 0.096 AC	PO BOX 1	FORRESTON	TX	76841	308 PERRY AVE WALAHACHE TX 75108
174058	WILLIAMS JAMES R	0.096	LOT 14 HIGHLAND PARK 0.096 AC	PO BOX 1918	WALAHACHE	TX	75108	400 PERRY AVE WALAHACHE TX 75108
174059	CAVITY WALLIE	0.096	LOT 15 HIGHLAND PARK 0.096 AC	108 JIM ST	WALAHACHE	TX	75108	402 PERRY AVE WALAHACHE TX 75108
174061	SLAUGHTER DOROTHY JEAN & FREDRICK SLAUGHTER	0.172	LOT 17 18 HIGHLAND PARK 0.172 AC	408 PERRY AVE	WALAHACHE	TX	75108	488 PERRY AVE WALAHACHE TX 75108
174062	COOKS DOROTHY RUTH	0.096	LOT 8 HIGHLAND PARK 0.096 AC	208 PERRY AVE	WALAHACHE	TX	75108	308 PERRY AVE WALAHACHE TX 75108
174063	MINOR DOROTHY & JAMES MINOR ETAL	0.096	LOT 9 HIGHLAND PARK 0.096 AC	322 GREATWATER RD	WALAHACHE	TX	75107	308 PERRY AVE WALAHACHE TX 75108
174069	RODRIGUEZ SANDRA	0.092	LOT 11 HIGHLAND PARK 0.092 AC	1721 OBSSON RD	WALAHACHE	TX	75108	304 PERRY AVE WALAHACHE TX 75108
174068	HARNSBERRY S M JR	0.096	LOT 12 HIGHLAND PARK 0.096 AC	PO BOX 2026	WALAHACHE	TX	75108	308 PERRY AVE WALAHACHE TX 75108
174071	CASTRO MARY & LUTHER CASTRO	0.096	LOT 7 HIGHLAND PARK 096 AC	208 PERRY ST	WALAHACHE	TX	75108	208 PERRY AVE WALAHACHE TX 75108
174088	VIEW LAKE	0.178	LOT 74 HIGHLAND PARK 0.178 AC	1728 PERRY AVE	WALAHACHE	TX	75108	308 PERRY AVE WALAHACHE TX 75108
174103	HATTER AUDIE RAE	0.138	69 HIGHLAND PARK 0.138 ACRES	305 PERRY AVE	WALAHACHE	TX	75108	305 PERRY AVE WALAHACHE TX 75108
174104	JEFFERSON LULA M	0.138	70 HIGHLAND PARK 0.138 ACRES	309 SADDLER ST	WALAHACHE	TX	75108	303 PERRY AVE WALAHACHE TX 75108
174105	BRIDGEMAN MICHAEL	0.125	67 HIGHLAND PARK 0.125 ACRES	24 HIGHLAND PARK	DUNCANVILLE	TX	75116	304 PERRY AVE WALAHACHE TX 75108
174106	CFP INVESTMENTS LLC	0.221	LOT 77 HIGHLAND PARK 0.221 AC	1826 PIERCE RD	RED OAK	TX	75154	308 PERRY AVE WALAHACHE TX 75108
174107	HERNANDEZ ISELA & FRANCISCO	0.321	LOT 73 HIGHLAND PARK 0.321 AC	3450 S BOSS LOT 143	WALAHACHE	TX	75108	303 PERRY AVE WALAHACHE TX 75108
174108	FOUR POINT INVESTMENTS GROUP LLC	0.138	LOT 64 HIGHLAND PARK 138 AC	1411 STYCAMER ST	WALAHACHE	TX	75109	407 PERRY AVE WALAHACHE TX 75108
174109	VENTURES PLUS	0.138	65 HIGHLAND PARK 0.138 ACRES	1222 COMMERCE ST	DALLAS	TX	75202	488 PERRY AVE WALAHACHE TX 75108
174110	BMAX PROPERTIES LLC	0.138	66 HIGHLAND PARK 0.138 ACRES	1518 N HAMPTON RD STE 200	DE SOTO	TX	75119	403 PERRY AVE WALAHACHE TX 75108
174111	MILES JIMMY DON	0.138	67 HIGHLAND PARK 0.138 ACRES	401 PERRY AVE	WALAHACHE	TX	75108	403 PERRY AVE WALAHACHE TX 75108
174112	VATES MYLE ETAL	0.138	68 HIGHLAND PARK 0.138 ACRES	207 PERRY AVE	WALAHACHE	TX	75108	207 PERRY AVE WALAHACHE TX 75108
174113	BRIDGES KAHNJI	0.138	LOT 56 HIGHLAND PARK 0.138 ACRES	410 BLUE BONNET LN	RED OAK	TX	75154	801 PERRY AVE WALAHACHE TX 75108
174114	ONCOR ELECTRIC DELIVERY COMPANY CIO STATE & LOCAL TAX DEPT	0.138	69 HIGHLAND PARK 0.138 ACRES	PO BOX 126100	DALLAS	TX	75231	801 PERRY AVE WALAHACHE TX 75108
174115	ACQUINE JOSE & MARLA	0.138	81 HIGHLAND PARK 0.138 ACRES	79 VILLAGE SOUTH MHP	MIDLOTHIAN	TX	76065	805 PERRY AVE WALAHACHE TX 75108
174116	POWTER HAROLD	0.138	82 HIGHLAND PARK 0.138 ACRES	503 PERRY AVE	WALAHACHE	TX	75108	503 PERRY AVE WALAHACHE TX 75108
174117	WOODS AUDREY	0.138	83 HIGHLAND PARK 0.138 ACRES	961 PERRY AVE	WALAHACHE	TX	75108	961 PERRY AVE WALAHACHE TX 75108
174118	MARTINEZ ALEJA R & OSCAR JR	0.138	LOT 54 HIGHLAND PARK 0.138 AC	703 PERRY AVE	WALAHACHE	TX	75108	703 PERRY AVE WALAHACHE TX 75108
174119	RYAN LISA MARSH	0.138	LOT 55 HIGHLAND PARK 0.138 AC	100 HILK HIGHLAND	WALAHACHE	TX	75108	100 HILK HIGHLAND WALAHACHE TX 75108
174120	RICHARDSON SHERRI DOLL	0.138	56 HIGHLAND PARK 0.138 ACRES	286A S CEDAR RIDGE DR	DUNCANVILLE	TX	75116	605 PERRY AVE WALAHACHE TX 75108
174121	BRIDGES KAHNJI	0.138	LOT 57 HIGHLAND PARK 0.138 AC	275 B-LAKE	WALAHACHE	TX	75108	605 PERRY AVE WALAHACHE TX 75108
174122	BRIDGES KAHNJI	0.138	LOT 58 HIGHLAND PARK 0.138 ACRES	419 BLUEBONNET LN	RED OAK	TX	75154	603 PERRY AVE WALAHACHE TX 75108
174123	WOGFALL D LEONARD	0.138	52 HIGHLAND PARK 0.138 ACRES	721 BLUESTEM RD	DALLAS	TX	75249	701 PERRY AVE WALAHACHE TX 75108
174127	WOGFALL LEONARD D	0.138	53 HIGHLAND PARK 0.138 ACRES	7324 BLUESTEM	DALLAS	TX	75240	708 PERRY AVE WALAHACHE TX 75108
174168	WILLIAMS HELEN L	0.19	LOT 7 BRANCHES-REV 19 AC	114 BRANCHES ST	WALAHACHE	TX	75109	117 COOK ST WALAHACHE TX 75108
174169	APRACE INVESTMENTS LLC	0.138	21-22 NEW TOWN HEIGHTS 0.138 ACRES	168 LEATHERWOOD ST	WALAHACHE	TX	75108	168 LEATHERWOOD ST WALAHACHE TX 75108
174915	WASHINGTON WINDLE R	0.19	LOT 20 & 30 NEW TOWN HEIGHTS 190 AC	116 LEATHERWOOD ST	WALAHACHE	TX	75108	116 LEATHERWOOD ST WALAHACHE TX 75108
174923	APRACE INVESTMENTS LLC	0.24	10-12 NEW TOWN HEIGHTS 0.24 ACRES	1050 PIERCE RD	RED OAK	TX	75154	1050 PIERCE RD WALAHACHE TX 75108
174994	MACROLE PARK VENTURES LLC	2.009	2.9 HIGHLAND PARK 2.009 ACRES	4700 COMPASS BOW LN	LAS VEGAS	NV	89130	425 PETERS ST WALAHACHE TX 75108
174995	BURLESON PROP INC	34.51	PT 3 346 HIGHLAND PARK 34.51 ACRES	PO BOX 579	WALAHACHE	TX	75108	PARKS SCHOOL HOUSE RD WALAHACHE TX 75108
175000	WALAHACHE DMA HOUSING LP	5.33	48 2 HIGHLAND PARK 5.33 ACRES	4101 PARKSTONE HEIGHTS DR STE 310	AUSTIN	TX	78708	408 PETERS ST WALAHACHE TX 75108
175002	RAY JIMMIE E & MELBA	0.349	8 2 HIGHLAND PARK 0.349 ACRES	3972 W HWY 84 BOX 322	TYLER	TX	75704	308 GRAMM ST WALAHACHE TX 75108
175015	HAMIL TOM HARRISTAR W CEDRICK BYRD	0.096	9 TEMPLE 0.096 ACRES	3418 MAPLELEAP LN	DALLAS	TX	75233	709 GETZENDAMER ST WALAHACHE TX 75108
175016	APRACE INVESTMENTS LLC	0.4642	LOT 7A BLK 7 TEMPLE-REV 4642 AC	1088 PIERCE RD	RED OAK	TX	75154	801 GETZENDAMER ST WALAHACHE TX 75108
175029	CARSON DONNA	0.177	1 TEMPLE 0.177 ACRES	208 PATRICK ST APT 56	WALAHACHE	TX	75108	808 GETZENDAMER ST WALAHACHE TX 75108
175021	WILLIAMS CHRISTINE & DAVID E	0.127	2 TEMPLE 0.127 ACRES	611 GETZENDAMER	WALAHACHE	TX	75108	611 GETZENDAMER ST WALAHACHE TX 75108
175022	DAVIS JOHN & BEVERLY THOMPSON	0.331	3 TEMPLE 0.331 ACRES	710 MECHANICAL LN	WALAHACHE	TX	75107	680 GETZENDAMER ST WALAHACHE TX 75108
175024	HARRIS MICHAEL & LINDA	0.106	5 TEMPLE 0.106 ACRES	705 N GETZENDAMER ST	WALAHACHE	TX	75108	705 GETZENDAMER ST WALAHACHE TX 75108
175025	R-H DEVELOPMENT GROUP LLC	0.38	LOT 5-B BLK 5 TEMPLE-REV 0.38 AC	111 BISHOP TRL	DE SOTO	TX	75119	619 GETZENDAMER ST WALAHACHE TX 75108
175027	CHRISTIANI ELEANOR	0.322	1 2-3 TEMPLE 0.322 ACRES	113 COOK ST	WALAHACHE	TX	75108	611 GETZENDAMER ST WALAHACHE TX 75108
175029	BELTON TAMATHA Y TAYLOR	0.319	LOT 4-B BLK 6 TEMPLE-REV 0.319 AC	1507 HALSEY DR	DUNCANVILLE	TX	75137	607 GETZENDAMER ST WALAHACHE TX 75108
175030	JACKSON VINCENT D	0.118	10 4 TEMPLE 0.118 ACRES	1412 MARTIN LUTHER KING JR BLVD	WALAHACHE	TX	75108	107 LONZO ST WALAHACHE TX 75108
175033	WOODEN WALLIE	0.138	1 5 TEMPLE 0.138 ACRES	104 LONZO ST	WALAHACHE	TX	75108	104 LONZO ST WALAHACHE TX 75108
175033	SARRAGAN JEAN & MARLA	0.092	8 TEMPLE 0.092 ACRES	184 LONZO ST	WALAHACHE	TX	75108	184 LONZO ST WALAHACHE TX 75108
175034	WIDRINE JOSEPH C	0.297	3 4-5 TEMPLE 0.297 ACRES	252 RIDER RD	ENHES	TX	75110	102 LONZO ST WALAHACHE TX 75108
175036	ESCOBEDO GILBERTO JR	0.11	LOT 3 BLK 4 TEMPLE-REV 0.11 AC	1100 PIERCE RD	RED OAK	TX	75154	186 RYBURN ST WALAHACHE TX 75108
175037	ESCOBEDO GILBERTO JR	0.11	LOT 4 BLK 4 TEMPLE-REV 0.11 AC	1100 PIERCE RD	RED OAK	TX	75154	186 RYBURN ST WALAHACHE TX 75108
175038	ESCOBEDO GILBERTO JR	0.11	LOT 7 BLK 4 TEMPLE-REV 0.11 AC	1100 PIERCE RD	RED OAK	TX	75154	807 GETZENDAMER RD WALAHACHE TX 75108
175039	BRANCH WILLIE E & EDNA F HENDERSON	0.115	9 4 TEMPLE 0.115 ACRES	158 PALM DRIVE	LANCASTER	TX	75146	186 LONZO ST WALAHACHE TX 75108
175045	JEFFERSON SCHLAA	0.3444	LOT 9R BLK 3 TEMPLE-REV 3444 AC	208 INDIAN TRACE LN	WALAHACHE	TX	75108	497 GETZENDAMER ST WALAHACHE TX 75108
175046	BATHOLOMEO REAGOS	0	LOT 46 HIGHLAND PARK 14 AC	119 COOK ST	WALAHACHE	TX	75108	718 PERRY AVE WALAHACHE TX 75108
185543	GRAMM STREET CHURCH OF CHRIST	0	272 S MEDURRETT	304 GRAMM ST	WALAHACHE	TX	75108	304 GRAMM ST WALAHACHE TX 75108
185551	FRIENDSHIP MISSIONARY BAPTIST CHURCH OF WALAHACHE	2.01	43 HIGHLAND PARK PT 3 16 HIGHLAND 2.01 ACRES	PO BOX 234	WALAHACHE	TX	75108	303 GRAMM ST WALAHACHE TX 75108
185858	WALAHACHE HOUSING AUTHORITY	0	2 NEW TOWN HEIGHTS 0.2 ACRES	208 PATRICK ST	WALAHACHE	TX	75108	800 GETZENDAMER ST WALAHACHE TX 75108
185944	WALAHACHE ESD	48.229	1A PT					



(1)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-000017-2020

LOREN GRAY INVESTMENTS LLC  
PO BOX 2868  
WAXAHACHIE, TX 75168

RECEIVED  
3/17/20

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, March 24, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 6, 2020 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 Jeff Crannell, CCM Engineering, for a Zoning Change from a Planned Development-34-Multiple Family-1/General Retail, Single Family-3 and Multiple Family-1 zoning district to Planned Development-Two Family Residential Duplex, with Concept Plan, located at the NW corner of Peters Street at Graham Street (Property ID 193944) - Owner: WAXAHACHIE ISD (ZDC-000017-2020)

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](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: ZDC-000017-2020

City Reference: 174048

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, March 18, 2020* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Signature

3/10/20  
Date

Brad Yates  
Printed Name and Title

Box 2868  
Wax. Tx. 75168  
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.*



(1)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-000017-2020



LOREN GRAY INVESTMENTS LLC  
PO BOX 2868  
WAXAHACHIE, TX 75168

RECEIVED  
3/17/20

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Case Number: ZDC-000017-2020

City Reference: 174056

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SUPPORT

OPPOSE

Comments:

Concerned with congestion from density.

[Signature]  
Signature

3/16/20  
Date

Brad Yates  
Printed Name and Title

Box 2868  
Address

Wax. Tx. 75168

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(1)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-000017-2020

LOREN GRAY INVESTMENTS LLC  
PO BOX 2868  
WAXAHACHIE, TX 75168

RECEIVED  
3/17/2020

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, March 24, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 6, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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Case Number: ZDC-000017-2020

City Reference: 174042

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Wednesday, March 18, 2020** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Concerned w/ density & congestion on existing overcrowded streets

[Signature]  
Signature

3/10/20  
Date

Brad Yates  
Printed Name and Title

Box 2868  
Address  
Wax. TX. 75168

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(1)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-000017-2020

RECEIVED  
3/17/2020

LOREN GRAY INVESTMENTS LLC  
PO BOX 2868  
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, March 24, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 6, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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Case Number: ZDC-000017-2020

City Reference: 174060

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Wednesday, March 18, 2020** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Concerned w/ density + congestion on feeder roads

[Signature]

Signature

3/10/20

Date

Brad Yates

Printed Name and Title

Box 2868

Address

Wax. Tx - 75168

*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.*



(1)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-000017-2020

RECEIVED  
3/17/2020

LOREN GRAY INVESTMENTS LLC  
PO BOX 2868  
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, March 24, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 6, 2020 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 Jeff Crannell, CCM Engineering, for a Zoning Change from a Planned Development-34-Multiple Family-1/General Retail, Single Family-3 and Multiple Family-1 zoning district to Planned Development-Two Family Residential Duplex, with Concept Plan, located at the NW corner of Peters Street at Graham Street (Property ID 193944) - Owner: WAXAHACHIE ISD (ZDC-000017-2020)

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](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: ZDC-000017-2020

City Reference: 174121

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Wednesday, March 18, 2020** to ensure inclusion in the Agenda Packet. Forms can be emailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Concerned with density & congestion on feeder roads that are already in need of replacement

  
Signature

3/10/20  
Date

Brad Yates  
Printed Name and Title

Box 2868  
Address

Wax. TX 75168

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

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

Case Number: ZDC-000017-2020

City Reference: 173774

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Wednesday, March 18, 2020** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Property values will decrease if an  
apartment is ever built.

Martin V. Davis, Sr.  
Mrs. Martin V. Davis  
Signature

03; 25. 20  
Date

Martin V. Davis, Sr.  
Printed Name and Title

208 Graham Street  
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.*

(4)

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-34-MULTI FAMILY-1 (PD-34-MF1), GENERAL RETAIL (GR), SINGLE FAMILY-3 (SF3), AND MULTI FAMILY-1 (MF1) TO PLANNED DEVELOPMENT-TWO FAMILY RESIDENTIAL (PD-2F), WITH CONCEPT PLAN LOCATED AT THE NORTHWEST CORNER OF PETERS STREET AND GRAHAM STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 24.76 ACRES KNOWN AS A PORTION OF PROPERTY ID 193944 OF THE 1& PT 3 BLOCK 1 & 3-4A-5 BLOCK 2 HI NOWLIN OF THE TURNER LEARNING CENTER ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-000017-2020. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from PD-34-MF1, GR, SF3 & MF1 to PD-2F, with Concept Plan; and

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

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

**NOW, THEREFORE**, this property is rezoned from PD-34-MF1, GR, SF3 & MF1 to PD-2F, with Concept Plan in order to facilitate development of the subject property in a manner that allows townhome structures on the following property: a portion of Property ID 193944 of the 1 & PT 3 Block 1 & 3-4A-5 Block 2 HI Nowlin of the Turner Learning Center Addition, which is shown on Exhibit A, and in accordance with the Concept Plan attached as Exhibit B.

**PLANNED DEVELOPMENT**

**Purpose and Intent**

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

(8)

### Development Standards

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

### Development Regulations

1. Per the applicant's request, a Developer's Agreement will be required for the property.
2. The applicant shall dedicate 9 acres of the 24.76 total acres to Friendship Missionary Baptist Church (1 acre) and the City of Waxahachie (8 acres) to be used for open space or possibly city park land that will abut and connect to the existing Lee Penn Park.
3. A walking trail shall be provided to connect to Lee Penn Park.
4. The Symphony Estates development shall consist of a Home Owner's Association.
5. The Symphony Estates residential development shall not exceed 120 townhome units/lots.
6. The maximum lot coverage for the development shall be 65%.
7. A 6ft. brick screening wall will be constructed along Graham Street. Ornamental fencing with masonry columns shall surround the remainder of the property.
8. A minimum of 20 parking spaces shall be provided for overflow (visitors) parking.
9. Minimum masonry requirement will be 75%. Masonry products shall offer a selection of brick and stone accents
10. Outside storage and carports are prohibited within the development.
11. A 6ft. (minimum) sidewalk will be constructed along Graham Street
12. The Site Plan shall conform as approved by the City Council under case number ZDC-000017-2020.
13. Any zoning, land use requirement, or restriction not contained within this zoning ordinance shall conform to those requirements and/or standards prescribed in Exhibits B – Concept Plan. Where regulations are not specified in Exhibit B, or in this ordinance, the regulations of Single Family Attached-Townhome zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.
14. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
15. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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

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

**PASSED, APPROVED, AND ADOPTED** on this 6<sup>th</sup> day of April, 2020.

(8)

---

MAYOR

ATTEST:

---

City Secretary

(9)

STATE OF TEXAS	§	DEVELOPMENT AGREEMENT
	§	FOR SYMPHONY ESTATES
COUNTY OF ELLIS	§	

This Development Agreement for Symphony Estates ("Agreement") is entered into between Symphony Commercial ("SC") and the City of Waxahachie, Texas ("City"). SC and the City are sometimes referred herein together as the "Parties" and individually as a "Party."

**Recitals:**

1. SC is the owner of approximately 24.76 acres of real property generally located at the NW corner of Peters Street at Graham Street, parcel number 193944, in the City of Waxahachie, Texas (the "Property"), for which he has requested a change in the Property's Planned Development-34-Multi Family-1, General Retail, Single Family-3, and Multi Family-1 zoning to a Planned Development ("PD") Two Family zoning, revising specific development standards. The Property is currently zoned Planned Development-34-Multi Family-1, General Retail, Single Family-3, and Multi Family-1 by the City, and is anticipated to have the zoning changed to a new PD zoning on April 6, 2020.

2. The planned use of the Property is to create a Planned Development to allow for the development of townhomes. The PD 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 SC with agreed-upon and negotiated standards consistent with their business objectives.

3. As is reflected by the public records of the City, significant discussions and negotiations between representatives of SC 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 PD zoning amendment Ordinance No. ##### (the "Symphony Estates PD Ordinance"), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for Symphony Estates.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the Symphony Estates PD Ordinance as contractually-binding obligations between the City of Waxahachie and SC, and to recognize SC's reasonable investment-backed expectations in the Symphony Estates PD Ordinance and the planned development of Symphony Estates.

**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.

(9)

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

**Section 3. Agreements.** The Parties agree as follows:

**Incorporation of Zoning and Recognition of Investment-Backed Expectations:**

The negotiated and agreed upon zoning and development standards contained in the Symphony Estates PD Ordinance, which incorporate by reference the general zoning regulations of the City of Waxahachie zoning ordinance, are hereby adopted and incorporated into this Agreement as contractually-binding obligations of SC. SC, agrees to:

- Dedicate 9 acres of the 24.76 total acres to Friendship Missionary Baptist Church (1 acre) and the City of Waxahachie (8 acres) to be used for open space or possibly city park land that will abut and connect to the existing Lee Penn Park.
- Provide a walking trail to connect to Lee Penn Park.
- Establish a Home Owner's Association within the Symphony Estates development.
- The Symphony Estates residential development shall not exceed 120 townhome units/lots.
- The maximum lot coverage for the development shall be 65%.
- Provide a 6ft. brick screening wall along Graham Street. Ornamental fencing with masonry columns, spaced every 30 ft., shall surround the remainder of the property.
- Provide a minimum of 20 parking spaces for visitors.
- Minimum masonry requirement will be 75%. Masonry products shall offer a selection of brick and stone accents.
- Outside storage and carports are prohibited within the development.
- A 6ft. (minimum) sidewalk will be constructed along Graham Street.
- The Site Plan shall conform as approved by the City Council under case number ZDC-000017-2020.

In consideration of SC's agreement in this regard, the City of Waxahachie agrees that SC has reasonable investment-backed expectations in the Symphony Estates PD Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the Symphony Estates PD Ordinance without impacting SC'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.

(9)

B. It is acknowledged and agreed by the Parties that the terms hereof are not intended to and shall not be deemed to create a partnership, joint venture, joint enterprise, or other relationship between or among the Parties.

C. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the Parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

D. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Parties may have by law statute, ordinance, or otherwise. The failure by any Party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement with respect to any other or subsequent breach thereof, nor a waiver by such Party of its rights at any time thereafter to require exact and strict compliance with all the terms hereof. Any rights and remedies any Party may have with respect to the other arising out of this Agreement shall survive the cancellation, expiration or termination of this Agreement, except as otherwise expressly set forth herein.

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

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

G. This Agreement is made subject to the existing provisions of the 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.

(9)

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 SC 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}**

(9)

**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

**: Symphony Commercial**

By: \_\_\_\_\_

Date: \_\_\_\_\_

(9)

STATE OF TEXAS       §  
                                  §  
COUNTY OF ELLIS     §

Before me, the undersigned authority, on this \_\_\_\_\_ day of April, 2020, 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 \_\_\_\_\_ day of April, 2020, personally appeared \_\_\_\_\_, representative of Symphony Commercial, 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: \_\_\_\_\_

(9)

**EXHIBIT A**

**Symphony Estates PD Ordinance**

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-34-MULTI FAMILY-1 (PD-34-MF1), GENERAL RETAIL (GR), SINGLE FAMILY-3 (SF3), AND MULTI FAMILY-1 (MF1) TO PLANNED DEVELOPMENT-TWO FAMILY RESIDENTIAL (PD-2F), WITH CONCEPT PLAN LOCATED AT THE NORTHWEST CORNER OF PETERS STREET AND GRAHAM STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 24.76 ACRES KNOWN AS A PORTION OF PROPERTY ID 193944 OF THE 1 & PT 3 BLOCK 1 & 3-4A-5 BLOCK 2 HI NOWLIN OF THE TURNER LEARNING CENTER ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-000017-2020. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from PD-34-MF1, GR, SF3 & MF1 to PD-2F, with Concept Plan; and

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

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

**NOW, THEREFORE**, this property is rezoned from PD-34-MF1, GR, SF3 & MF1 to PD-2F, with Concept Plan in order to facilitate development of the subject property in a manner that allows townhome structures on the following property: a portion of Property ID 193944 of the 1 & PT 3 Block 1 & 3-4A-5 Block 2 HI Nowlin of the Turner Learning Center Addition, which is shown on Exhibit A, and in accordance with the Concept Plan attached as Exhibit B.

(9)

## **PLANNED DEVELOPMENT**

### **Purpose and Intent**

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

### **Development Standards**

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

### **Development Regulations**

1. Per the applicant's request, a Developer's Agreement will be required for the property.
2. The applicant shall dedicate 9 acres of the 24.76 total acres to Friendship Missionary Baptist Church (1 acre) and the City of Waxahachie (8 acres) to be used for open space or possibly city park land that will abut and connect to the existing Lee Penn Park.
3. A walking trail shall be provided to connect to Lee Penn Park.
4. The Symphony Estates development shall consist of a Home Owner's Association.
5. The Symphony Estates residential development shall not exceed 120 townhome units/lots.
6. The maximum lot coverage for the development shall be 65%.
7. A 6ft. brick screening wall will be constructed along Graham Street. Ornamental fencing with masonry columns shall surround the remainder of the property.
8. A minimum of 20 parking spaces shall be provided for overflow (visitors) parking.
9. Minimum masonry requirement will be 75%. Masonry products shall offer a selection of brick and stone accents
10. Outside storage and carports are prohibited within the development.
11. A 6ft. (minimum) sidewalk will be constructed along Graham Street
12. The Site Plan shall conform as approved by the City Council under case number ZDC-000017-2020.
13. Any zoning, land use requirement, or restriction not contained within this zoning ordinance shall conform to those requirements and/or standards prescribed in Exhibits B – Concept Plan. Where regulations are not specified in Exhibit B, or in this ordinance, the regulations of Single Family Attached-Townhome zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.
14. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
15. 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.

(9)

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.

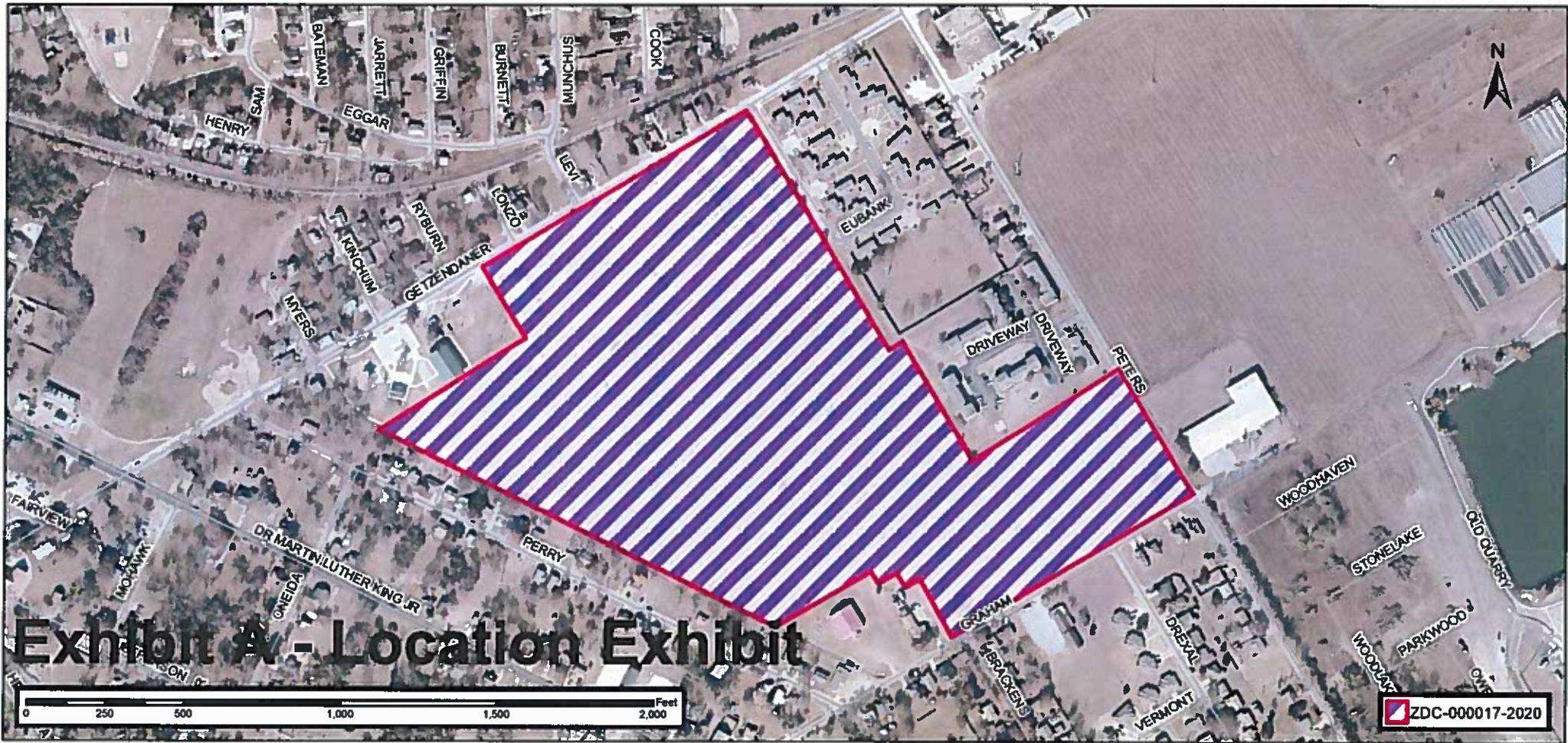
**PASSED, APPROVED, AND ADOPTED** on this 20<sup>th</sup> day of April, 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

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

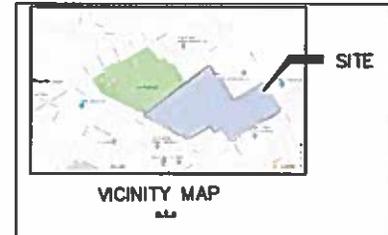
6



# Exhibit A - Location Exhibit



ZDC-000017-2020



LEGEND	
	120 LOTS PD-TOWNHOMES- 24.76 Ac DENSITY 4.85 UNITS PER ACRE
	PROJECT TO INCLUDE A MINIMUM OF 20 GUEST PARKING SPACES
	ENVIRONMENTAL FENCING WITH BRICK COLLARS SURROUNDING THE OPEN SPACE

**ZDC-000017-2020**  
**SYMPHONY ESTATES**  
**PLANNED DEVELOPMENT**  
**CONCEPT PLAN**  
 BEING  
**120 Townhome lots in Blocks**  
**A, B, C, D, E, F, G, H and I**  
**24.76 acres Total Acres**  
**City of Waxahachie,**  
**Ellis County Tx**

Owner:  
**WAXAHACHIE INDEPENDENT SCHOOL DIST.**  
 411 N. GIBSON STREET  
 WAXAHACHIE, TEXAS 75165

Developer:  
**SYMPHONY COMMERCIAL, LLC**  
 4004 Bell Line Road, Suite 115  
 Addison, Texas 75001

Engineer:  

**CCM Engineering**  
 2570 FM 407, Suite 209  
 Highland Village, Texas 75077  
 Ph: 972.691.6633

# Exhibit B - Concept Plan

19

(10)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ANX-DNX-000011-2020

The Waxahachie City Council will hold a Public Hearing on Monday, April 6, 2020 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 Michael Westfall, Westfall Engineering, for Voluntary Annexation on approximately 98.740 acres situated in the JB and Ann Adams Survey, Abstract No 5 (Property ID 178972) - Owner: Dirk Nowitzki (ANX-DNX-000011-2020)

Any interested person may be heard at the Public Hearing.

Lori Cartwright, City Secretary

Please contact the Planning Department at (469) 309-4290 or via email: [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) for additional information on this request.



(11)

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

**AN ORDINANCE PROVIDING FOR THE VOLUNTARY ANNEXATION OF PROPERTY ID 178972 OF THE J.B. AND ANN ADAMS ABSTRACT, APPROXIMATELY 98.740 ACRES, SITUATED GENERALLY WEST OF BROADHEAD ROAD AND YOUNGBLOOD ROAD, OF THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS.**

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

**SECTION 1.** That the following described land and territory lying adjacent to the City of Waxahachie and being within its extraterritorial jurisdiction (ETJ), be, and the same is hereby added and annexed to the City of Waxahachie, and that said territory hereinafter described shall hereafter be included within the boundary limits of the City of Waxahachie, at the various points contiguous to the area hereinafter described, are altered and amended so as to include said area within the corporate limits of the City of Waxahachie to-wit:

All that Property ID 178972, Abstract No. 5 of the J.B. and Ann Adams Survey, situated in Ellis County, Texas, and being more particularly described in Exhibit B – Metes and Bounds Description, describing portions of the annexation, made a part of hereof and attached hereto for all purposes.

**SECTION 2.** That the above described additional territory and area so annexed shall be a part of the City of Waxahachie, and the property so added therein shall bear its pro rata part of the taxes levied by the City of Waxahachie, and the inhabitants hereof shall be entitled to all the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Waxahachie, Texas.

**SECTION 3.** An emergency is declared to exist, in that this annexation should be completed and made final so that the boundaries of the City shall be determined without delay, and this ordinance is effective immediately upon passage.

**PASSED, APPROVED AND ADOPTED** on this 20<sup>th</sup> day of April, 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

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

# Exhibit B - Metes and Bounds Description

(11)

## METES AND BOUNDS DESCRIPTION 98.695 ACRES

All that certain tract or parcel containing 98.695 acres of land in the J.B. & Ann Adams Survey, A-5, Ellis County, Texas, being all of a tract which was called 98.740 acres, conveyed from Ann Graham Allen, et al, to Dirk Nowitzki, by an instrument of record in Volume 2457, Page 656, Ellis County Official Public Records (ECOPR), said 98.695 acres being more particularly described by metes and bounds as follows, basing bearings on the Texas Coordinate System of 1983, North Central Zone, to wit:

BEGINNING at a 5/8" iron rod found for northeast corner, being the northeast corner of said 98.740 acre tract, lying in the south line of a tract which was called 27.497 acres, conveyed from Nan Epton Burleson, Executor, to Nan Epton Burleson by an instrument of record in Volume 2646, Page 1708, ECOPR, also lying in the pavement of Broadhead Road;

THENCE S00°29'01"E, 1,972.07 feet along the east line of said 98.740 acre tract and generally along Broadhead Road to a point for southeast corner, being the southeast corner of said 98.740 acre tract and northeast corner of Lot 1, Block A, Mustang Meadows, Phase One, a subdivision of record in Cabinet D, Slide 85, Ellis County Plat Records (ECPR), lying near the centerline of Broadhead Road;

THENCE departing Broadhead Road, S89°31'23"W, along the common line of said 98.740 acre tract and Lot 1, at 30.06 feet pass a 1/2" iron rod found for reference and continuing along the common line of said 98.740 acre tract, Block A Mustang Meadows Phase One, Block A Mustang Meadows Phase Three, a subdivision of record in Cabinet H, Slide 409, ECPR, a tract which was called 14.315 acre, Tract I, conveyed from Abbey Realty, LLC, to Probuilt Homes, LTD., by an instrument of record in Clerks File #2018-1809351, ECOPR, and a tract which was called 9.307 acres, conveyed from Pro Built Homes, LTD., to AGC Custom Homes, Inc., by an instrument of record in Clerks File #2018-1810406, ECOPR, for a distance in all of 2,432.75 feet to a 5/8" iron rod set for southwest corner, being the southwest corner of said 98.740 acre tract and northwest corner of said 9.307 acre tract, lying in the east line of a tract which was called Lot 33, Block 2, Garden Valley Ranch, Phase 2, a subdivision of record in Cabinet H, Slide 697, ECPR, from which a 1/2" iron rod found for southeast corner of Lot 33 bears: S01°07'19"E, 17.87 feet;

THENCE N01°07'19"W, 139.48 feet along the common line of said 98.740 acre tract and Lot 33 to a 1/2" iron rod found for angle point, being the northeast corner of Lot 33 and southeast corner of a tract which was called Lot 16, Block 1, Garden Valley Ranch, Phase 3, a subdivision of record in Cabinet I, Slide 503, ECPR;

THENCE N01°04'45"W, 193.98 feet along the common line of said 98.740 acre tract, Lot 16 and Lot 15, Block 1, Garden Valley Ranch, Phase 3, to a 1/2" iron rod found for angle point, being the northeast corner of Lot 17 and southeast corner of Lot 18, Block 1, Garden Valley Ranch, Phase 3;

# Exhibit B - Metes and Bounds Description

(11)

THENCE N01°00'44"W, 1,112.02 feet along the common line of said 98.740 acre tract, said Block 1, Garden Valley Ranch, Phase 3 and Block 9, Garden Valley Farms, Phase 1, a subdivision of record in Cabinet I, Slide 792, ECPR to a 1/2" iron rod found for northwest corner, being the northwest corner of said 98.740 acre tract and northeast corner of Lot 4, Block 9, Garden Valley Farms, Phase 1, lying in the south line of Lot 6, Block 9, Garden Valley Farms, Phase 1;

THENCE N89°53'44"E, 925.36 feet along the common line of said 98.740 acre tract, said Block 9, Garden Valley Farms, Phase 1 and Block 9, Garden Valley Farms, Phase 2, a subdivision of record in Cabinet J, Slide 320, ECPR to a 1/2" iron rod found for interior corner, being the interior corner of said 98.740 acre tract and southeast corner of Lot 19, Block 9, Garden Valley Farms, Phase 2;

THENCE N00°03'31"W, 500.00 feet along the common line of said 98.740 acre tract and said Block 9, Garden Valley Farms, Phase 2 to a 5/8" iron rod set for northwest corner, being the northwest corner of said 98.740 acre tract and southwest corner of the aforementioned 27.497 acre tract, from which a 1/2" iron rod found for northeast corner of Lot 25, Block 9, Garden Valley Farms, Phase 2 bears: N00°03'31"W, 93.11 feet;

THENCE N88°17'21"E, 1,517.87 feet along the common line of said 98.740 acre tract and said 27.497 acre tract to the PLACE OF BEGINNING, containing 98.695 acres of land, more or less. A certified plat has been prepared under the same job number as a part of this professional service.

360 Surveying  
TBPLS 10194293  
P.O. Box 776  
Hallsville, Texas 75650  
Job No. 1107-042  
Date: November 26, 2019

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Bret Read  
Professional Land Surveyor  
Texas Registration No. 6610

(11)

**SERVICE PLAN  
FOR  
PROPOSED VOLUNTARY ANNEXATION OF APPROXIMATELY 98.740 ACRES  
SITUATED GENERALLY WEST SIDE OF BROADHEAD ROAD AT YOUNGBLOOD  
ROAD**

The following is a plan whereby full municipal services as defined in Section 43.056 of the Texas Local Government Code will be provided by the City of Waxahachie (the "City") in territory to be annexed, being approximately 98.740 acres of land located adjacent to the City limits, as depicted on the map included as Exhibit A.

Municipal facilities and services will be provided to the annexed area at the following levels and in accordance with the following schedule:

**A. Police Protection:**

The City provides municipal police protection to its residents, including routine patrols throughout the City and law enforcement services upon call. Upon the effective date of the annexation, said services will also be made available to the annexed area on the same basis as they are made available to other parts of the City with land uses and population densities similar to those reasonably contemplated or projected in the annexed area.

**B. Fire Protection and Emergency Medical Services:**

The City provides full-time fire protection. Upon the effective date of the annexation, said services will also be made available to the annexed area on the same basis as they are made available to other parts of the City with land uses and population densities similar to those reasonably contemplated or projected in the proposed annexation area.

The City contracts with American Medical Response ("AMR") for Emergency Medical Service. Upon the effective date of the annexation, said services will also be made available to the annexed area on the same basis as they are made available to other parts of the City with land uses and population densities similar to those reasonably contemplated or projected in the proposed annexation area.

**C. Solid Waste Collection:**

The City's solid waste collection is currently provided by Waste Connections ("Waste Connections"). Upon the effective date of the annexation, the City will provide solid waste collection to the annexed area on the same basis as it is made available to other parts of the city with land uses and population densities similar to those reasonably contemplated or projected in the annexed area.

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**D. Water and Wastewater Service and Maintenance:**

The area to be annexed is an unplatted area within the City's ETJ and currently receives water from the City of Waxahachie and is within the City's Water Certificate of Convenience, Certificate No. 10915, service area. The extension of any necessary sanitary sewer facilities will be added by the developer and in a manner consistent with other development regulations and practices.

Should City plans be changed and sanitary sewer service infrastructure is extended to this area, said services will also be made available to the annexed area on the same basis as they are made available to other parts of the City with land uses and population densities similar to those reasonably contemplated or projected in the annexed area.

**E. Maintenance of Roads, Streets and Street Lighting:**

The City shall begin to make provision for the maintenance of current roads and streets within the annexed areas upon the effective date of the annexation\*. Such streets and roads shall be maintained in their current condition and shall be included in the City's Capital Improvements Plan for upgrading, resurfacing and/or improvement on the same basis as other areas in the City with topography, land uses and population densities similar to those reasonably contemplated or projected in the annexed area. Any such resurfacing or upgrade shall be made in accordance with current City policies or the City's Subdivision Ordinance, adopted as Ordinance 3151, and as amended from time to time.

Improvements will be made in conjunction with new development in accordance with City policies contained in the City's Subdivision Ordinance after installation and dedication of such improvements by the relevant property owner and acceptance by the City. Future streets within the annexed area will be upgraded in accordance with an approved Capital Improvements Program, as may be amended from time to time, on the same basis as other areas in the City with land uses and population densities to those reasonably contemplated or projected in the annexed area.

\* State-owned facilities will continue to be maintained by the State of Texas, Department of Transportation.

**F. Parks, Playgrounds and other Public Facilities and Services:**

Public parks, playgrounds, and other public recreation facilities dedicated to and accepted by the City within the annexed area, will be maintained in their present condition by the City upon the effective date of the annexation. Property owners and residents of the annexed area may use the existing public parks, playgrounds, and other recreation facilities and services of the City on the same basis as other residents of the City.

**G. Public Library Services and Other Publicly Owned Facilities, Buildings and Services:**

Property owners and residents of the annexed area may use the existing public library and other publicly owned facilities, buildings, and services within the City on the same basis as other residents of the City.

(11)

**H. City Regulations and Code Enforcement**

The annexed areas will upon the date of annexation, be subject to all City regulations as specified within the City of Waxahachie Code of Ordinances. Further, the City's codes and regulations will be enforced in a manner like other similar parts of the corporate city limits.

**I. General Municipal Administration:**

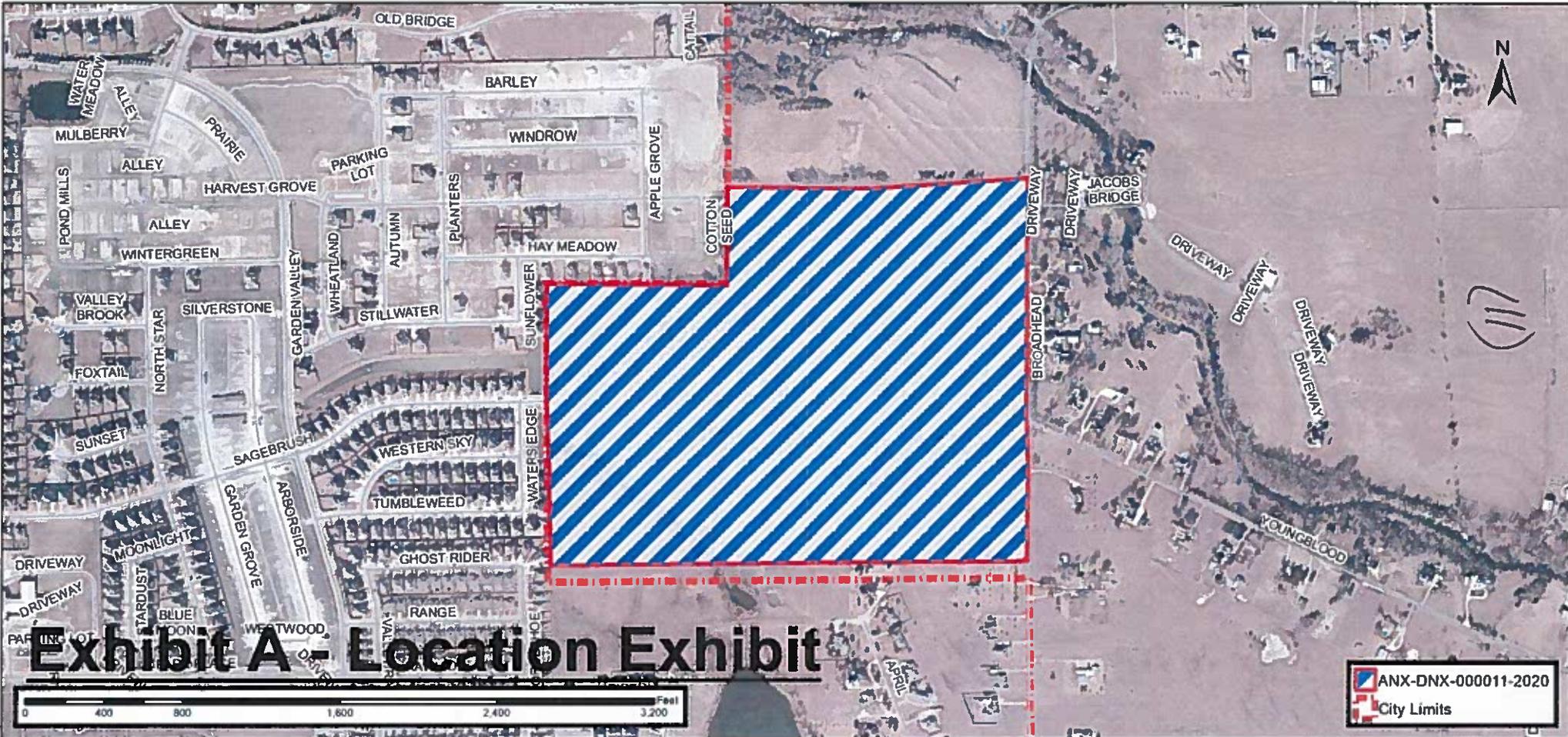
General municipal administration services will be available to the annexed area upon the effective date of the annexation. This Service Plan provides for full municipal services to the annexed area on the same basis as municipal services are made available to other parts of the City with land uses and population densities similar to those reasonably contemplated or projected in the annexed area. Further, said municipal services are equal to or greater than the services and level of such services in existence in the annexed area are immediately preceding the effective date of the annexation. This Service Plan does not constitute a right to a superior level of services in the annexed area. The City retains its authority to adjust programs on a city-wide basis to provide more effective services through changes in operating procedures and standards. The City also retains the authority to adjust services on a city-wide basis should economic or emergency circumstances dictate.

Upon annexation to the city of Waxahachie, this tract, similar to other newly annexed lands, will be assigned the Future Development (FD) zoning district designation. This zoning designation shall remain until such time as a separate zoning action by City Council has taken place to change it.

This plan is presented the 20<sup>th</sup> day of April, 2020.

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Michael Scott  
City Manager



# Exhibit A - Location Exhibit

ANX-DNX-000011-2020  
City Limits

(12)

# Planning & Zoning Department

## Zoning Staff Report



**Case: ZDC-000024-2020**

**MEETING DATE(S)**

*Planning & Zoning Commission:* April 14, 2020 (continued from March 24, 2020 PZ meeting)

*City Council:* April 20, 2020

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held April 14, 2020, the Commission voted 6-0 to recommend approval of case number ZDC-24-2020, subject to staff comments.

It should be noted that this request is for a Planned Development (PD) Concept Plan. The second part of the PD process is the Detailed Site Plan. If the Concept Plan ordinance is adopted, then the applicant's Detailed Site Plan will be administratively reviewed and can be approved in accordance with the Concept Plan.

**CAPTION**

*Public Hearing* on a request by Michael Westfall, Westfall Engineering, for a Zoning Change from Future Development to Planned Development-Single Family Residential-3, with Concept Plan, located on the West side of Broadhead Road at Youngblood Road (Property ID 178972) - Owner: Dirk Nowitzki (ZDC-000024-2020)

**APPLICANT REQUEST**

The applicant is requesting a zoning change from Future Development (FD) to Single Family-3 (SF3) to create a single family residential development.

*\*The proposed zoning change is contingent upon City Council approving the proposed annexation case (ANX-DNX-000011) for this property. City Council is scheduled to take action on the item on April 20, 2020.*

**CASE INFORMATION**

*Applicant:* Michael Westfall, Westfall Engineering

*Property Owner(s):* Dirk Nowitzki

*Site Acreage:* 98.7

*Current Zoning:* Future Development

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

(12)

**SUBJECT PROPERTY**

*General Location:* West side of Broadhead Road at Youngblood Road

*Parcel ID Number(s):* 178972

*Existing Use:* Currently Undeveloped

*Development History:* N/A

**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	N/A - ETJ	Undeveloped Land
East	N/A - ETJ	Brook Bend Estates
South	SF1 & PD-SF2	Single Family Residences
West	PD-SF2	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 Broadhead Rd.

*Site Image:*



(12)

## **PLANNING ANALYSIS**

### **Purpose of Request:**

The applicant is requesting a zoning change from Future Development (FD) to Planned Development-Single Family-3 (SF3) to create a single family residential development.

### **Proposed Use:**

The applicant is requesting approval for a zoning change to accommodate development of a single family residential development consisting of two hundred thirty-six lots (236 dwelling unit lots; 8 open space/common area lots) on 98.7 acres located at the West side of Broadhead Road at Youngblood Road. Per the Written Exhibit, if approved, the project is intended to be completed over two phases. Also, a (H)ome (O)wner's (A)ssociation will be created for the development. The HOA will be required to maintain all common open spaces and provide other necessary functions.

**Staff Note:** The proposed zoning change is contingent upon City Council approving the proposed annexation case (ANX-DNX-000011) for this property. City Council is scheduled to take action on the item on April 20, 2020.

At the March 24, 2020 Planning and Zoning meeting, the Planning and Zoning Commission requested that the applicant revise the submitted plan(s) for the proposed development to further address neighbor concerns, as well as be more conducive to the surrounding area. Per the Commission's request, listed below are changes made by the applicant.

### **CHANGES FROM THE 3/24/20 PZ MEETING**

- Decreased the number of lots from 245 to 236
- Increased average lot size from 11,096 to 11,664
- Increased rear setback from 10' to 25'
- Increased lots adjacent to Mustang Meadows on south east corner to min 16,000sf. Rear lot lines greater than 100' wide
- Increased lots adjacent to Willow Springs on south west corner to min 11,600sf. Lot widths min 80'
- Adjusted "Street E" on far west side to be double fronted
- Separated lots throughout the development, specifically on Block G, to have large variety of lot sizes. (67-108' wide)

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

- 8 Open Space/Common Areas
- Walking Trails
- Community Playground

### **Conformance with the Comprehensive Plan:**

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

- **Growth Strategies – Goal 1:** Encourage the most desirable, efficient use of land while maintaining and enhancing local aesthetics.
- **Growth Strategies – Goal 3:** Ensure that land use recommendations for development and redevelopment respect critical physical features and support innovative development.
- **Growth Strategies – Goal 12:** Promote growth of the community where infrastructure exists.

(12)

**Table 2: Proposed Single Family Residential (per SF3 standards)**

*\*The second column depicts the requirements for the current zoning (FD) of the property. It is not presented in the "Meets" column*

*\*\*\*Items highlighted in bold do not meet the City of Waxahachie SF3 requirements\*\*\**

Standard	*Current Zoning – Future Development	City of Waxahachie	Sunrise at Garden Valley	Meets
Min. Lot Area	3 acres	10,000 sq. ft.	10,000 sq. ft.	Yes
Min. Lot Width	250 ft.	<b>80 ft.</b>	<b>65 ft.</b>	No
Min. Lot Depth	500 ft.	100 ft.	100 ft.	Yes
Min. Front Setback	35 ft.	<b>30 ft.</b>	<b>25 ft.</b>	No
Min. Interior Setback	10% of the lot width but need not exceed 25'. 50' from a street ROW.	<b>10 ft; 15 ft (ROW)</b>	<b>5 ft.; 15 ft. (ROW)</b>	No
Min. Rear Setback	25 ft.	25 ft.	25 ft.	Yes
Min. Dwelling Size	1,500 sq. ft.	1,200 sq. ft.	2,200 sq. ft.	Yes
Max. Height	3 stories (main structure); 1 story (accessory structure)	2 stories (main structure); 1 story (accessory structure)	2 stories (main structure); 1 story (accessory structure)	Yes
Max. Lot Coverage	50%	50%	50%	Yes
Parking	Min. of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure	Min. of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure	Min. of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure	Yes

**Table 3: Single Family Lot Notes (236 Total Lots)**

10,000-10,500 SF Lots	117 (originally 157)
10,500-11,000 SF Lots	40 (originally 38)
11,000-12,000 SF Lots	38 (originally 21)
12,000-13,000 SF Lots	7 (originally 17)
13,000-29,000 SF Lots	34 (originally 12)
Total	236

**Table 4: Single Family - Lot Width Notes**

65 ft. – 69 ft.	76
70 ft. – 79 ft.	66
80 ft. – 90 ft.	81
90 ft. – 108 ft.	13
Total	236

**Additional Single Family Lot Notes:**

Minimum Lot Size: 10,000 sq. ft.  
Maximum Lot Size: 28,320 sq. ft.  
Average Lot Size: 11,664 sq. ft.  
Minimum Masonry: 80%

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 81 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**

Inside 200 ft. Notification Area: Staff has received three (3) letters of support and seven (7) letters of opposition for the proposed development.

Outside 200 ft. Notification Area: Staff has received four (4) letters of opposition for the proposed development.

**SPECIAL EXCEPTION/VARIANCE REQUEST**

**Lot Width**

Per the City of Waxahachie Zoning Ordinance, SF3 zoning requires a minimum 80 ft. lot width. The applicant is proposing a minimum lot width of 65 ft.

**Setbacks**

Per the City of Waxahachie Zoning Ordinance, SF3 zoning requires a minimum setbacks of:  
Front: 30 ft.  
Side: 10 ft.; 15 ft. (ROW)

The applicant is proposing setbacks of:  
Front: 25 ft.  
Side: 5 ft.; 15 ft. (ROW)

**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 proposed zoning change is contingent upon City Council approving the proposed annexation case (ANX-DNX-000011) for this property.
  - 2. Per staff's recommendation, a Development Agreement will be required for the proposed development.

(12)

3. Staff suggests that a 6ft. ornamental fence with masonry columns be constructed along Broadhead Rd.
4. A minimum of 30% J-swing garages will be provided within the development.
5. A minimum of 50% of the development will have a minimum dwelling unit of 3,000 sq. ft.

**ATTACHED EXHIBITS**

1. Development Agreement/Ordinance
2. Location Exhibit
3. Site Plan
4. Landscape Plan
5. Property Owner Notification Responses

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*  
Colby Collins  
Senior Planner  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

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

Property ID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's Zip	Physical Address
154281	FEATHERSTON TRAVIS W & SKYLAR D	4.06	TR 3 ROLLING ACRES 4.06 ACRES	824 BROADHEAD RD	WAXAHACHIE	TX	75165	824 BROADHEAD RD WAXAHACHIE TX 75165
154282	GILMORE THOMAS ETAL	4.06	LOT 4 ROLLING ACRES 4.06 AC	840 BROADHEAD RD	WAXAHACHIE	TX	75165	840 BROADHEAD RD WAXAHACHIE TX 75165
154283	MOORE TERRY D	3.36	TR 5 ROLLING ACRES 3.36 ACRES	922 BROADHEAD RD	WAXAHACHIE	TX	75165	922 BROADHEAD RD WAXAHACHIE TX 75165
178972	NOWITZKI DIRK	98.714	5 J B & A ADAMS 98.714 ACRES	10735 STRAIT LN	DALLAS	TX	75229	BROADHEAD RD WAXAHACHIE TX 75165
197330	PROBUILT HOMES LTD STEPHEN WILSON	3.178	5 J B & A ADAMS 3.178 ACRES	PO BOX 111	WAXAHACHIE	TX	75167	BROADHEAD RD WAXAHACHIE TX 75165
201964	HARVEY MELISSA & RANDY HARVEY	2.184	LOT 5 BROOK BEND ESTS 2.184 AC	107 YOUNGBLOOD RD	WAXAHACHIE	TX	75165	107 YOUNGBLOOD RD WAXAHACHIE TX 75165
201999	JACKSON TOLBY G	2.085	LOT 1R BROOK BEND ESTS 2.085 AC	1042 BROADHEAD RD	WAXAHACHIE	TX	75165	1042 BROADHEAD RD WAXAHACHIE TX 75165
201701	WILSON BRUCE M & EMMA G	1.818	LOT 2R BROOK BEND ESTS 1.818 AC	1036 BROADHEAD RD	WAXAHACHIE	TX	75165	1036 BROADHEAD RD WAXAHACHIE TX 75165
201702	O QUINN DAVID K	2.473	LOT 3 BROOK BEND ESTS 2.473 AC	1028 BROADHEAD RD	WAXAHACHIE	TX	75165	1028 BROADHEAD RD WAXAHACHIE TX 75165
202267	CHAPMAN LOYD R & PATSY I	1.361	89 E R BALCH 1.361 ACRES	1082 BROADHEAD RD	WAXAHACHIE	TX	75165	1082 BROADHEAD RD WAXAHACHIE TX 75165
207646	JOHNSON THOMAS P & APRIL L JOHNSON	1.253	LOT 13 BLK A MUSTANG MEADOWS PH I 1.253 AC	5080 APRIL LN	WAXAHACHIE	TX	75165	5080 APRIL LN WAXAHACHIE TX 75165
207647	DIERMANN SCOTT L & SUSAN	1.252	14 A MUSTANG MEADOWS PH I 1.252 ACRES	5100 APRIL LN	WAXAHACHIE	TX	75165	5100 APRIL LN WAXAHACHIE TX 75165
207684	THONG HONG KUN & LEANG CHENG CHIEK	3.096	LOT 1 BLK A MUSTANG MEADOWS PH I 3.096 AC	835 BROADHEAD RD	WAXAHACHIE	TX	75165	835 BROADHEAD RD WAXAHACHIE TX 75165
218663	CHAPMAN LOYD R & PATSY I	0.201	89 E R BALCH 0.201 ACRES	1082 BROADHEAD RD	WAXAHACHIE	TX	75165	BROADHEAD RD WAXAHACHIE TX 75165
223017	WILSON ROYCE	7.407	89 E R BALCH 7.407 ACRES	718 MCJESIA DR	WAXAHACHIE	TX	75165	718 MCJESIA DR WAXAHACHIE TX 75165
234334	MOSKAU COLLEEN P	4.543	89 E R BALCH 4.5430 ACRES	1110 BROADHEAD RD	WAXAHACHIE	TX	75165	1100 BROADHEAD RD WAXAHACHIE TX 75165
238996	TEETER DAVID & CHRISTY	4.043	LOT 15R BLK A MUSTANG MEADOWS PH I REY 4.043 AC	5079 APRIL LN	WAXAHACHIE	TX	75165	5089 APRIL LN WAXAHACHIE TX 75165
248442	WILSON VENTRAL L	0.1393	LOT 26 BLK 2 GARDEN VALLEY RANCH PH2 1398 AC	156 HORSESHOE BEND	WAXAHACHIE	TX	75165	156 HORSESHOE BEND WAXAHACHIE TX 75165
248443	THORNTON KAREN A	0.1396	LOT 30 BLK 2 GARDEN VALLEY RANCH PH2 1396 AC	6374 STANHOPE ROCK	WAXAHACHIE	TX	75165	160 HORSESHOE BEND WAXAHACHIE TX 75165
248444	BLAND CHRISTOPHER L & STEPHANIE R	0.1399	LOT 31 BLK 2 GARDEN VALLEY RANCH PH2 1399 AC	160 HORSESHOE BEND	WAXAHACHIE	TX	75165	160 HORSESHOE BEND WAXAHACHIE TX 75165
248445	BLAND CHRISTOPHER L & STEPHANIE R	0.1396	LOT 32 BLK 2 GARDEN VALLEY RANCH PH2 1396 AC	160 HORSESHOE BEND	WAXAHACHIE	TX	75165	160 HORSESHOE BEND WAXAHACHIE TX 75165
248446	ALCALA JOSEPH T & STACEY E	0	LOT 33 BLK 2 GARDEN VALLEY RANCH PH2 0.2918 AC	164 HORSESHOE BEND	WAXAHACHIE	TX	75165	164 HORSESHOE BEND DR WAXAHACHIE TX 75165
248447	MERCHANT DONALD J JR	0	LOT 34 BLK 2 GARDEN VALLEY RANCH PH2 0.2549 AC	168 HORSESHOE BEND	WAXAHACHIE	TX	75165	168 HORSESHOE BEND DR WAXAHACHIE TX 75165
248448	COX FERNANDA & KASSIM	0	LOT 35 BLK 2 GARDEN VALLEY RANCH PH2 0	223 GHOST RIDER DR	WAXAHACHIE	TX	75165	223 GHOST RIDER DR WAXAHACHIE TX 75165
248492	RUDOLPH SEAN C & JANET	0	LOT 13 BLK 10 GARDEN VALLEY RANCH PH2 0	100 SHORT PUTT DR	WAXAHACHIE	TX	75165	222 GHOST RIDER DR WAXAHACHIE TX 75165
263305	MC DOWELL RICHARD & ALYSSA	0.18	LOT 15 BLK 1 GARDEN VALLEY RANCH PH 3 0.18 AC	334 TUMBLEWEED TRL	WAXAHACHIE	TX	75165	334 TUMBLEWEED TRL WAXAHACHIE TX 75165
263306	ROSE KATHLEEN J & STEVE L	0.33	LOT 16 BLK 1 GARDEN VALLEY RANCH PH 3 0.33 AC	334 TUMBLEWEED TRL	WAXAHACHIE	TX	75165	334 TUMBLEWEED TRL WAXAHACHIE TX 75165
263307	FRANKLIN WILLIAM & SHONNA L	0.21	LOT 17 BLK 1 GARDEN VALLEY RANCH PH 3 0.21 AC	202 WATERS EDGE RD	WAXAHACHIE	TX	75165	202 WATERS EDGE RD WAXAHACHIE TX 75165
263308	ALSTRIN ROBERT S & ELIZABETH M	0.172	LOT 18 BLK 1 GARDEN VALLEY RANCH PH 3 0.172 AC	202 WATERS EDGE RD	WAXAHACHIE	TX	75165	202 WATERS EDGE RD WAXAHACHIE TX 75165
263309	CASSADY CARL C & SHARON K	0.172	LOT 19 BLK 1 GARDEN VALLEY RANCH PH 3 0.172 AC	204 WATERS EDGE RD	WAXAHACHIE	TX	75165	204 WATERS EDGE RD WAXAHACHIE TX 75165
263310	GARDEN VALLEY RANCH HOMEOWNERS ASSOCIATION INC C/O GOODWIN MANAGEMENT INC	0.172	LOT 20 BLK 1 GARDEN VALLEY RANCH PH 3 0.172 AC	P O BOX 203310	AUSTIN	TX	78720	208 WATERS EDGE RD WAXAHACHIE TX 75165
263311	GARDEN VALLEY RANCH HOMEOWNERS ASSOCIATION INC C/O GOODWIN MANAGEMENT INC	0.768	LOT 21A BLK 1 GARDEN VALLEY RANCH PH 3 DETENTION AREA 0.768 AC	P O BOX 203310	AUSTIN	TX	78720	208 WATERS EDGE RD WAXAHACHIE TX 75165
263352	MACK MICHAEL L & WOODS KENNETH	0.172	LOT 11 BLK 2 GARDEN VALLEY RANCH PH 3 0.172 AC	333 TUMBLEWEED TRL	WAXAHACHIE	TX	75165	333 TUMBLEWEED TRL WAXAHACHIE TX 75165
263353	RUPP DEBORAH J L/E JORDAN H RUPP	0.172	LOT 12 BLK 2 GARDEN VALLEY RANCH PH 3 0.172 AC	334 WESTERN SKY LN	WAXAHACHIE	TX	75165	334 WESTERN SKY LN WAXAHACHIE TX 75165
263377	HERRIN WENDY M	0.172	LOT 16 BLK 3 GARDEN VALLEY RANCH PH 3 0.172 AC	534 SAGEBRUSH LN	WAXAHACHIE	TX	75165	534 SAGEBRUSH LN WAXAHACHIE TX 75165
263378	MARTIN BRIAN C & CHANEL L	0.172	LOT 17 BLK 3 GARDEN VALLEY RANCH PH 3 0.172 AC	333 WESTERN SKY LN	WAXAHACHIE	TX	75165	333 WESTERN SKY LN WAXAHACHIE TX 75165
263410	LUNA DENISE & LORENZO MEDINA JR	0.18	LOT 17 BLK 4 GARDEN VALLEY RANCH PH 3 0.18 AC	533 SAGEBRUSH LN	WAXAHACHIE	TX	75165	533 SAGEBRUSH LN WAXAHACHIE TX 75165
263411	MC CULLY THOMAS J	0.18	LOT 18 BLK 4 GARDEN VALLEY RANCH PH 3 0.18 AC	535 SAGEBRUSH LN	WAXAHACHIE	TX	75165	535 SAGEBRUSH LN WAXAHACHIE TX 75165
267062	GARDEN VALLEY RANCH HOMEOWNERS ASSOCIATION INC C/O GOODWIN MANAGEMENT INC	3.67	LOT 18A DETENTION AREA BLK 4 GARDEN VALLEY RANCH PH 3 3.67 AC	P O BOX 203310	AUSTIN	TX	78720	FM 813 WAXAHACHIE TX 75165
268878	JOHNSON SANDRA L	0.34	LOT 13 BLK 1 GARDEN VALLEY FARMS PH 1 0.34 AC	524 STILLWATER DR	WAXAHACHIE	TX	75165	524 STILLWATER DR WAXAHACHIE TX 75165
268879	WP LEGACY LTD	0.11	LOT 14A BLK 1 GARDEN VALLEY FARMS PH 1 0.11 AC	101 VALLEY RIDGE DR	RED OAK	TX	75154	526 STILLWATER DR WAXAHACHIE TX 75165
268883	BURRELL ALLENSON D & CHEVAUNE N BURRELL	0.26	LOT 4 BLK 2 GARDEN VALLEY FARMS PH 1 0.26 AC	527 STILLWATER DR	WAXAHACHIE	TX	75165	527 STILLWATER DR WAXAHACHIE TX 75165
268884	MC LAURIN ANGELA & CHANEE	0.26	LOT 5 BLK 2 GARDEN VALLEY FARMS PH 1 0.26 AC	528 HAY MEADOW DR	WAXAHACHIE	TX	75165	528 HAY MEADOW DR WAXAHACHIE TX 75165
268890	HILLIS CAROLINE & SAMUEL C	0.18	LOT 6 BLK 8 GARDEN VALLEY FARMS PH 1 0.18 AC	531 HAY MEADOW DR	WAXAHACHIE	TX	75165	531 HAY MEADOW DR WAXAHACHIE TX 75165
268891	BLOOMFIELD HOMES LP	0.18	LOT 7 BLK 8 GARDEN VALLEY FARMS PH 1 0.18 AC	1050 E HWY 114 #210	SOUTHLAKE	TX	76092	533 HAY MEADOW DR WAXAHACHIE TX 75165
268892	WILLIAMS RONALD R JR	0.18	LOT 8 BLK 8 GARDEN VALLEY FARMS PH 1 0.18 AC	533 HAY MEADOW DR	WAXAHACHIE	TX	75165	533 HAY MEADOW DR WAXAHACHIE TX 75165
268893	SANDERS ALICE	0.18	LOT 9 BLK 8 GARDEN VALLEY FARMS PH 1 0.18 AC	537 HAY MEADOW DR	WAXAHACHIE	TX	75165	537 HAY MEADOW DR WAXAHACHIE TX 75165
268894	SRIMUSHNAM MAYA	0.18	LOT 10 BLK 8 GARDEN VALLEY FARMS PH 1 0.18 AC	538 HAY MEADOW DR	WAXAHACHIE	TX	75165	538 HAY MEADOW DR WAXAHACHIE TX 75165
268895	HORNE DALLAS & BRITTANY	0.18	LOT 11 BLK 8 GARDEN VALLEY FARMS PH 1 0.18 AC	541 HAY MEADOW DR	WAXAHACHIE	TX	75165	541 HAY MEADOW DR WAXAHACHIE TX 75165
268896	CALDWELL WILLIAM E & DOB	0.18	LOT 12 BLK 8 GARDEN VALLEY FARMS PH 1 0.18 AC	543 HAY MEADOW DR	WAXAHACHIE	TX	75165	543 HAY MEADOW DR WAXAHACHIE TX 75165
268897	COLLIER RAYMOND G & JASMINE P	0.18	LOT 13 BLK 8 GARDEN VALLEY FARMS PH 1 0.18 AC	545 HAY MEADOW DR	WAXAHACHIE	TX	75165	545 HAY MEADOW DR WAXAHACHIE TX 75165
268898	BREWER TASHA & CHASE	0.23	LOT 14 BLK 8 GARDEN VALLEY FARMS PH 1 0.23 AC	547 HAY MEADOW DR	WAXAHACHIE	TX	75165	547 HAY MEADOW DR WAXAHACHIE TX 75165
268899	CHENG XUEJIAN	0.21	LOT 1 BLK 9 GARDEN VALLEY FARMS PH 1 0.21 AC	6812 ST LAWRENCE ST	PLANO	TX	75024	548 HAY MEADOW DR WAXAHACHIE TX 75165
268904	WATSON SONYA	0.17	LOT 2 BLK 9 GARDEN VALLEY FARMS PH 1 0.17 AC	100 SUNFLOWER CIR	WAXAHACHIE	TX	75165	1100 SUNFLOWER CIR WAXAHACHIE TX 75165
268905	WILLIAMS JERRY & BARBARA F	0.17	LOT 3 BLK 9 GARDEN VALLEY FARMS PH 1 0.17 AC	1102 SUNFLOWER CIR	WAXAHACHIE	TX	75165	1102 SUNFLOWER CIR WAXAHACHIE TX 75165
268906	IEPERT CHRISTOPHER & JEREMIAH	0.17	LOT 4 BLK 9 GARDEN VALLEY FARMS PH 1 0.17 AC	1104 SUNFLOWER CIR	WAXAHACHIE	TX	75165	1104 SUNFLOWER CIR WAXAHACHIE TX 75165
268907	RAMEY JAMES E & CARLA D	0.22	LOT 5 BLK 9 GARDEN VALLEY FARMS PH 1 0.22 AC	530 HAY MEADOW DR	WAXAHACHIE	TX	75165	530 HAY MEADOW DR WAXAHACHIE TX 75165
268908	TOWERY TRAVIS J	0.17	LOT 6 BLK 9 GARDEN VALLEY FARMS PH 1 0.17 AC	532 HAY MEADOW DR	WAXAHACHIE	TX	75165	532 HAY MEADOW DR WAXAHACHIE TX 75165
268909	HALL SADE & EVAN HERRON	0.17	LOT 7 BLK 9 GARDEN VALLEY FARMS PH 1 0.17 AC	534 HAY MEADOW DR	WAXAHACHIE	TX	75165	534 HAY MEADOW DR WAXAHACHIE TX 75165
268910	GRAY JAMES B & GRETCHEN A	0.17	LOT 8 BLK 9 GARDEN VALLEY FARMS PH 1 0.17 AC	536 HAY MEADOW DR	WAXAHACHIE	TX	75165	536 HAY MEADOW DR WAXAHACHIE TX 75165
268911	FLORES AGAPITO JR & PRISCILLA E	0.17	LOT 9 BLK 9 GARDEN VALLEY FARMS PH 1 0.17 AC	538 HAY MEADOW RD	WAXAHACHIE	TX	75165	538 HAY MEADOW DR WAXAHACHIE TX 75165
268912	DAWSON CORY J & GAIL M	0.17	LOT 10 BLK 9 GARDEN VALLEY FARMS PH 1 0.17 AC	540 HAY MEADOW DR	WAXAHACHIE	TX	75165	540 HAY MEADOW DR WAXAHACHIE TX 75165
268913	HEILMAN MICHAEL J & TONI M	0.17	LOT 11 BLK 9 GARDEN VALLEY FARMS PH 1 0.17 AC	542 HAY MEADOW DR	WAXAHACHIE	TX	75165	542 HAY MEADOW DR WAXAHACHIE TX 75165
268914	DAVIS JANSON & BRAD	0.17	LOT 12 BLK 9 GARDEN VALLEY FARMS PH 1 0.17 AC	544 HAY MEADOW DR	WAXAHACHIE	TX	75165	544 HAY MEADOW DR WAXAHACHIE TX 75165
268915	WILLIAMS TED & WALTER EEN	0.17	LOT 13 BLK 9 GARDEN VALLEY FARMS PH 1 0.17 AC	546 HAY MEADOW DR	WAXAHACHIE	TX	75165	546 HAY MEADOW DR WAXAHACHIE TX 75165
272990	AGC CUSTOM HOMES INC	9.307	5 J B & A ADAMS 9.307 ACRES	2581 N HIGHWAY 77 STE 101	WAXAHACHIE	TX	75165	BROADHEAD RD WAXAHACHIE TX 75165
273014	FLEMING LEVIA A & TAMEKA D	0.172	LOT 15 BLK 9 GARDEN VALLEY FARMS PH 2 0.172 AC	550 HAY MEADOW DR	WAXAHACHIE	TX	75165	550 HAY MEADOW DR WAXAHACHIE TX 75165
273015	ROBERTS ROBIN	0.172	LOT 16 BLK 9 GARDEN VALLEY FARMS PH 2 0.172 AC	552 HAY MEADOW DR	WAXAHACHIE	TX	75165	552 HAY MEADOW DR WAXAHACHIE TX 75165
273016	WEATHERBY GLENN & CARA WEATHERBY	0.172	LOT 17 BLK 9 GARDEN VALLEY FARMS PH 2 0.172 AC	544 HAY MEADOW DR	WAXAHACHIE	TX	75165	554 HAY MEADOW DR WAXAHACHIE TX 75165
273017	WEATHERBY GLENN & CARA WEATHERBY	0.18	LOT 18 BLK 9 GARDEN VALLEY FARMS PH 2 0.18 AC	546 HAY MEADOW DR	WAXAHACHIE	TX	75165	556 HAY MEADOW DR WAXAHACHIE TX 75165
273018	BLOOMFIELD HOMES LP	0.296	LOT 19 BLK 9 GARDEN VALLEY FARMS PH 2 0.296 AC	1050 E HWY 114 #210	SOUTHLAKE	TX	76092	HAY MEADOW DR WAXAHACHIE TX 75165
273019	BLOOMFIELD HOMES LP	0.175	LOT 20 BLK 9 GARDEN VALLEY FARMS PH 2 0.175 AC	1050 E HWY 114 #210	SOUTHLAKE	TX	76092	COTTON SEED CIR WAXAHACHIE TX 75165
273020	PATTERSON JOHN JR & PATRICIA	0.178	LOT 21 BLK 9 GARDEN VALLEY FARMS PH 2 0.178 AC	1112 COTTON SEED CIR	WAXAHACHIE	TX	75165	1112 COTTON SEED CIR WAXAHACHIE TX 75165
273021	DESROSIERS CARMELLE M	0.18	LOT 22 BLK 9 GARDEN VALLEY FARMS PH 2 0.18 AC	1114 COTTON SEED CIR	WAXAHACHIE	TX	75165	1114 COTTON SEED CIR WAXAHACHIE TX 75165
273022	MORROW MONIKA E & WALTER R	0.18	LOT 23 BLK 9 GARDEN VALLEY FARMS PH 2 0.18 AC	1116 COTTON SEED CIR	WAXAHACHIE	TX	75165	1116 COTTON SEED CIR WAXAHACHIE TX 75165
273023	MC MILLAN MICHELLE & KEVIN D PEAVY	0.198	LOT 24 BLK 9 GARDEN VALLEY FARMS PH 2 0.198 AC	1118 COTTON SEED CIR	WAXAHACHIE	TX	75165	1118 COTTON SEED CIR WAXAHACHIE TX 75165
273024	SMITH GARRETT LEIGH & DEBORAH LUSK	0.338	LOT 25 BLK 9 GARDEN VALLEY FARMS PH 2 0.338 AC	1120 COTTON SEED CIR	WAXAHACHIE	TX	75165	1120 COTTON SEED CIR WAXAHACHIE TX 75165
273025	OLMOS HUBERTO & GLADYS	0.231	LOT 26 BLK 9 GARDEN VALLEY FARMS PH 2 0.231 AC	555 HARVEST GROVE DR	WAXAHACHIE	TX	75165	555 HARVEST GROVE DR WAXAHACHIE TX 75165
273026	SANTANA MARILIANA & JORGE L	0.179	LOT 27 BLK 9 GARDEN VALLEY FARMS PH 2 0.179 AC	553 HARVEST GROVE DR	WAXAHACHIE	TX	75165	553 HARVEST GROVE DR WAXAHACHIE TX 75165
273027	MINTON GARY & MADALYN V	0.24	LOT 1 BLK 12 GARDEN VALLEY FARMS PH 2 0.24 AC	1114 APPLE GROVE LN	WAXAHACHIE	TX	75165	1114 APPLE GROVE LN WAXAHACHIE TX 75165
273028	BLOOMFIELD HOMES LP	0.219	LOT 4 BLK 12 GARDEN VALLEY FARMS PH 2 0.219 AC	1050 E HWY 114 #210	SOUTHLAKE	TX	76092	1117 COTTON SEED CIR WAXAHACHIE TX 75165
273029	HARLAN CHRISTINE M & MICHAEL R	0.219	LOT 5 BLK 12 GARDEN VALLEY FARMS PH 2 0.219 AC	1115 COTTON SEED CIR	WAXAHACHIE	TX	75165	1115 COTTON SEED CIR WAXAHACHIE TX 75165
273030	BLOOMFIELD HOMES LP	0.204	LOT 6 BLK 12 GARDEN VALLEY FARMS PH 2 0.204 AC	1050 E HWY 114 #210	SOUTHLAKE	TX	76092	1113 COTTON SEED CIR WAXAHACHIE TX 75165
273082	LEGACY GROVE DEVELOPMENT LLC	4.257	LOT 36A BLK 9 DETENTION AREA- GARD VALLEY FARMS PH 2 4.257 AC	5885 FM 1181	ENRIS	TX	75119	BARLEY DR WAXAHACHIE TX 75165

(19)

~~18~~ (12)

PropertyID	Owner's Name	Owner's Address
215984	JILL WADSWORTH	111 MAGNOLIA
268400	BRET MASSEY	104 PEYTON PLACE
268403	BRET DAUGHTRY	110 PEYTON PLACE
228773	TIMOTHY BURLESON	233 SPRING GROVE DR



(12)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-000024-2020

RECEIVED  
3-10-20

WP LEGACY LTD  
101 VALLEY RIDGE DR  
RED OAK, TX 75154

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, March 24, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 6, 2020 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 Michael Westfall, Westfall Engineering, to establish a Planned Development-Single Family-3 zoning district on approximately 98.695 acres situated in the JB and Ann Adams Survey, Abstract No 5 (Property ID 178972) - Owner: Dirk Nowitzki (ZDC-000024-2020)

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.gov](mailto:Planning@Waxahachie.gov) for additional information on this request.

Case Number: ZDC-000024-2020

City Reference: 268879

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, March 18, 2020* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Clyde L. Langrow  
Signature

3-10-20  
Date

Clyde L. Langrow  
Printed Name and Title

101 VALLEY RIDGE DR.  
Address RED OAK, TX 75154

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

*If you are not the addresser on the top of this form, but would like to submit a response, please contact the City for a blank form*



(12)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-000024-2020

RECEIVED  
3-10-20

**WILLIAMS RONALD & JOYCE**  
535 HAY MEADOW DR  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, March 24, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 6, 2020 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 Michael Westfall, Westfall Engineering, to establish a Planned Development-Single Family-3 zoning district on approximately 98.695 acres situated in the JB and Ann Adams Survey, Abstract No 5 (Property ID 178972) - Owner: Dirk Nowitzki (ZDC-000024-2020)

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Case Number: ZDC-000024-2020

City Reference: 268962

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, March 18, 2020* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

City lacks proper planning and development of facilities and infrastructure for increased population growth.

Ronald Williams  
Signature

3/10/20  
Date

Ronald Williams  
Printed Name and Title

535 Hay Meadow Dr.  
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.*



(17)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-000024-2020

RECEIVED  
3/17/2020

BURLESON NAN E  
216 MAGNOLIA DR  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, March 24, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 6, 2020 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 Michael Westfall, Westfall Engineering, to establish a Planned Development-Single Family-3 zoning district on approximately 98.695 acres situated in the JB and Ann Adams Survey, Abstract No 5 (Property ID 178972) - Owner: Dirk Nowitzki (ZDC-000024-2020)

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Case Number: ZDC-000024-2020 City Reference: 224012

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Wednesday, March 18, 2020** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT  OPPOSE

Comments:

Nan Burleson  
Signature

\_\_\_\_\_  
Date

NAN BURLESON, property owner  
Printed Name and Title

216 Magnolia Dr.  
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.*



(12)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-000024-2020

RECEIVED  
3/16/2020

TOWERY TRAVIS J  
532 HAY MEADOW DR  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, March 24, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 6, 2020 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 Michael Westfall, Westfall Engineering, to establish a Planned Development-Single Family-3 zoning district on approximately 98.695 acres situated in the JB and Ann Adams Survey. Abstract No 5 (Property ID 178972) - Owner: Dirk Nowitzki (ZDC-000024-2020)

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](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: ZDC-000024-2020

City Reference: 268988

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SUPPORT

OPPOSE

Comments:

\_\_\_\_\_  
Signature  
  
Travis Towery  
Printed Name and Title

\_\_\_\_\_  
Date  
3/14/2020  
  
\_\_\_\_\_  
Address  
532 Hay Meadow Dr. Waxahachie

*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.*

(12)

RECEIVED  
4/17/2020

...and the Waxahachie City Council will hold a Public Hearing on Wednesday, March 11, 2020 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 Michael Westfall, Westfall Engineering, to establish a Planned Development- Single Family-1 zoning district on approximately 98.695 acres situated in the B1 and Am Adams Survey, Abstract No 5 (Property ID 172972) - Owner: Dirk Nowakki (ZDC-000024-2020)

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.org](mailto:Planning@Waxahachie.org) for additional information on this request.

Case Number: ZDC-000024-2020

City Reference: 201703

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on Wednesday, March 18, 2020 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

Comments:  SUPPORT  OPPOSE

*will continue to cause too much traffic with small roads. will make property go down in value.*

*Jeanette Burton*  
Signature

*3/15/2020*  
Date

*Jeanette Burton*  
Printed Name and Title

*1010 Broadhead Way, H. 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.



(12)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-000024-2020

RECEIVED  
3/18/2020

PATTERSON JOHN JR & PATRICIA  
1112 COTTON SEED CIR  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, March 24, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 6, 2020 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 Michael Westfall, Westfall Engineering, to establish a Planned Development-Single Family-3 zoning district on approximately 98.695 acres situated in the JB and Ann Adams Survey, Abstract No 5 (Property ID 178972) - Owner: Dirk Nowitzki (ZDC-000024-2020)

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Case Number: ZDC-000024-2020

City Reference: 273020

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, March 18, 2020* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Signature

3/16/20  
Date

JOHN PATTERSON JR  
Printed Name and Title

1112 COTTON SEED CIR  
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*

RECEIVED  
3/18/20

(12)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-000024-2020

**EASLEY KEVIN R & SARAH E**  
162 HORSESHOE BEND  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, March 24, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 6, 2020 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 Michael Westfall, Westfall Engineering, to establish a Planned Development-Single Family-3 zoning district on approximately 98.695 acres situated in the JB and Ann Adams Survey, Abstract No 5 (Property ID 178972) - Owner: Dirk Nowitzki (ZDC-000024-2020)

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Case Number: ZDC-000024-2020

City Reference: 248-445

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on Wednesday, March 18, 2020 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

[Signature]  
Signature

3/18/20  
Date

Kevin R. Easley  
Printed Name and Title

162 Horseshoe Bend  
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.*



(12)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-000024-2020

RECEIVED  
3/19/2020

MONSIVAIS AMANDA M & VICTOR M  
1116 COTTON SEED CIR  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, March 24, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 6, 2020 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 Michael Westfall, Westfall Engineering, to establish a Planned Development-Single Family-3 zoning district on approximately 98.695 acres situated in the JB and Ann Adams Survey, Abstract No 5 (Property ID 178972) - Owner: Dirk Nowitzki (ZDC-000024-2020)

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](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: ZDC-000024-2020 City Reference: 273022

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, March 18, 2020* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT  OPPOSE *as presented*

Comments:  
Please see comments attached.

*[Signature]*  
Signature

3/18/2020  
Date

Amanda Monsivais  
Printed Name and Title

1116 Cotton Seed Cir.  
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.*

(12)

**Waxahachie Planning & Zoning Commission:**

I received the notification regarding the Planned Development of The Sunrise at Garden Valley and this is my response to the proposed request.

I live at 1116 Cotton Seed Cir, Waxahachie, TX 75165. My property will back up to the new development. My request is that the proposed lots line up to the back of my yard evenly instead of having two different backyards/neighbors directly behind my home. I would also prefer the roadway that leads into the new development to be narrow so that there will not allow a huge increase of traffic down Cotton Seed and Hay Meadow. We love the fact that it is quietly tucked away in the back of Garden Valley Farms which is why we purchased the furthest lot in the back of the neighborhood. We would also like to ensure that access to the park that is proposed to be open and available to everyone, not just to those in the immediate neighborhood. I believe that it is definitely needed for the Waxahachie community. Mathews Park is always packed with lots of families so an additional park is very much needed for the Citizens of Waxahachie.

Thank you allowing my family the opportunity to express our thoughts on the planned new development.

**Amanda & Victor Monsivais**

(12)

**Brooks, Shon**

---

**From:** karlotta hannibal <karlottamhannibal@hotmail.com>  
**Sent:** Tuesday, March 24, 2020 4:16 PM  
**To:** Planning@waxahachie.com  
**Subject:** Sunrise Garden Valley

Hello Shon,

It was nice to speak to you today. I wanted to add that I oppose the new development. Are neighborhood would be overcrowded, too much traffic and we love having open land behind our home. The homes in the cul-de-sac area where we are is a safe area for our children to play. While we love having the land manicured and the beautiful landscaping it would disrupt what we love about our neighborhood.

Serenity & Joy,  
Karlotta Hannibal



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(12)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-000024-2020

ROSE KATHLEEN J & STEVEN L  
336 TUMBLEWEED TRL  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, March 24, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 6, 2020 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 Michael Westfall, Westfall Engineering, to establish a Planned Development-Single Family-3 zoning district on approximately 98.695 acres situated in the JB and Ann Adams Survey, Abstract No 5 (Property ID 178972) - Owner: Dirk Nowitzki (ZDC-000024-2020)

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Case Number: ZDC-000024-2020

City Reference: 263306

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Wednesday, March 18, 2020** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

The reason for purchasing the house was that we were told the land was a flood plain and couldn't be built on. The view was rising point

Signature

Steven Rose  
Printed Name and Title

Date

3/14/2020  
336 Tumbleweed Trail  
Address Waxahachie, Texas  
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.*

(12)

RECEIVED  
3/19/2020



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-000024-2020

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, March 24, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 6, 2020 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 Michael Westfall, Westfall Engineering, to establish a Planned Development-Single Family-3 zoning district on approximately 98.695 acres situated in the JB and Ann Adams Survey, Abstract No 5 (Property ID 178972) - Owner: Dirk Nowitzki (ZDC-000024-2020)

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SUPPORT

OPPOSE

Comments:

*There are already too many neighborhoods in our area with small lots causing high density. We bought our home in Spring Creek Grove last year because of the rural location. Please save some of the countryside!*

Signature

*Jill Wadsworth*

Date

*3/18/2020*

Printed Name and Title

*Jill Wadsworth, Home owner*

Address

*111 Magnolia Dr,  
Waxahachie, Tx 75165*

Outside Notification Area  
PID: 215984



(12)

**City of Waxahachie, Texas**  
**Notice of Public Hearing**  
**Case Number: ZDC-000024-2020**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, March 24, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 6, 2020 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 Michael Westfall, Westfall Engineering, to establish a Planned Development-Single Family-3 zoning district on approximately 98.695 acres situated in the JB and Ann Adams Survey, Abstract No 5 (Property ID 178972) - Owner: Dirk Nowitzki (ZDC-000024-2020)

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SUPPORT

OPPOSE

**Comments:**

I live in Willow Springs. I oppose this sub division connecting to our small neighborhood. I bought here specifically to have a small neighborhood. If I wanted to be part of Garden Valley I would have bought in garden valley. Our streets are too small to have extra traffic. This will also bring more crime. AS YOU KNOW IT WILL..

Bret Massey  
Signature

03-23-2020  
Date

Bret Massey  
Printed Name and Title

104 Peyton Place  
Address

(12)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-000024-2020  
000

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, March 24, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 6, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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SUPPORT

OPPOSE

Comments:

*I oppose the current plan to be tied in to Willow Springs subdivision. We are not part of garden valley addition. Traffic and crime will increase in our neighborhood*

*B. D. A.*  
Signature

*3/23/2020*  
Date

*Bret Daugherty*  
Printed Name and Title

*110 Peyton Place, Waxahachie TX 75165*  
Address

(12)

Tim Burleson  
233 Spring Grove Drive  
Waxahachie, TX 75165

City of Waxahachie P&Z Commission  
C/O Mr. Shon Brooks  
Director of Planning  
401 S Rogers St.  
Waxahachie, TX 75165

**RE: Case # ZDC-000024-2020/ Property ID 178972**

Dear Planning and Zoning:

We respectfully **Oppose** the request for zoning change under case ZDC-00024-2020/Property ID 178972 based on the following points:

1. 245 homes are too many homes for the 98.7-acre subject area given the existing infrastructure and county owned road/bridge that is adjacent to the property.
2. 245 homes will create too much water runoff for Mustang Creek. The county maintains both the roadway (Broadhead) and the bridge crossing Mustang Creek into the East side of Spring Creek Grove neighborhood.
3. The plan does not conform with Growth Strategy #12 as outlined in the 2016 Comprehensive Plan Addendum, which indicates, "Promoting growth of the community where infrastructure exists". There is not enough infrastructure that currently "exists" to promote the proposed growth.
4. We oppose on the basis too many and to large of special requests to variances on SF3 zoning requirements.
  - a. A 16% reduction in minimum lot widths to 67ft.
  - b. A 17% reduction in the setback to 25ft
  - c. A 50% reduction in both the rear and side setback
5. 245 homes along with street lighting will create an intense amount of light pollution. Low impact or low light pollution street lighting has not been adequately addressed.

Respectfully,



Tim Burleson

(13)

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM FUTURE DEVELOPMENT (FD) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3), WITH CONCEPT PLAN TO ALLOW A SINGLE FAMILY RESIDENTIAL SUBDIVISION, LOCATED WEST OF BROADHEAD ROAD AND YOUNGBLOOD ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 98.7 ACRES KNOWN AS A PORTION OF PROPERTY ID 178972 OF THE J.B. AND ANN ADAMS ABSTRACT, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-000024-2020. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from FD to PD-SF3, with Concept Plan; and

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

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

**NOW, THEREFORE**, this property is rezoned from FD to PD-SF3, with Concept Plan in order to facilitate development of the subject property in a manner that allows a single family residential subdivision on the following property: a portion of Property ID 178972 of the J.B. and Ann Adams Abstract, which is shown on Exhibit A, and in accordance with the Site Plan attached as Exhibit B, and Landscape Plan attached as Exhibit C.

### **PLANNED DEVELOPMENT**

#### **Purpose and Intent**

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

(13)

### Development Standards

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

### Development Regulations

1. Per staff's recommendation, a Development Agreement will be required for the property.
2. A 6ft. ornamental fence with masonry columns, spaced every 30 ft., shall be constructed along Broadhead Rd.
3. The residential development shall consist of a Home Owner's Association.
4. The minimum lot width shall for the development shall be 65ft.
5. The minimum front yard setback for the development shall be 25ft.
6. The minimum side yard setback for the development shall be 5ft. (interior), and 15ft. (adjacent to right-of-way).
7. A minimum of 30% J-swing garages shall be provided within the development.
8. A minimum of 50% of the development will have a minimum dwelling unit of 3,000 sq. ft.
9. The minimum masonry percentage shall be 80%. There shall be 100% masonry facing a right-of-way.
10. The residential development shall not exceed 236 residential lots.
11. The Site Plan shall conform as approved by the City Council under case number ZDC-000024-2020.
12. Any zoning, land use requirement, or restriction not contained within this zoning ordinance shall conform to those requirements and/or standards prescribed in Exhibit B – Site Plan and Exhibit C – Landscape Plan. Where regulations are not specified in Exhibit B, Exhibit C, or in this ordinance, the regulations of Single Family-3 zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.
13. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
14. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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

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

**PASSED, APPROVED, AND ADOPTED** on this 20<sup>th</sup> day of April, 2020.

(13)

\_\_\_\_\_  
MAYOR

ATTEST:

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

STATE OF TEXAS	§	DEVELOPMENT AGREEMENT
	§	FOR THE SUNRISE AT GARDEN VALLEY
COUNTY OF ELLIS	§	

This Development Agreement for The Sunrise at Garden Valley ("Agreement") is entered into between Legacy Grove Development ("LGD") and the City of Waxahachie, Texas ("City"). LGD and the City are sometimes referred herein together as the "Parties" and individually as a "Party."

**Recitals:**

1. LGD is the owner of approximately 98.7 acres of real property generally located West of Broadhead Road and Youngblood Road, parcel number 178972, in the City of Waxahachie, Texas (the "Property"), for which the applicant has requested a change in the Property's Future Development zoning to a Planned Development ("PD") Single Family-3 zoning, revising specific development standards. The Property is currently zoned Future Development by the City, and is anticipated to have the zoning changed to a new PD zoning on April 20, 2020.

2. The planned use of the Property is to create a Planned Development to allow for the development of single family residential homes. The PD 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 LGD with agreed-upon and negotiated standards consistent with their business objectives.

3. As is reflected by the public records of the City, significant discussions and negotiations between representatives of LGD 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 PD zoning amendment Ordinance No. ##### (the "The Sunrise at Garden Valley PD Ordinance"), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for The Sunrise at Garden Valley.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the Sunrise at Garden Valley PD Ordinance as contractually-binding obligations between the City of Waxahachie and LGD, and to recognize LGD's reasonable investment-backed expectations in the Sunrise at Garden Valley PD Ordinance and the planned development of The Sunrise at Garden Valley.

**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.

(14)

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

**Section 3. Agreements.** The Parties agree as follows:

**Incorporation of Zoning and Recognition of Investment-Backed Expectations:**

The negotiated and agreed upon zoning and development standards contained in the Sunrise at Garden Valley PD Ordinance, which incorporate by reference the general zoning regulations of the City of Waxahachie zoning ordinance, are hereby adopted and incorporated into this Agreement as contractually-binding obligations of LGD. LGD, agrees to:

- A 6ft. ornamental fence with masonry columns, spaced every 30 ft., shall be constructed along Broadhead Rd.
- The residential development shall consist of a Home Owner's Association.
- The minimum lot width shall for the development shall be 65ft.
- The minimum front yard setback for the development shall be 25ft.
- The minimum side yard setback for the development shall be 5ft. (interior), and 15ft. (adjacent to right-of-way).
- A minimum of 30% J-swing garages shall be provided within the development.
- A minimum of 50% of the development shall have a minimum dwelling unit of 3,000 sq. ft.
- The minimum masonry percentage shall be 80%. There shall be 100% masonry facing a right-of-way.
- The residential development shall not exceed 236 residential lots.
- All proposed amenities, as mentioned by the applicant and approved by City Council, shall be provided within the development.
- The Site Plan shall conform as approved by the City Council under case number ZDC-000024-2020.
- 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.

In consideration of LGD's agreement in this regard, the City of Waxahachie agrees that LGD has reasonable investment-backed expectations in the Sunrise at Garden Valley PD Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the Sunrise at Garden Valley PD Ordinance without impacting LGD's reasonable investment-backed expectations.

(14)

**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.

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.

(14)

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 LGD 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}**

(14)

**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

**: Legacy Grove Development**

By: \_\_\_\_\_

Date: \_\_\_\_\_

(14)

STATE OF TEXAS       §  
                                  §  
COUNTY OF ELLIS     §

Before me, the undersigned authority, on this \_\_\_\_\_ day of April, 2020, 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 \_\_\_\_\_ day of April, 2020, personally appeared \_\_\_\_\_, representative of Legacy Grove Development, 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: \_\_\_\_\_

(14)

**EXHIBIT A**

**The Sunrise at Garden Valley PD Ordinance**

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM FUTURE DEVELOPMENT (FD) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3), WITH CONCEPT PLAN TO ALLOW A SINGLE FAMILY RESIDENTIAL SUBDIVISION, LOCATED WEST OF BROADHEAD ROAD AND YOUNGBLOOD ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 98.7 ACRES KNOWN AS A PORTION OF PROPERTY ID 178972 OF THE J.B. AND ANN ADAMS ABSTRACT, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-000024-2020. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from FD to PD-SF3, with Concept Plan; and

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

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

**NOW, THEREFORE**, this property is rezoned from FD to PD-SF3, with Concept Plan in order to facilitate development of the subject property in a manner that allows a single family residential subdivision on the following property: a portion of Property ID 178972 of the J.B. and Ann Adams Abstract, which is shown on Exhibit A, and in accordance with the Site Plan attached as Exhibit B, and Landscape Plan attached as Exhibit C.

**PLANNED DEVELOPMENT**

**Purpose and Intent**

The purpose of this planned development to create a single family residential development and to establish appropriate restrictions and development controls necessary to ensure predictable land

(14)

development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

#### Development Standards

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

#### Development Regulations

1. Per staff's recommendation, a Development Agreement will be required for the property.
2. A 6ft. ornamental fence with masonry columns, spaced every 30 ft., shall be constructed along Broadhead Rd.
3. The residential development shall consist of a Home Owner's Association.
4. The minimum lot width shall for the development shall be 65ft.
5. The minimum front yard setback for the development shall be 25ft.
6. The minimum side yard setback for the development shall be 5ft. (interior), and 15ft. (adjacent to right-of-way).
7. A minimum of 30% J-swing garages shall be provided within the development.
8. A minimum of 50% of the development will have a minimum dwelling unit of 3,000 sq. ft.
9. The minimum masonry percentage shall be 80%. There shall be 100% masonry facing a right-of-way.
10. The residential development shall not exceed 236 residential lots.
11. The Site Plan shall conform as approved by the City Council under case number ZDC-000024-2020.
12. Any zoning, land use requirement, or restriction not contained within this zoning ordinance shall conform to those requirements and/or standards prescribed in Exhibit B – Site Plan and Exhibit C – Landscape Plan. Where regulations are not specified in Exhibit B, Exhibit C, or in this ordinance, the regulations of Single Family-3 zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.
13. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
14. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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

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

**PASSED, APPROVED, AND ADOPTED** on this 20<sup>th</sup> day of April, 2020.

(14)

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MAYOR

ATTEST:

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City Secretary



# Exhibit A - Location Exhibit

 ZDC-00024-2020 (Planned Development)  
 City Limits



# Exhibit C - Landscape Plan



**CALLOUTS LEGEND:**

- ⓐ MAIN ENTRY SIGN
- ⓑ 10' BY 10' SIGNATURE PLANTING
- ⓒ ENHANCED PLANTING
- ⓓ FOUNTAIN
- ⓔ POCKET PARK
- ⓕ 6" WIDTH CONCRETE TRAIL
- ⓖ 8" WIDTH CONCRETE TRAIL
- ⓗ PARKING
- ⓓ 2' CALIPER SHADE TREE, SPECIES SHALL BE CONSISTENT WITH THE CITY OF WAXAHACHE APPROVED TREE LIST
- ⓔ 2' CALIPER ORNAMENTAL TREE, SPECIES SHALL BE CONSISTENT WITH THE CITY OF WAXAHACHE APPROVED TREE LIST

**GENERAL OPEN SPACE NOTES:**

- ANY ELEMENTS TO BE ESTABLISHED SHALL BE IDENTIFIED AND PROVIDED AT TIME OF PLANTING
- CALLING OUT LITERATURE FOR ALL OPEN SPACES ARE NOT INTENDED TO CONSTITUTE A WRIT, OR REPRESENT ACTUAL LAYOUT, OR SCHEDULE LANDSCAPE DESIGN. ALL CONCEPT DRAWINGS SHOULD BE USED AS A GUIDE TO FINISH.
- ALL ROAD, SIDEWALK, POLE LINES, DRIVE AREAS AND INTERSECTIONS SHALL COMPLY WITH THE CITY OF WAXAHACHE CITY ENGINEERING DESIGN STANDARDS REGARDLESS OF WHAT IS SHOWN ON THIS EXHIBIT.
- NEW TREES SHALL BE CONSISTENT WITH ALL CITY STANDARDS. SPECIES COMPATIBILITY WILL BE PROVIDED THROUGH THE CITY OF WAXAHACHE AND ADA STANDARDS REGARDLESS OF WHAT IS SHOWN ON THIS EXHIBIT.

(7/1)

THE SUNRISE AT GARDEN VALLEY - OVERALL CONCEPTUAL LAND PLAN

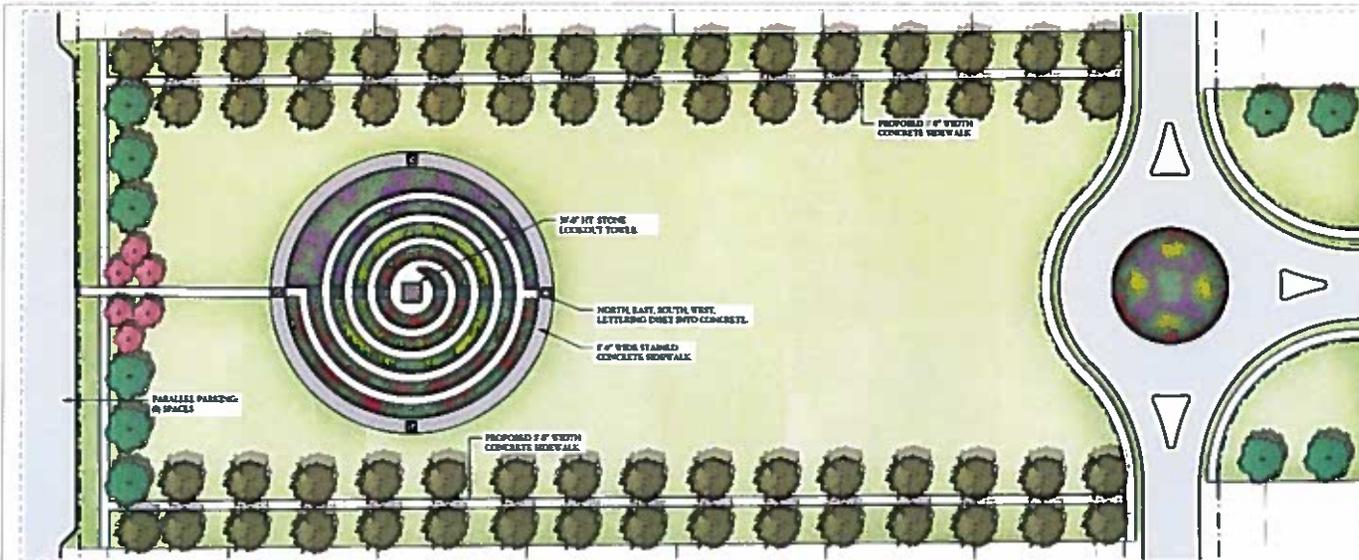


City of Waxahatche, Ellis County, Texas

SHEET 1 OF 5  
Owner: 04/20/2024

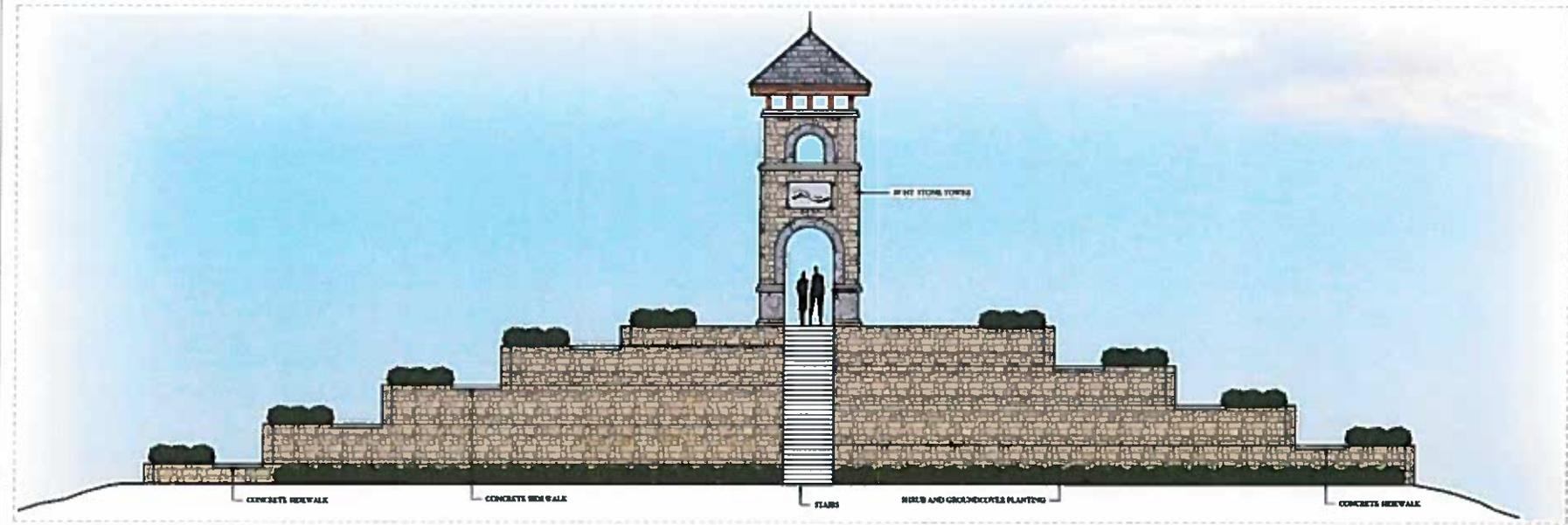


**CODY JOHNSON**  
s · i · d · i · o



- CALLOUTS LEGEND:**
- 7' CALIPER SHADY TREE
  - 7' CALIPER ORNAMENTAL TREE
  - BIRDS AND GRASS/COVER LANDSCAPE BED
- GENERAL OPEN SPACE NOTES:**
- ANY ELEMENTS TO BE RECALIBRATED WILL BE INDICATED AND PROVIDED AT TIME OF PLANTING
  - GRAPHIC ILLUSTRATIONS FOR ALL OPEN SPACES ARE NOT INTENDED TO CONSTITUTE A SPECIFIC OR BINDING CONTRACT. ALL CONCEPT ILLUSTRATIONS SHOWN HEREIN ARE SUBJECT TO CHANGE.
  - ALL BOUNDARY LINES FOR LANDSCAPE BEDS AND INSTALLATION WILL CORRELATE WITH THE CITY OF PERRY'S ENGINEERING DESIGN OF ANY AND ALL UTILITIES OF WHAT IS SHOWN ON THIS PLAN.
  - THESE PLANS WILL BE CONSIDERED ALONG ALL CITY ORDINANCES. BY THE ACCEPTANCE WILL BE PROVIDED THAT THE CITY OF PERRY CITY AND ALSO BE PROVIDED BE AWARE OF WHAT IS SHOWN ON THIS PLAN.

# Exhibit C - Landscape Plan



(Handwritten initials)

**THE SUNRISE AT GARDEN VALLEY - OPEN SPACE AND LOOKOUT TOWER CONCEPT**



City of Waxahatche, Ellis County, Texas

SHEET 2 OF 3  
Created September 09, 2019



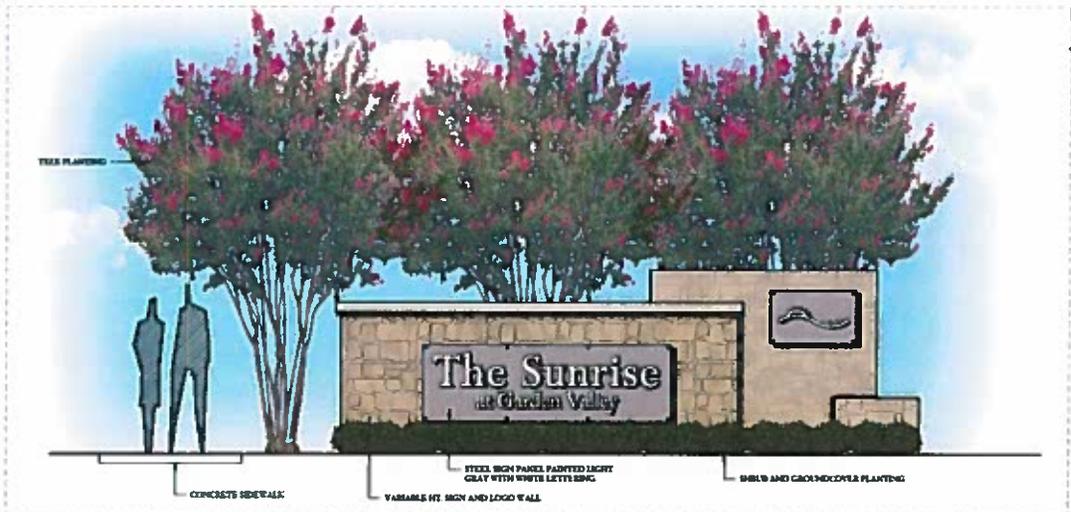
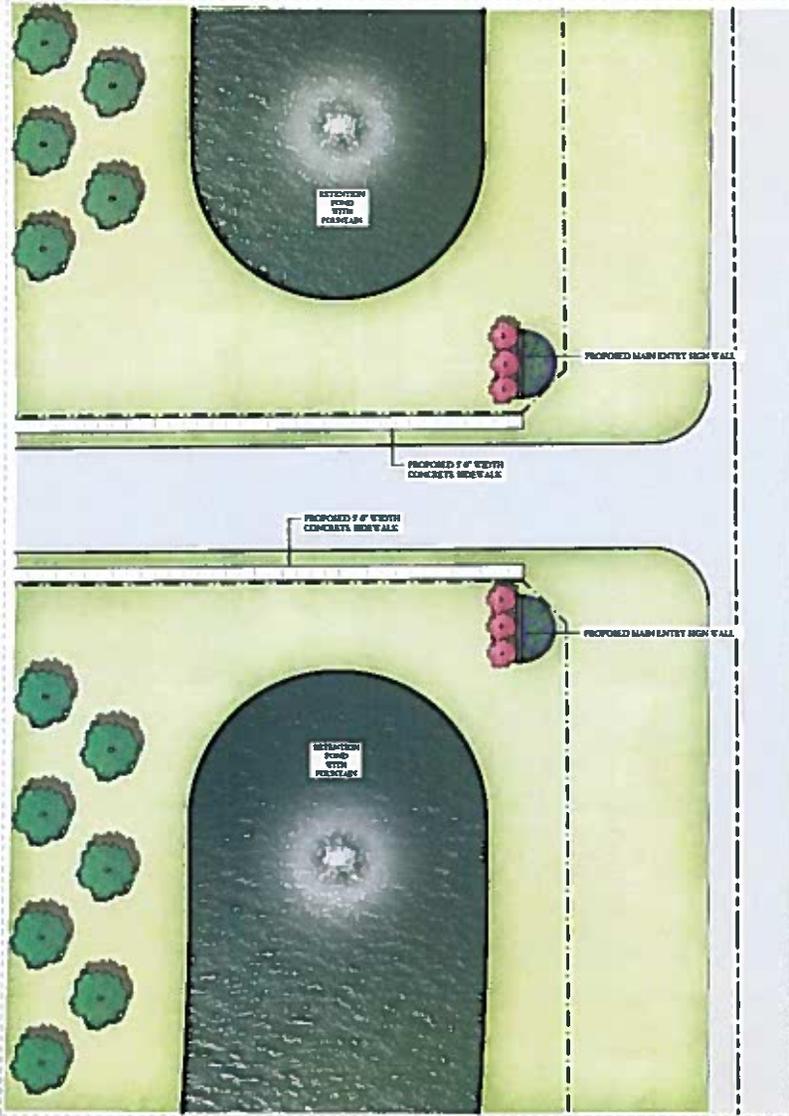
# Exhibit C - Landscape Plan

### CALLOUTS LEGEND:

-  7' CALIFORNIA SHADE TREE
-  7' CALIFORNIA ORNAMENTAL TREE
-  SWIRLS AND GRASS MIXTURE LANDSCAPE BED

### GENERAL OPEN SPACE NOTES:

- ART ELEMENTS TO BE ESTABLISHED WILL BE IDENTIFIED AND PROVIDED AT TIME OF PLANTING.
- GRAPHIC ILLUSTRATIONS FOR ALL OPEN SPACES ARE NOT INTENDED TO CONSTITUTE, SPECIFY OR REPRESENT ACTUAL LAYOUT, OR DECLARED LANDSCAPE DESIGN. ALL CONCEPT DOCUMENTS SHOWN HEREIN ARE SUBJECT TO CHANGE.
- ALL DESIGN, SPECIFICATIONS, PERMITS, LOCAL, STATE AND FEDERAL REQUIREMENTS WILL COMPLY WITH THE CITY OF FORTNEY AND CHEROKEE COUNTY STANDARDS AND REGULATIONS OF WHAT IS SHOWN ON THIS EXHIBIT.
- DESIGN SHALL BE CONSTRUCTED ACCORDING TO ALL CITY STANDARDS. WATER CONNECTIONS WILL BE PROVIDED THAT MEET CITY OF FORTNEY CITY AND ADA STANDARDS REGARDLESS OF WHAT IS SHOWN ON THIS EXHIBIT.



(14)

## THE SUNRISE AT GARDEN VALLEY - MAIN ENTRY CONCEPT

City of Waxahachie, Ellis County, Texas



SHEET 3 OF 3  
 Date: 10/16/2023





114

THE SUNRISE AT GARDEN VALLEY - OPEN SPACE CONCEPT

City of Waxahachie, Ellis County, Texas



SHEET 4 OF 5  
 Created: 08/10/2023



**Exhibit C - Landscape Plan**

(15)

# Planning & Zoning Department

## Zoning Staff Report

Case: ZDC-000022-2020



### MEETING DATE(S)

*Planning & Zoning Commission:* April 14, 2020 (continued from March 24, 2020 PZ meeting)

*City Council:* April 20, 2020

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held April 14, 2020, the Commission voted 6-0 to recommend approval of case number ZDC-22-2020, subject to staff comments.

It should be noted that this request is for a Planned Development (PD) Concept Plan. The second part of the PD process is the Detailed Site Plan. If the Concept Plan ordinance is adopted, then the applicant's Detailed Site Plan will be administratively reviewed and can be approved in accordance with the Concept Plan.

### CAPTION

**Public Hearing** on a request by Barbara Clark, Hope Clinic, for a Zoning Change from a Single Family-2 zoning district to Planned Development-Commercial, with Concept Plan, located at the SE corner of Farley Street at Coleman Street (Property ID 273695) - Owner: CITY OF WAXAHACHIE (ZDC-000022-2020)

### APPLICANT REQUEST

The purpose of this request is to construct a 26,000 sq. ft. clinic on 7.5 acres.

### CASE INFORMATION

*Applicant:* Barbara Clark, Hope Clinic

*Property Owner(s):* City of Waxahachie

*Site Acreage:* 7.5 acres

*Current Zoning:* Single Family-2

*Requested Zoning:* Planned Development-Commercial

### SUBJECT PROPERTY

*General Location:* SE corner of Farley Street at Coleman Street

*Parcel ID Number(s):* 273695

*Existing Use:* Currently Undeveloped

*Development History:*

The Final Plat for the City of Waxahachie Public Safety Campus was approved by City Council on May 21, 2018.

**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	SF2	Texas Baptist Home
East	SF2	Currently Undeveloped
South	SF2	Lake Park Subdivision
West	SF2	Waxahachie Public Safety Campus

*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 Coleman St.

*Site Image:*



**PLANNING ANALYSIS**

**Case History**

On May 20, 2019, City Council approved a Planned Development (PD) to provide additional administrative offices for Hope Clinic at 428 E Jefferson Street. The approved PD allowed Hope Clinic to move its Call Center, originally located at 411 E. Jefferson St., to 428 E. Jefferson St. immediately after obtaining the appropriate Certificate of Occupancy from City of Waxahachie. While searching for new property sites, Hope Clinic intended to occupy the leased property until new facilities are built or otherwise obtained in a to-be-determined location in the City of Waxahachie.

(15)

Purpose of Request:

The purpose of this request is to create a Planned Development district to construct a health clinic on 7.5 acres.

Proposed Use:

Due to the Hope Clinic outgrowing its current facility, the applicant is requesting approval for a zoning change to accommodate development of a 26,000 sq. ft. clinic on 7.5 acres located at the Southeast corner of Farley Street at Coleman Street. Hope Clinic’s new facility will offer Adult, Pediatric, Behavioral, and Dental Health services. In addition to the proposed medical services, the new facility will centralize Hope Clinic’s administrative offices as well. The project is proposed to be constructed in two phases. If approved, construction of Phase I is projected to commence by the fourth quarter of 2020.

Likely, a construction schedule of twelve months will allow for opening and occupancy of Hope Clinic by the fourth quarter of 2021. Any Phase II development for the property may be several years away, and likely will be driven by the clinic within Phase I exceeding its design capacity to serve the patients.

Note: Once Hope Clinic leaves the existing property (located at Jefferson St.), the zoning shall continue to allow for Office and Single Family-3 uses.

Development Standards:

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

Permitted Uses:

- Health Clinic

**Table 2: Proposed Planned Development Standards (Commercial)**

*\*The second column depicts the requirements for the current zoning (SF2) of the property. It is not presented in the “Meets” column.*

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

Standard	*Current Zoning – Single Family-2	City of Waxahachie	Hope Clinic	Meets Y/N
Min. Lot Area (Sq. Ft.)	12,500	5,000	329,668	Yes
Min. Lot Width (Ft.)	90	50	290	Yes
Min. Lot Depth (Ft.)	120	100	1,140 (636 Phase 1)	Yes
Min. Front Yard (Ft.)	30	25	340	Yes
Min. Side Yard (Ft.)	15; 20 (ROW)	15; 20 (ROW)	60	Yes
Min. Rear Yard (Ft.)	25	20; 25 (adjacent to residential)	813	Yes
Max. Height	2 stories	3 stories	1 story	Yes
Max. Lot Coverage (%)	50	40	7.8	Yes

Parking 1 space per 200 sq. ft. (for clinic)	Minimum of 2 enclosed parking spaces behind the front building line on the same lot as the main structure	130	147	Yes
--	--	-----	-----	-----

*\*Additional Note: The building is proposed to be constructed of 100% masonry exterior with a mixture of brick and/or stone.*

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 22 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

**PROPERTY OWNER NOTIFICATION RESPONSES**

Inside 200 ft. Notification Area: Staff has received four (4) letters of support and seven (7) letters of opposition.

Outside 200 ft. Notification Area: Staff has received four (4) letters of opposition.

**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. Per staff recommendation, a Development Agreement will be required for the property.

**ATTACHED EXHIBITS**

1. Development Agreement/Ordinance
2. Location Exhibit
3. Site Plan
4. Elevation/Façade Plan
5. Property Owner Notification Responses

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*  
Colby Collins  
Senior Planner  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

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

Case ZDC-000022-2020  
 Responses Received Inside Required 200' Notification Area  
 Support: 4 Oppose: 7

PropertyID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
171592	FM 1448 LLC SERIES 17	11.2414	LOT 1-2 BLK 245 & 246 TOWN & 290 B B DAVIS 11.2414 AC	200A N ROGERS ST	WAXAHACHIE	TX	75165	525 LAKE PARK AVE WAXAHACHIE TX 75165
172032	BAPTIST MISSIONARY ASSN OF TEXAS	0.937	LOT 1 BLK 1 BAPTIST HOME 0.937 AC	PO BOX 73	WAXAHACHIE	TX	75168	632 FARLEY ST WAXAHACHIE TX 75165
174511	ZAVALA ADOLFO & MARTHA	0.21	9 2 LAKE PARK	117 MARVIN GDNS	WAXAHACHIE	TX	75165	117 MARVIN GARDENS WAXAHACHIE TX 75165
174512	STRANGE PAUL R & JACKIE A	0.24	10 2 LAKE PARK	119 MARVIN GDNS	WAXAHACHIE	TX	75165	119 MARVIN GARDENS WAXAHACHIE TX 75165
174513	MARTINEZ EDWARD & REBECCA L REVOCABLE LIVING TRUST	0.27	LOT 11 BLK 2 LAKE PARK .27 AC	1010 YUKON BLVD	WAXAHACHIE	TX	75167	112 MARVIN GARDENS WAXAHACHIE TX 75165
174514	MARTEL JAMES GILBERT & LINDA PENA MARTEL	0.19	12 2 LAKE PARK	110 MARVIN GDNS	WAXAHACHIE	TX	75165	110 MARVIN GARDENS WAXAHACHIE TX 75165
174515	JACKSON CRYSTAL	0.16	LOT 13 BLK 2 LAKE PARK 0.16 AC	108 MARVIN GARDENS	WAXAHACHIE	TX	75165	108 MARVIN GARDENS WAXAHACHIE TX 75165
174516	JUST SETTLE INVESTMENTS LLC	0.178	LOT 14 BLK 2 LAKE PARK 0.178 AC	101 BROOKSIDE RD	WAXAHACHIE	TX	75165	108 MARVIN GARDENS WAXAHACHIE TX 75165
174517	STEINER DANIEL & KAREN	0.12	LOT 4 BLK 2 LAKE PARK 0.12 AC	107 MARVIN GARDENS	WAXAHACHIE	TX	75165	107 MARVIN GARDENS WAXAHACHIE TX 75165
174518	MAYFIELD BRANDY K	0.13	LOT 5 BLK 2 LAKE PARK 0.13 AC	109 MARVIN GARDENS	WAXAHACHIE	TX	75165	109 MARVIN GARDENS WAXAHACHIE TX 75165
174519	SPEELMAN NANCY A & JAMES F	0.14	6 2 LAKE PARK	111 MARVIN GDNS	WAXAHACHIE	TX	75165	111 MARVIN GARDENS WAXAHACHIE TX 75165
174520	WHITAKER ERIC & NATALIE	0.119	LOT 7 BLK 2 LAKE PARK 0.119 AC	322 COVINGTON LN	OVILLA	TX	75154	113 MARVIN GARDENS WAXAHACHIE TX 75165
174521	TAMAYO DIEGO G	0.14	LOT 8 BLK 2 LAKE PARK .14 AC	2955 FM 876	WAXAHACHIE	TX	75165	115 MARVIN GARDENS WAXAHACHIE TX 75165
174524	GOMEZ MIGUEL O & BRENDA	0.15	1 2 LAKE PARK	101 MARVIN GARDENS	WAXAHACHIE	TX	75165	101 MARVIN GARDENS WAXAHACHIE TX 75165
174525	COSGROVE LINDA J	0.12	LOT 2 BLK 2 LAKE PARK 0.12 AC	208 SPRING CREEK DR	WAXAHACHIE	TX	75165	103 MARVIN GARDENS WAXAHACHIE TX 75165
174526	MORRIS TAMMIE A	0.14	LOT 3 BLK 2 LAKE PARK .14 AC	105 MARVIN GARDENS	WAXAHACHIE	TX	75165	105 MARVIN GARDENS WAXAHACHIE TX 75165
174527	SMITH RONDA R & VERNELL RAY	0.14	3 1 LAKE PARK	104 MARVIN GARDENS	WAXAHACHIE	TX	75165	104 MARVIN GARDENS WAXAHACHIE TX 75165
174528	DUKE NANCY GAIL	0.18	4 1 LAKE PARK	144 BROOKSTONE DR	WAXAHACHIE	TX	75165	115 JOLLY WAY WAXAHACHIE TX 75165
174536	DOWNNS NICHOLAS E	0.18	1 1 LAKE PARK	100 MARVIN GDNS	WAXAHACHIE	TX	75165	100 MARVIN GARDENS WAXAHACHIE TX 75165
174537	FURLOW PRESTON	0.16	2 1 LAKE PARK	102 MARVIN GDNS	WAXAHACHIE	TX	75165	102 MARVIN GARDENS WAXAHACHIE TX 75165
175255	GOMEZ MIGUEL O & BRENDA	0.31	LOT 15 BLK 7 PARK HILL-REV 0.31 AC	101 MARVIN GARDENS	WAXAHACHIE	TX	75165	425 COLEMAN ST WAXAHACHIE TX 75165
175264	GOMEZ MIGUEL O & BRENDA	0.31	LOT 13 BLK 7 PARK HILL-REV .31 AC	101 MARVIN GARDENS	WAXAHACHIE	TX	75165	429 COLEMAN ST WAXAHACHIE TX 75165
175265	GOMEZ MIGUEL O & BRENDA	0.31	LOT 14 BLK 7 PARK HILL-REV 0.31 AC	101 MARVIN GARDENS	WAXAHACHIE	TX	75165	427 COLEMAN ST WAXAHACHIE TX 75165
193847	TEXAS BAPTIST HOME	0	ALL 247 TOWN	629 FARLEY ST	WAXAHACHIE	TX	75165	629 FARLEY ST WAXAHACHIE TX 75165
193848	TEXAS BAPTIST HOME	0	ALL 248 TOWN	629 FARLEY ST	WAXAHACHIE	TX	75165	BROADHEAD RD WAXAHACHIE TX 75165
275510	BLUE BONNET TRAILS HOMEOWNERS ASSOCIATION	17.143	290 TR 1 B B DAVIS 17.143 ACRES	101 VINTAGE DR STE 100	RED OAK	TX	75154	BROADHEAD RD WAXAHACHIE TX 75165

(15)

(15)

<b>PropertyID</b>	<b>Owner's Name</b>	<b>Owner's Address</b>
174537	PRESTON AND DALTON FURLOW	102 MARVIN GARDENS
174529	CHARLIE SMITH	113 JOLLY WAY
174531	KELCIE FULLER	109 JOLLY WAY
236274	ANTONIO CARRILLO	227 PALOMINO



(15)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-000022-2020

RECEIVED  
3-19-20  
3-9-20

TEXAS BAPTIST HOME  
629 FARLEY ST  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, March 24, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 6, 2020 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 Barbara Clark, Hope Clinic, for a Zoning Change from a Single Family-2 zoning district to Planned Development-Commercial, with Concept Plan, located at the SE corner of Farley Street at Coleman Street (Property ID 273695) - Owner: CITY OF WAXAHACHIE (ZDC-000022-2020)

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](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: ZDC-000022-2020

City Reference: 193847

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, March 18, 2020* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

EXCELLENT ADDITION TO OUR AREA

*Randy Odom*  
Signature

03-09-2020  
Date

RANDY ODOM, EXECUTIVE VICE PRESIDENT  
Printed Name and Title

629 FARLEY 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.*

(15)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-000022-2020

RECEIVED  
3-10-20

BAPTIST MISSIONARY ASSN OF TEXAS  
PO BOX 73  
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, March 24, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 6, 2020 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 Barbara Clark, Hope Clinic, for a Zoning Change from a Single Family-2 zoning district to Planned Development-Commercial, with Concept Plan, located at the SE corner of Farley Street at Coleman Street (Property ID 273695) - Owner: CITY OF WAXAHACHIE (ZDC-000022-2020)

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](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: ZDC-000022-2020

City Reference: 172032

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, March 18, 2020* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

*We welcome the neighbor and are glad for the good they do*

*Heidi Mitchell*

Signature

*3-10-20*

Date

*Heidi Mitchell Executive Director of Missions*

Printed Name and Title

*632 Farley St.*

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.*



(15)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-000022-2020

RECEIVED  
3/11/2020

GOMEZ MIGUEL O & BRENDA  
101 MARVIN GARDENS  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, March 24, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 6, 2020 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 Barbara Clark, Hope Clinic, for a Zoning Change from a Single Family-2 zoning district to Planned Development-Commercial, with Concept Plan, located at the SE corner of Farley Street at Coleman Street (Property ID 273695) - Owner: CITY OF WAXAHACHIE (ZDC-000022-2020)

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](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: ZDC-000022-2020

City Reference: 174524

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, March 18, 2020* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Not a commercial area, it's a neighborhood area!  
We have enough traffic coming thru.

Miguel O. Gomez / Brenda Gomez  
Signature

3/10/20  
Date

Miguel Gomez / Brenda Gomez  
Printed Name and Title  
owners

101 Marvin Gdns.  
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.*



(15)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-000022-2020

RECEIVED  
3/11/2020

GOMEZ MIGUEL O & BRENDA  
101 MARVIN GARDENS  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, March 24, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, April 6, 2020 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 Barbara Clark, Hope Clinic, for a Zoning Change from a Single Family-2 zoning district to Planned Development-Commercial, with Concept Plan, located at the SE corner of Farley Street at Coleman Street (Property ID 273695) - Owner: CITY OF WAXAHACHIE (ZDC-000022-2020)

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Case Number: ZDC-000022-2020

City Reference: 175256

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SUPPORT

OPPOSE

Comments:

Disagree with Commercializing the land behind our neighborhood!  
Enough traffic comes through.

Miguel O. Gomez / Brenda Gomez

Signature

3/10/20

Date

Miguel O. Gomez / Brenda Gomez

Printed Name and Title

101 Marvin Gardens

Address

Waxahachie, TX 75165

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

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(15)

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Case Number: ZDC-000022-2020

City Reference: 175264

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SUPPORT

OPPOSE

Comments:

We disagree with the land behind our neighborhood <sup>to</sup> should be commercialized. We have enough traffic coming thru.

Miguel O Gomez / Brenda Gomez  
Signature

3/10/20  
Date

Miguel O. Gomez / Brenda Gomez  
Printed Name and Title

101 Marvin Gdns.  
Address  
Waxahachie, Tx. 75165

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Notice of Public Hearing  
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3/11/2020

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WAXAHACHIE, TX 75165

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Case Number: ZDC-000022-2020

City Reference: 175265

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SUPPORT

OPPOSE

Comments:

Not a commercial area, it's a neighborhood area!  
Too much traffic as is.

Miguel O. Gomez / Brenda Gomez  
Signature

3/10/20  
Date

Miguel O. Gomez / Brenda Gomez  
Printed Name and Title

101 Marvin Gardens  
Waxahachie, TX 75165  
Address

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(15)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-000022-2020

RECEIVED  
3/17/2020

COSGROVE LINDA J  
206 SPRING CREEK DR  
WAXAHACHIE, TX 75165

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Case Number: ZDC-000022-2020

City Reference: 174525

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SUPPORT

OPPOSE

Comments:

*I have no problem with that whatsoever. I think it would be great for the community.*

*Linda Cosgrove*  
Signature

*3-10-2020*  
Date

*Linda Cosgrove, owner*  
Printed Name and Title *103 Marvin Gardens*

*103 Marvin Gardens.*  
Address

*Mailing Address:  
1000 NW 10th St  
Mineral Wells TX 76067*

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Hope Clinic does much

(15)

City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-000022-2020

good work!

STRANGE PAUL R & JACKIE A  
119 MARVIN GDNS  
WAXAHACHIE, TX 75165

RECEIVED  
3/13/2020

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Case Number: ZDC-000022-2020

City Reference: 174512

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SUPPORT

OPPOSE

Comments:

Paul Strange Sr  
Signature

3-9-2020  
Date

PAUL STRANGE SR.  
Printed Name and Title

119 MARVIN GDNS  
Address  
WAXAHACHIE TX 75165

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Case Number: ZDC-000022-2020

City Reference: 275510

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SUPPORT

OPPOSE

RECEIVED  
3/18/2020

Comments:

absolutely not. Our neighborhood is quiet, our kids play in the streets, this will cause too much chaos.

V. Baugus  
Signature

3-11-20  
Date

Virginia Baugus  
Printed Name and Title

106 Mar in gardens  
Wax. TX 75165  
Address

(5)

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City Reference: 275510

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SUPPORT

OPPOSE

RECEIVED  
3/18/2020

Comments:

Mary Bidgway  
Signature  
Mary Bidgway  
Printed Name and Title

03-11-2020  
Date  
115 Jolly Way  
Address  
Waxahachie, TX  
75165

(15)

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Case Number: ZDC-000022-2020

City Reference: 174511

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SUPPORT

OPPOSE

RECEIVED  
3/18/2020

Comments:

No infrastructure; no more privacy  
too much traffic

(15)

Martha Zavala  
Signature

11 March 2020  
Date

Martha Zavala  
Printed Name and Title

117 Marvin Gens.  
Address  
Waxahachie, Tx.  
75165

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(15)

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City Reference: 275510

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SUPPORT

OPPOSE

Comments:

want to keep streets residential instead of  
commercial; more traffic through our streets.

Yvette Mendez  
Signature

3/17/20  
Date

Printed Name and Title

210 Lancaster St.  
Address

RECEIVED  
3/26/2020

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(15)

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SUPPORT

OPPOSE

Comments:

Barry Ford  
Signature

3-18-20  
Date

Barry Ford  
Printed Name and Title

471 COLEMAN  
Address

RECEIVED  
3/26/2020

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SUPPORT

OPPOSE

RECEIVED  
3/18/2020

Comments:

This is a residential area, not commercial. There is too much traffic as it is.

(5)

*[Signature]*  
Signature

3-11-2020  
Date

BRISTON T. FORLOW  
Printed Name and Title

102 MARVIN GARDENS  
Address

Outside Notification Area  
PID: 174537

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City Reference: 275510

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SUPPORT

OPPOSE

Comments:

Too much traffic, would also make  
surrounding neighborhoods unsafe.

  
Signature

3-11-2020  
Date

Mr. Dalton Furlow  
Printed Name and Title

102 Marvin Gardens  
Address

Outside Notification Area  
PID: 174537

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SUPPORT

OPPOSE

RECEIVED  
3/18/2020

Comments:

I do not want any commercial bld on this side of town the clinic need to stay as is.

(15)



Signature

11 Mar 2020

Date

Charles L Smith

Printed Name and Title

113 Jollyway

Address

Outside Notification Area

PID: 174529

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SUPPORT

OPPOSE

RECEIVED  
3/18/2020

Comments:

No infrastructure to support this type of facility -  
Roads are not big enough.

(15)

[Signature]  
Signature

3/11/20  
Date

Kelore Fuller, MS  
Printed Name and Title

109 Jolly way Waxahachie  
Address

Outside Notification Area  
PID: 174531

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SUPPORT

OPPOSE

Comments:

\_\_\_\_\_

Antonio Carrillo  
Signature

3/12/2020  
Date

Antonio Carrillo  
Printed Name and Title

227 Palomino Dr. Waxahachie, Texas  
Address  
75165

Outside Notification Area  
PID: 236274

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

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(16)

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-2 (SF2) TO PLANNED DEVELOPMENT-COMMERCIAL (PD-C), WITH CONCEPT PLAN TO ALLOW A HEALTH CLINIC, LOCATED AT THE SOUTHEAST CORNER OF FARLEY STREET AND COLEMAN STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 7.5 ACRES KNOWN AS A PORTION OF PROPERTY ID 273695, LOT 3 BLOCK A, OF THE CITY OF WAXAHACHIE PUBLIC SAFETY CAMPUS ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-000022-2020. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from SF2 to PD-C, with Concept Plan; and

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

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

**NOW, THEREFORE**, this property is rezoned from SF2 to PD-C, with Concept Plan in order to facilitate development of the subject property in a manner that allows a health clinic on the following property: a portion of Property ID 273695 of the Lot 3 Block A, Of The City Of Waxahachie Public Safety Campus Addition, which is shown on Exhibit A, and in accordance with the Site Plan attached as Exhibit B, and Elevation/Façade Plan attached as Exhibit C.

### **PLANNED DEVELOPMENT**

#### **Purpose and Intent**

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

#### **Development Standards**

All development on land located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this ordinance. The locations of buildings, driveways,

(16)

parking areas, amenity areas, trails, fencing, and other common areas shall substantially conform to the locations shown on the approved Site Plan (Exhibit B) and Elevation/Façade Plan (Exhibit C).

Development Regulations

1. Per staff's recommendation, a Development Agreement will be required for the property.
2. Minimum masonry requirement will be 100%. Masonry products shall offer a selection of brick and stone accents.
3. The Site Plan shall conform as approved by the City Council under case number ZDC-000022-2020.
4. Any zoning, land use requirement, or restriction not contained within this zoning ordinance shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan and Exhibit C – Elevation/Façade Plan. Where regulations are not specified in Exhibit B, Exhibit C, or in this ordinance, the regulations of Commercial zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.
5. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
6. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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

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

**PASSED, APPROVED, AND ADOPTED** on this 20<sup>th</sup> day of April, 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

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

(17)

STATE OF TEXAS           §           DEVELOPMENT AGREEMENT  
                                  §           FOR HOPE CLINIC  
COUNTY OF ELLIS       §

This Development Agreement for Hope Clinic ("Agreement") is entered into between Hope Clinic ("HC") and the City of Waxahachie, Texas ("City"). HC and the City are sometimes referred herein together as the "Parties" and individually as a "Party."

**Recitals:**

1. HC is the owner of approximately 7.5 acres of real property generally located at the Southeast corner of Farley Street and Coleman Street NW corner of Peters Street at Graham Street, parcel number 273695, in the City of Waxahachie, Texas (the "Property"), for which the applicant has requested a change in the Property's Single Family-2 to a Planned Development ("PD") Commercial zoning, revising specific development standards. The Property is currently zoned Single Family-2 by the City, and is anticipated to have the zoning changed to a new PD zoning on April 20, 2020.

2. The planned use of the Property is to create a Planned Development to allow for the development of a health clinic. The PD 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 HC with agreed-upon and negotiated standards consistent with their business objectives.

3. As is reflected by the public records of the City, significant discussions and negotiations between representatives of HC 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 PD zoning amendment Ordinance No. ##### (the "Hope Clinic PD Ordinance"), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for Hope Clinic.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the Hope Clinic PD Ordinance as contractually-binding obligations between the City of Waxahachie and HC, and to recognize HC's reasonable investment-backed expectations in the Hope Clinic PD Ordinance and the planned development of Hope Clinic.

**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.

(17)

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

**Section 3. Agreements.** The Parties agree as follows:

**Incorporation of Zoning and Recognition of Investment-Backed Expectations:**

The negotiated and agreed upon zoning and development standards contained in the Hope Clinic PD Ordinance, which incorporate by reference the general zoning regulations of the City of Waxahachie zoning ordinance, are hereby adopted and incorporated into this Agreement as contractually-binding obligations of HC. HC, agrees to:

- Minimum masonry requirement will be 100%. Masonry products shall offer a selection of brick and stone accents.
- The Site Plan shall conform as approved by the City Council under case number ZDC-000022-2020.
- A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
- 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.

In consideration of HC's agreement in this regard, the City of Waxahachie agrees that HC has reasonable investment-backed expectations in the Hope Clinic PD Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the Hope Clinic PD Ordinance without impacting HC'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

(17)

provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

D. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Parties may have by law statute, ordinance, or otherwise. The failure by any Party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement with respect to any other or subsequent breach thereof, nor a waiver by such Party of its rights at any time thereafter to require exact and strict compliance with all the terms hereof. Any rights and remedies any Party may have with respect to the other arising out of this Agreement shall survive the cancellation, expiration or termination of this Agreement, except as otherwise expressly set forth herein.

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

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

G. This Agreement is made subject to the existing provisions of the 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.

(17)

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 HC 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}**

(17)

**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

**: Hope Clinic**

By: \_\_\_\_\_

Date: \_\_\_\_\_

(17)

STATE OF TEXAS       §  
                                  §  
COUNTY OF ELLIS     §

Before me, the undersigned authority, on this \_\_\_\_\_ day of April, 2020, 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 \_\_\_\_\_ day of April, 2020, personally appeared \_\_\_\_\_, representative of Hope Clinic, 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: \_\_\_\_\_

(17)

**EXHIBIT A**

**Hope Clinic PD Ordinance**

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-2 (SF2) TO PLANNED DEVELOPMENT-COMMERCIAL (PD-C), WITH CONCEPT PLAN TO ALLOW A HEALTH CLINIC, LOCATED AT THE SOUTHEAST CORNER OF FARLEY STREET AND COLEMAN STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 7.5 ACRES KNOWN AS A PORTION OF PROPERTY ID 273695, LOT 3 BLOCK A, OF THE CITY OF WAXAHACHIE PUBLIC SAFETY CAMPUS ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-000022-2020. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from SF2 to PD-C, with Concept Plan; and

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

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

**NOW, THEREFORE**, this property is rezoned from SF2 to PD-C, with Concept Plan in order to facilitate development of the subject property in a manner that allows a health clinic on the following property: a portion of Property ID 273695 of the Lot 3 Block A, Of The City Of Waxahachie Public Safety Campus Addition, which is shown on Exhibit A, and in accordance with the Site Plan attached as Exhibit B, and Elevation/Façade Plan attached as Exhibit C.

**PLANNED DEVELOPMENT**

**Purpose and Intent**

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

(17)

Development Standards

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

Development Regulations

1. Per staff's recommendation, a Development Agreement will be required for the property.
2. Minimum masonry requirement will be 100%. Masonry products shall offer a selection of brick and stone accents.
3. The Site Plan shall conform as approved by the City Council under case number ZDC-000022-2020.
4. Any zoning, land use requirement, or restriction not contained within this zoning ordinance shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan and Exhibit C – Elevation/Façade Plan. Where regulations are not specified in Exhibit B, Exhibit C, or in this ordinance, the regulations of Commercial zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.
5. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
6. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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

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

**PASSED, APPROVED, AND ADOPTED** on this 20<sup>th</sup> day of April, 2020.

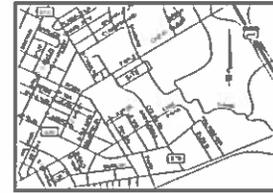
\_\_\_\_\_  
MAYOR

ATTEST:

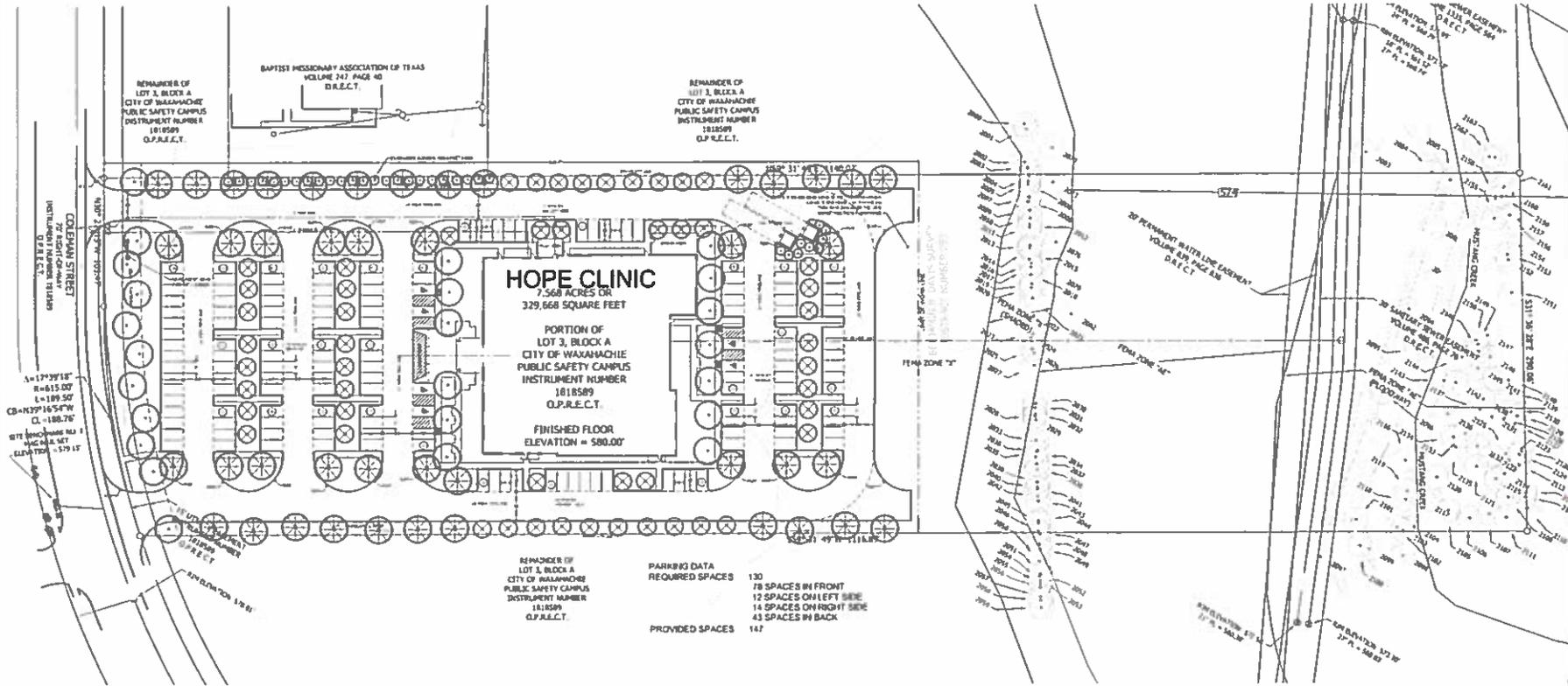
\_\_\_\_\_  
City Secretary



# Exhibit B - Site Plan



VICINITY MAP



**PARKING DATA**  
 REQUIRED SPACES 130  
 78 SPACES IN FRONT  
 12 SPACES ON LEFT SIDE  
 14 SPACES ON RIGHT SIDE  
 43 SPACES IN BACK  
 PROVIDED SPACES 147



Hope Clinic- Planned Development-Commercial  
 ZDC-000027-2020  
 7.568 AC - Portion of Lot 3 Block A  
 City of Waxahachie- Public Safety Campus  
 Waxahachie, Texas, Ellis County

Hope Clinic-Planned Development-Commercial  
 ZDC-000027-2020  
 7.568 AC - Portion of Lot 3 Block A  
 City of Waxahachie- Public Safety Campus  
 Waxahachie, Texas, Ellis County



320 East Morgan Avenue  
 Waxahachie, TX 75165  
 972.923.2200

Owner: \_\_\_\_\_  
 Designer: \_\_\_\_\_  
 Engineer: \_\_\_\_\_  
 G.A. No.: \_\_\_\_\_

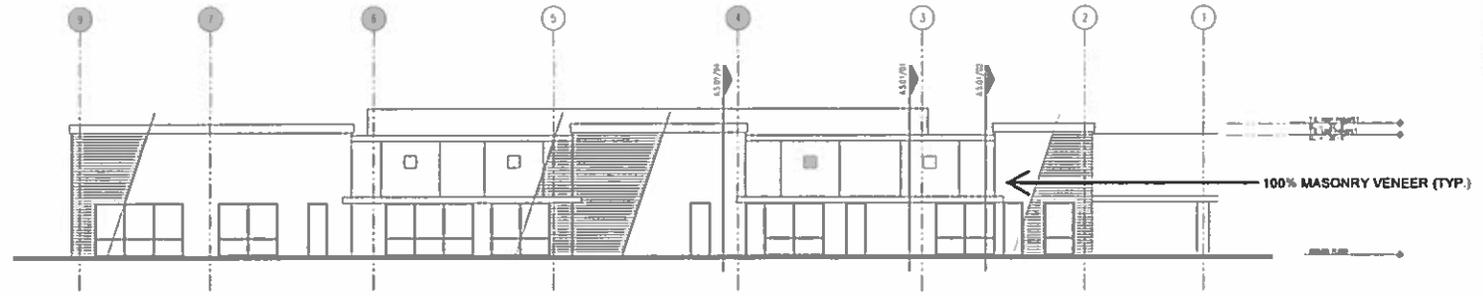
**Hope Clinic**  
 201 Ferris Ave.  
 Suite J  
 Waxahachie, Texas 75165  
 972.923.2440

www.hcmllc.com

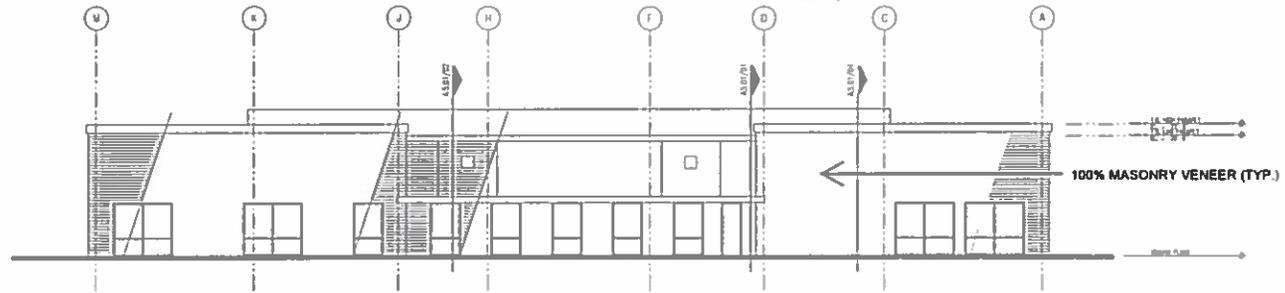


PROJECT NO. 2020-010  
 DRAWING NO. 22-101-101  
 DATE: 1-21-20  
**CSP-V2.0**

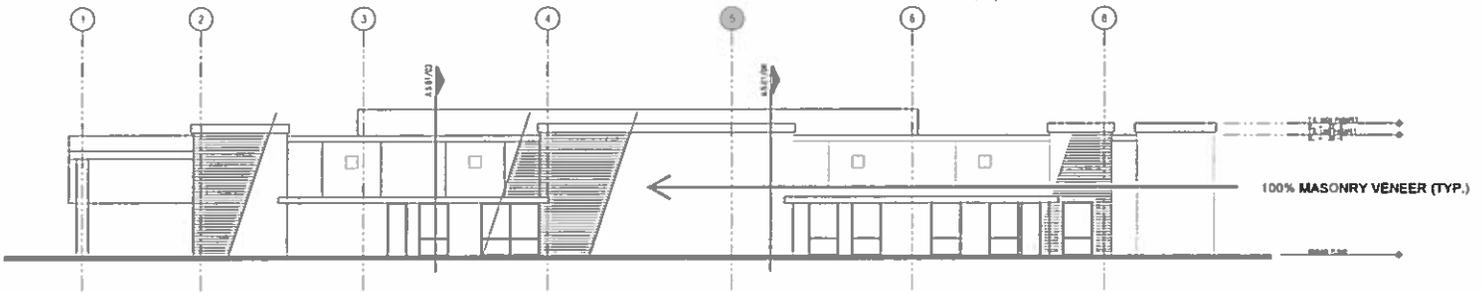
# Exhibit C - Elevation/Facade Plan



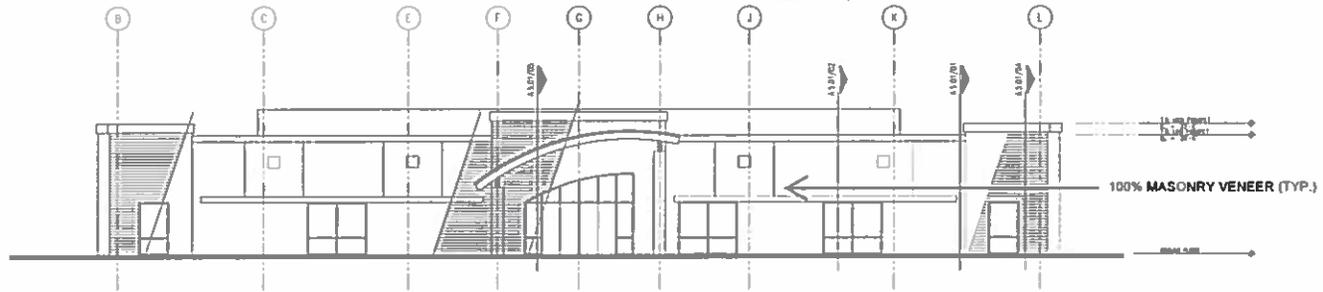
**04 WEST ELEVATION**  
SCALE: 1/8" = 1'-0"



**03 NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"



**02 EAST ELEVATION**  
SCALE: 1/8" = 1'-0"



**01 SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"

REVISED ELEVATIONS PER STAFF COMMENTS- 3.3.20

HOPE CLINIC  
WAXAHACHIE, TEXAS

(11)



Revised Date	04 FEBRUARY 2020
Project No.	
Sheet Title	
Sheet No.	

(18)

**Planning & Zoning Department  
Plat Staff Report**

**Case: SUB-38-2020**



**MEETING DATE(S)**

*Planning & Zoning Commission:* April 14, 2020

*City Council:* April 20, 2020

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held April 15, 2020, the Commission voted 6-0 to recommend disapproval of plat no. SUB-38-2020, due to the applicant's refusal to dedicate necessary Right-of-Way.

**PREVIOUS ACTION BY CITY COUNCIL**

A replat of Allen Family Estates was previously shown to City Council as case RP-19-0168 on February 17, 2020. City Council voted to deny the plat request by a vote of 3-2 due to a lack of Right-of-Way dedication.

**CAPTION**

*Consider* request by Leslie Porterfield for a Replat of Tract 3, Allen Family Estates, to create Tracts 3A and 3B, Allen Family Estates, 4.833 acres (Property ID 147329) in the Extra Territorial Jurisdiction – Owner: Leslie Porterfield (SUB-38-2020)

**APPLICANT REQUEST**

The applicant is requesting a replat that would separate Lot 3, Block 1 of the Allen Family tract into 2 different lots and allow for the construction of one (1) single family dwelling on the new lot in addition to an already existing dwelling unit on the property. The applicant is requesting a petition of relief for Right-of-Way dedication.

**CASE INFORMATION**

<i>Applicant:</i>	Leslie Porterfield
<i>Property Owner(s):</i>	Leslie Porterfield
<i>Site Acreage:</i>	4.833 acres
<i>Number of Lots:</i>	1 lots
<i>Number of Dwelling Units:</i>	1 units
<i>Park Land Dedication:</i>	N/A (ETJ)
<i>Adequate Public Facilities:</i>	Adequate public facilities are available for this property.

(18)

**SUBJECT PROPERTY**

**General Location:** 2431 Patrick Rd.

**Parcel ID Number(s):** 147329

**Current Zoning:** N/A (ETJ)

**Existing Use:** A residence is being constructed on this property.

**Platting History:** Lot 3, Block 1 Allen Family Estates has been platted but staff was unable to find the existing plat for the site.

**Site Aerial:**



**STAFF CONCERNS**

1. Staff has requested a 40' Right-of-Way dedication from the center of Patrick Rd due to Patrick Rd being listed as an 80' ROW per the City's Thoroughfare plan.

**APPLICANT RESPONSE TO CONCERNS**

1. The applicant wishes to request a petition of relief for ROW dedication. The applicant has made it known that any ROW dedication would be an issue for this replat and that the neighboring lots have not given up any ROW.

**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. Staff is recommending disapproval for this replat because of a failure to dedicate the necessary ROW for Patrick Rd per *Sec. 3.1.c.6(a) Dedication of Right-of-Way and Road Improvements* of the Waxahachie Subdivision Ordinance.
- Approval, as presented.
- Approval, per the following conditions:

**ATTACHED EXHIBITS**

1. Plat Drawing
2. Water Letter

(18)

**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](mailto:cwebb@waxahachie.com)

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



(18)



PLANNING & ZONING DEPARTMENT  
401 South Rogers Street | Waxahachie, Texas 75168  
(469) 309-4290 | [www.waxahachie.com/Departments/PlanningandZoning](http://www.waxahachie.com/Departments/PlanningandZoning)



### WATER UTILITY PROVIDER'S ENDORSEMENT

Applicant Name: Leslie Porterfield Parcel ID #: \_\_\_\_\_  
Subdivision Name: \_\_\_\_\_

The City of Waxahachie requires new lots in subdivisions have adequate water flow and pressure to comply with TCEQ and latest Insurance Service Office (ISO) guidelines. Subdivisions served by water providers outside of the City of Waxahachie will need to ensure they can provide water flow/pressure per TCEQ and fire flow per the latest ISO guidelines.

*Applicants, please submit this form to your water provider for completion. This completed form must be turned in at the time you submit your application packet to the Planning Department.*

Contact Information:

- Buena Vista-Bethel SUD (972) 937-1212
- Carroll Water Company (972) 617-0817
- Mountain Peak SUD (972) 775-3765
- Rockett SUD (972) 617-3524
- Sardis-Lone Elm WSC (972) 775-8566
- Nash Foreston WSC (972) 483-3039

To be completed by the water utility provider:

	Yes	No
1. I have reviewed a copy of the proposed plat.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The platted lots fall within our CCN area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Our water system can provide water flow and pressure for domestic service per TCEQ regulations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Our water system can provide the water flow and pressure for firefighting per ISO guidelines.	<input type="checkbox"/>	<input type="checkbox"/>
5. The water line size servicing the lots is <u>500 gpm</u> <u>6</u> inches.	<input type="checkbox"/>	<input type="checkbox"/>

Morgan Massey, Development Coordinator  
Print Name of General Manager of water provider or Designee

Rockett SUD  
Name of water provider company

Morgan Massey  
Signature of General Manager of water provider or Designee

11/14/2019  
Date

Planning & Zoning Department  
Zoning Staff Report

(19)



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Case: ZDC-000031-2020

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**MEETING DATE(S)**

*Planning & Zoning Commission:* April 14, 2020

*City Council:* April 20, 2020

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held April 14, 2020, the Commission voted 6-0 to recommend approval of case number ZDC-31-2020, subject to staff comments.

**CAPTION**

***Public Hearing*** on a request by Robert G. Scruggs for a Zoning Change from a Future Development zoning district to Single Family Residential-1, located at 3273 Howard Road (being a portion of Property ID 182107) - Owner: ROBERT G AND SUSAN C SCRUGGS (ZDC-000031-2020)

**APPLICANT REQUEST**

The applicant is requesting a zoning change from Future Development (FD) to Single Family-1 (SF1) to construct three (3) single family residences.

**CASE INFORMATION**

*Applicant:* Robert G. Scruggs  
*Property Owner(s):* Robert G. Scruggs  
*Site Acreage:* 8.4 acres  
*Current Zoning:* Future Development  
*Requested Zoning:* Single Family-1

**SUBJECT PROPERTY**

*General Location:* 3273 Howard Rd.  
*Parcel ID Number(s):* 182107  
*Existing Use:* Currently Undeveloped  
*Development History:* N/A

(19)

**Table 1: Adjoining Zoning & Uses:**

Direction	Zoning	Current Use
North	FD	Single Family Residences
East	FD	Single Family Residences
South	RR	Undeveloped Land
West	FD	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 Howard Rd.

*Site Image:*



**PLANNING ANALYSIS**

**Purpose of Request:**

The applicant is requesting a zoning change from Future Development (FD) to Single Family-1 (SF1) to construct three (3) single family residences.

**Proposed Use:**

The applicant is requesting approval for a zoning change to accommodate development of three (3) single family residences. Each single family residential lot is proposed to meet all Single Family-1 zoning district requirements.

**Table 2: Proposed Single Family Residential (per SF1 standards)** (19)

*\*The second column depicts the requirements for the current zoning (FD) of the property. It is not presented in the "Meets" column.*

**\*\*\*Items highlighted in bold do not meet the City of Waxahachie SF1 requirements\*\*\***

Standard	*Current Zoning – Future Development	City of Waxahachie	Sanctuary	Meets
Min. Lot Area	3 acres	16,000 sq. ft.	43,560 sq. ft.	Yes
Min. Lot Width	250 ft.	90 ft.	90 ft.	Yes
Min. Lot Depth	500 ft.	140 ft.	140 ft.	Yes
Min. Front Setback	35 ft.	40 ft.	40 ft.	Yes
Min. Interior Setback	10% of lot width; 50 (ROW)	15 ft; 20 ft (ROW)	15 ft.; 20 ft. (ROW)	Yes
Min. Rear Setback	25 ft.	25 ft.	25 ft.	Yes
Min. Dwelling Size	1,500 sq. ft.	2,200 sq. ft.	2,200 sq. ft.	Yes
Max. Height	3 stories (main structure); 1 story (accessory structure)	2 stories (main structure); 1 story (accessory structure)	2 stories (main structure); 1 story (accessory structure)	Yes
Max. Lot Coverage	50%	50%	50%	Yes
Parking	Min. of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure	Min. of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure	Min. of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure	Yes

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, 13 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

**PROPERTY OWNER NOTIFICATION RESPONSES**

Staff has received two (2) letters of support for the proposed zoning change.

**STAFF CONCERNS**

1. Staff has no outstanding concerns for the applicant.

**APPLICANT RESPONSE TO CONCERNS**

1. The applicant has addressed staff concerns.

(19)

**RECOMMENDATION**

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

- Denial
- Approval, as presented.
- Approval, per the following comments:
  1. Per staff's recommendation, a Development Agreement will be required for the proposed development.

**ATTACHED EXHIBITS**

1. Development Agreement/Ordinance
2. Location Exhibit
3. Site Layout Exhibit
4. Property Owner Notification Responses

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*  
Colby Collins  
Senior Planner  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

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

Case ZDC-000031-2020  
 Responses Received Inside Required 200' Notification Area  
 Support: 2 Oppose: 0

PropertyID	Owner's Name	Acreage	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
175296	BOX DAVID B & DEBBIE J	0.705	61 PECAN VALLEY 0.705 ACRES	331 ASH DR	WAXAHACHIE	TX	75165	331 ASH DR WAXAHACHIE TX 75165
175297	BARRINGTON CRAIG M & JENNIFER J	0.587	62 PECAN VALLEY 0.587 ACRES	321 ASH DR	WAXAHACHIE	TX	75165	321 ASH DR WAXAHACHIE TX 75165
182069	SENNES CHARLES A & LUCY I	10.185	272 S M DURRETT 10.185 ACRES	942 JENNI DR	MIDLOTHIAN	TX	76065	FM 877 WAXAHACHIE TX 75165
182107	SCRUGGS ROBERT G & SUSAN C	8.4585	272 S M DURRETT 8.4585 ACRES	724 AZALEA TRL	WAXAHACHIE	TX	75165	3273 HOWARD RD WAXAHACHIE TX 75165
201918	MILLER EDDY & MILLER JERRY	0.57	63 PECAN VALLEY 0.57 ACRES	311 ASH DR	WAXAHACHIE	TX	75165	311 ASH DR WAXAHACHIE TX 75165
201924	BROOKS DONALD R & MARTHA T	0.598	55 PECAN VALLEY 0.598 ACRES	330 ASH DR.	WAXAHACHIE	TX	75165	320 ASH DR WAXAHACHIE TX 75165
201925	BROOKS DONALD R & MARTHA T	0.56	56 PECAN VALLEY 0.56 ACRES	330 ASH DR.	WAXAHACHIE	TX	75165	330 ASH DR WAXAHACHIE TX 75165
201928	ARREDONDO ADAM & EMMA	2.049	LOT 59R PECAN VALLEY-REV 2.049 AC	159 WILLOW RUN	WAXAHACHIE	TX	75165	159 WILLOW RUN WAXAHACHIE TX 75165
205313	WALD CAROL R	32.736	272 S M DURRETT 32.736 ACRES	3241 HOWARD RD.	WAXAHACHIE	TX	75165	3241 HOWARD RD WAXAHACHIE TX 75165
231010	SEALEY ERICK W JR	2.038	LOT 2 LINDMARK ESTS-REV 2.038 AC	614 CUMMINGS LN	LANCASTER	TX	75146	FM 877 WAXAHACHIE TX 75165
231011	DONAHUE JEROMY	2.066	LOT 3 LINDMARK ESTS-REV 2.066 AC	P O BOX 553	WAXAHACHIE	TX	75168	3338 HOWARD RD WAXAHACHIE TX 75165
263578	LEWIS STEVEN B & LINDA S	1.516	LOT 9 WAXAHACHIE LAKE ESTATES 1 1.516 AC	3339 FM 877	WAXAHACHIE	TX	75165	3339 FM 877 WAXAHACHIE TX 75165
263968	HYLES STEVEN G & KRISTIN HYLES	1.514	LOT 10 WAXAHACHIE LAKE ESTATES 1 1.514 AC	3333 HOWARD RD	WAXAHACHIE	TX	75165	3333 FM 877 WAXAHACHIE TX 75165
273159	WELLS ERIC P & RONDA D	7.548	LOT 1 BLK A WHISKEY CREEK ADDN 7.548 AC	107 TRINITY LN	WAXAHACHIE	TX	75165	3270 HOWARD RD WAXAHACHIE TX 75165

(19)

Case Number: ZDC-000031-2020

City Reference: 201924

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, April 8, 2020* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

\_\_\_\_\_

Martha T. Brooks

Signature

4-3-20

Date

Martha T. Brooks

Printed Name and Title

330 Ash Dr. Waxahachie, TX  
Address 75165

(19)

RECEIVED  
4/8/20

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

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

Case Number: ZDC-000031-2020

City Reference: 201925

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SUPPORT

OPPOSE

Comments:

(19)

Donald R. Brooks  
Signature

4/3/20  
Date

DONALD R. BROOKS  
Printed Name and Title

530 ASH DR.  
Address

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

RECEIVED  
4/8/20

*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.*

(20)

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM FUTURE DEVELOPMENT (FD) TO SINGLE FAMILY-1 (SF1), WITH CONCEPT PLAN LOCATED AT 3273 HOWARD ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 8.4 ACRES KNOWN AS A PORTION OF PROPERTY ID 182107 OF ABSTRACT 272 OF THE S.M. DURRETT SURVEY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, a proper application for a Zoning Change, has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-000031-2020. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from FD to SF1; and

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

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

**NOW, THEREFORE**, this property is rezoned from FD to SF1, in order to facilitate development of the subject property in a manner that allows single family residences on the following property: a portion of Property ID 182107 of Abstract 272 of the S.M. Durrett Survey, which is shown on Exhibit A, and in accordance with the Site Layout attached as Exhibit B.

### **ZONING CHANGE**

#### **Purpose and Intent**

The purpose of this zoning change is to develop single family residences and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

#### **Development Standards**

All development on land located within the boundaries of this Parcel ID (182107) shall adhere to the rules and regulations set forth in this ordinance.

(20)

Development Regulations

1. Per the staff's recommendation, a Development Agreement will be required for the property.
2. Minimum masonry requirement shall be 75%. 100% masonry is required facing a public right-of-way.
3. The proposed development shall consist of no more than three (3) residential lots.
4. The development shall conform as approved by the City Council under case number ZDC-000031-2020.
5. Where regulations are not specified in this ordinance, the regulations of Single Family-1 zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.
6. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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

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

**PASSED, APPROVED, AND ADOPTED** on this 20<sup>th</sup> day of April, 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

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

(21)

STATE OF TEXAS §  
COUNTY OF ELLIS §

DEVELOPMENT AGREEMENT  
FOR SCRUGGS ESTATES

This Development Agreement for Scruggs Estates ("Agreement") is entered into between Robert Scruggs ("RS") and the City of Waxahachie, Texas ("City"). RS and the City are sometimes referred herein together as the "Parties" and individually as a "Party."

Recitals:

1. RS is the owner of approximately 8.4 acres of real property generally located at 3273 Howard Rd., parcel ID 182107, in the City of Waxahachie, Texas (the "Property"), for which he has requested a Zoning Change (FD to SF1) ("ZC") to allow for a single family residential development. The Property is currently zoned Future Development by the City, and is anticipated to have the Zoning Change reviewed on April 20, 2020.

2. The planned use of the Property is to create three (3) single family residences within a Single Family zoning district. The Zoning Change review 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 RS with agreed-upon and negotiated standards consistent with his business objectives.

3. As is reflected by the public records of the City, significant discussions and negotiations between RS 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 ZC Ordinance No. ##### (the "Scruggs Estates Zoning Change Ordinance"), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for Scruggs Estates.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards as contractually-binding obligations between the City of Waxahachie and RS, and to recognize RS's reasonable investment-backed expectations in Scruggs Estates.

**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").

(21)

**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 Scruggs Estates Zoning Change, 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 RS. RS, agrees to:

- Minimum masonry requirement shall be 75%. 100% masonry is required facing a public right-of-way.
- The proposed development shall consist of no more than three (3) residential lots.
- The development shall conform as approved by the City Council under case number ZDC-000031-2020.
- 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.

In consideration of RS's agreement in this regard, the City of Waxahachie agrees that RS has reasonable investment-backed expectations in Scruggs Estates Zoning Change, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in Scruggs Estates without impacting RS'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.

(21)

D. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Parties may have by law statute, ordinance, or otherwise. The failure by any Party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement with respect to any other or subsequent breach thereof, nor a waiver by such Party of its rights at any time thereafter to require exact and strict compliance with all the terms hereof. Any rights and remedies any Party may have with respect to the other arising out of this Agreement shall survive the cancellation, expiration or termination of this Agreement, except as otherwise expressly set forth herein.

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

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

G. This Agreement is made subject to the existing provisions of the 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 RS and all of his 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.

(21)

**{Signature Pages Follow}**

(21)

**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

**Scruggs Estates:**

By: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF TEXAS

§  
§  
§

(21)

COUNTY OF ELLIS

Before me, the undersigned authority, on this \_\_\_\_\_ day of April, 2020, 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

§  
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COUNTY OF ELLIS

Before me, the undersigned authority, on this \_\_\_\_\_ day of April, 2020, personally appeared \_\_\_\_\_, 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: \_\_\_\_\_

(21)

**EXHIBIT A**

**Scruggs Estates ZC Ordinance**

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM FUTURE DEVELOPMENT (FD) TO SINGLE FAMILY-1 (SF1), WITH CONCEPT PLAN LOCATED AT 3273 HOWARD ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 8.4 ACRES KNOWN AS A PORTION OF PROPERTY ID 182107 OF ABSTRACT 272 OF THE S.M. DURRETT SURVEY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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(21)

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

**PASSED, APPROVED, AND ADOPTED** on this 20<sup>th</sup> day of April, 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

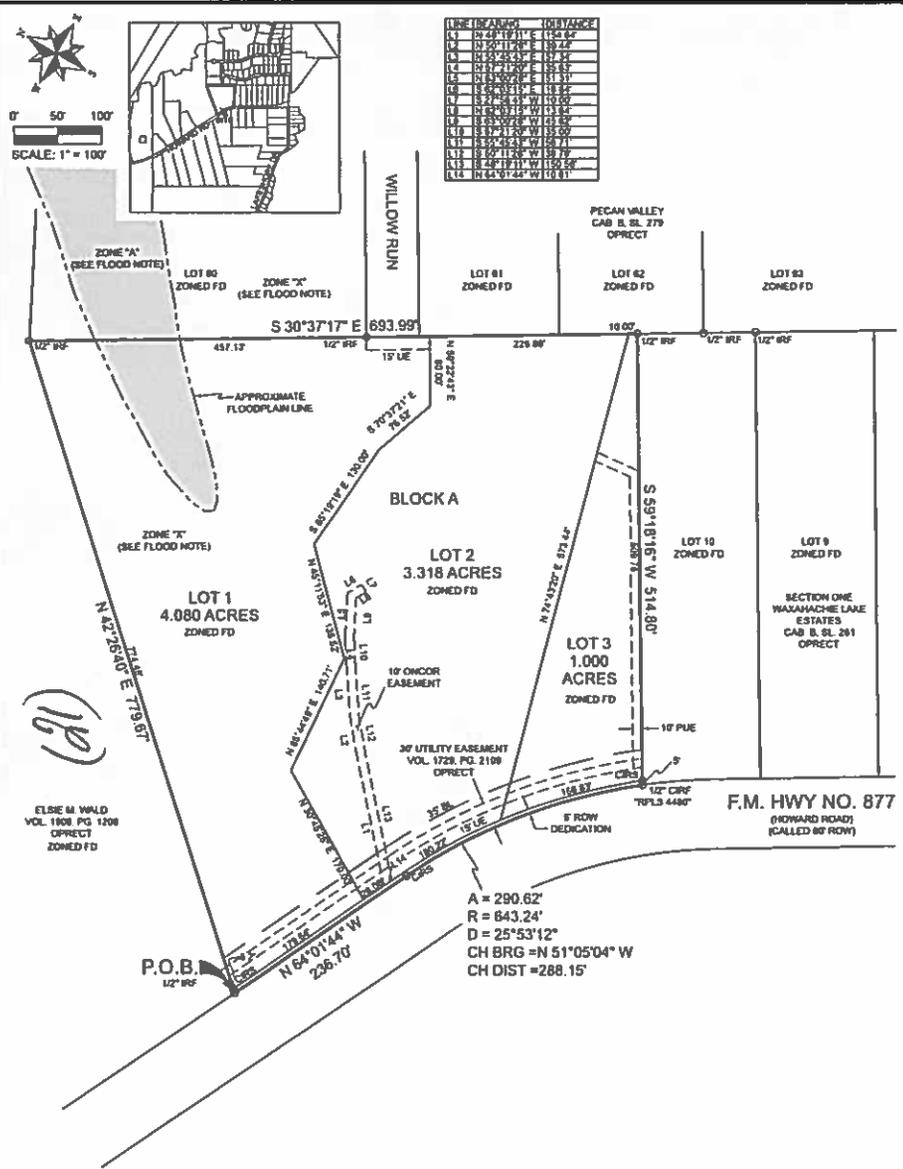
\_\_\_\_\_  
City Secretary



# Exhibit A - Location Exhibit

300 600 1,200 1,800 2,400 Feet

ZDC-000031-2020 (ZC)  
City Limits



LINE	BEARING	DISTANCE
L1	N 24°17'11" E	125.67'
L2	N 52°51'32" E	132.87'
L3	N 52°51'32" E	132.87'
L4	N 52°51'32" E	132.87'
L5	N 52°51'32" E	132.87'
L6	N 52°51'32" E	132.87'
L7	N 52°51'32" E	132.87'
L8	N 52°51'32" E	132.87'
L9	N 52°51'32" E	132.87'
L10	N 52°51'32" E	132.87'
L11	N 52°51'32" E	132.87'
L12	N 52°51'32" E	132.87'
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L98	N 52°51'32" E	132.87'
L99	N 52°51'32" E	132.87'
L100	N 52°51'32" E	132.87'

OWNER'S CERTIFICATE

STATE OF TEXAS  
COUNTY OF ELLIS

WHEREAS, ROBERT G. SCRUGGS AND SUSAN C. SCRUGGS ARE THE OWNER OF A TRACT OF LAND SITUATED IN THE S. DURRETT SURVEY, ABSTRACT NO. 272, CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO ROBERT G. SCRUGGS AND SUSAN C. SCRUGGS, RECORDED IN VOLUME 274, PAGE 2347, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (HEREIN, "DEED"), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID SCRUGGS TRACT AND THE COMMON SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO ELLIE M. WALD, RECORDED IN VOLUME 1989, PAGE 1288, DEED IN THE NORTH RIGHT-OF-WAY (ROW) LINE OF F.M. HIGHWAY NO. 877 (HEREIN, "ROW") (A CALLED BY ROW);

THENCE N 42°28'00" E, ALONG THE WEST LINE OF SAID SCRUGGS TRACT AND THE COMMON EAST LINE OF SAID WALD TRACT A DISTANCE OF 779.81 FEET A 1/2" IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID SCRUGGS TRACT AND THE COMMON SOUTHWEST CORNER OF PECAN VALLEY, RECORDED IN CABINET B, SLIDE 376 DEED;

THENCE S 89°31'11" E, ALONG THE NORTH LINE OF SAID SCRUGGS TRACT AND THE COMMON SOUTH LINE OF SAID PECAN VALLEY A DISTANCE OF 883.90 FEET A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID SCRUGGS TRACT AND THE COMMON NORTHWEST CORNER OF LOT 18, SECTION ONE WAXAHACHE LAKE, ESTATES, RECORDED IN CABINET B, SLIDE 381 DEED;

THENCE S 48°11'18" W, ALONG THE EAST LINE OF SAID SCRUGGS TRACT AND THE COMMON WEST LINE OF SAID LOT 18, A DISTANCE OF 514.80 FEET A 1/2" IRON ROD WITH CAP STAMPED "TJCS 4480" FOUND FOR THE SOUTHEAST CORNER OF SAID SCRUGGS TRACT AND THE COMMON SOUTHWEST CORNER OF SAID LOT 18 IN THE NORTH RIGHT LINE OF SAID F.M. HIGHWAY NO. 877 AND BEING THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 643.24 FEET, A CHORD BEARING N 51°05"04" W, A CHORD LENGTH OF 288.15 FEET;

THENCE ALONG THE SOUTH LINE OF SAID SCRUGGS TRACT AND THE COMMON NORTH ROW LINE OF SAID F.M. HIGHWAY NO. 877 AND ALONG SAID CURVE TO THE LEFT AN ARC LENGTH OF 290.62 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TJCS" SET FOR CORNER;

THENCE N 64°01'14" W, CONTINUING ALONG THE SOUTH LINE OF SAID SCRUGGS TRACT AND THE COMMON NORTH ROW LINE OF SAID F.M. HIGHWAY NO. 877, A DISTANCE OF 236.70 FEET TO THE POINT OF BEGINNING AND CONTAINING 6.458 ACRES OF LAND MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS

THAT ROBERT G. SCRUGGS AND SUSAN C. SCRUGGS, DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS PROVIDENCE ON HOWARD ROAD AN ADDITION TO THE CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE CITY OF WAXAHACHE, TEXAS FOR THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON. THE STREETS AND ALLEYS ARE DEDICATED FOR STREET PURPOSES. THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED, FOR THE PUBLIC USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAT. NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROUNTS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY OF WAXAHACHE. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR CROSS THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES. SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLICS AND CITY OF WAXAHACHE'S USE THEREOF. THE CITY OF WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROUNTS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF ACCESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSES OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ACCESS TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE.

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

WITNESS MY HAND, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020

BY

ROBERT G. SCRUGGS  
SUSAN C. SCRUGGS

STATE OF TEXAS  
COUNTY OF ELLIS

BEFORE ME THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED ROBERT G. SCRUGGS, SHOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/HIS EXECUTED THE SAME FOR THE PURPOSE HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL THIS, \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020

NOTARY PUBLIC, IN AND FOR THE STATE OF TEXAS

STATE OF TEXAS  
COUNTY OF ELLIS

BEFORE ME THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED SUSAN C. SCRUGGS, SHOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/HIS EXECUTED THE SAME FOR THE PURPOSE HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL THIS, \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020

NOTARY PUBLIC, IN AND FOR THE STATE OF TEXAS

I, TIMOTHY L. JACKSON, RPLS, HEREBY CERTIFY THAT THIS PLAT WAS MADE ON THE GROUND, UNDER MY DIRECT SUPERVISION, ON THE DATE SHOWN, AND THAT ALL PROPERTY CORNERS HEREON HAVE BEEN FOUND OR SET AS SHOWN.

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

TIMOTHY L. JACKSON  
REGISTRATION NUMBER 5644

LEGEND

CIRS = 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TJCS" SET  
IRP = IRON ROD FOUND  
FND = FOUND  
OPRECT = OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS  
PLE = PRIVATE LITIGY EASEMENT

NOTES

BEARING BASIS FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE 42B, NAD 83 PER GPS OBSERVATIONS

AS SHOWN HEREON A PORTION OF THE SUBJECT PROPERTY LIES WITHIN ZONE "1", DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 8 1/4" ANNUAL CHANCE FLOODPLAIN" AND A PORTION OF THE SUBJECT PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA SUBJECT TO FLOODATION BY THE 1% ANNUAL CHANCE FLOOD - ZONE "1", DEFINED AS "NO BASED FLOOD ELEVATIONS DETERMINED" ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48120C0001, DATED JUNE 3, 2011, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THE FLOODPLAIN LINES SHOWN HEREON ARE A GRAPHICAL REPRESENTATION THEREOF AND HAVE BEEN SCALED FROM SAID MAPS AND THE SURVEYOR CANNOT CONFIRM THE ACCURACY OF SAID LINES.

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 SANITARIAN.

APPROVED BY PLANNING AND ZONING COMMISSION CITY OF WAXAHACHE

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

CHAIRPERSON

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

TEST

# Exhibit B - Site Layout

## SCRUGGS ESTATES

8.458 ACRES  
SITUATED IN THE  
S. DURRETT SURVEY, ABSTRACT NO. 272  
CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS

3 RESIDENTIAL LOTS  
ZONED FD  
CASE NO. SUB-15-2020

OWNER:  
ROBERT G. SCRUGGS &  
SUSAN C. SCRUGGS  
724 AZALEA TRAIL  
WAXAHACHE, TX 75166  
409.383.0948

SURVEYOR:  
TEXAS REALTY CAPTURE &  
SURVEYING, LLC  
P.O. BOX 252  
WAXAHACHE, TEXAS 75168  
409.518.0338  
TPLS FIRM NO 10184358

JOB NO 1464 JANUARY 2020 PAGE 1 OF 1

(22)

# Planning & Zoning Department

## Zoning Staff Report

Case: ZDC-000042-2020



### MEETING DATE(S)

*Planning & Zoning Commission:* April 14, 2020

*City Council:* April 20, 2020

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held April 14, 2020, the Commission voted 6-0 to recommend approval of case number ZDC-42-2020, subject to staff comments.

### CAPTION

**Public Hearing** on a request by Randy Eardley, Wier and Associates, for a Specific Use Permit (SUP) for a **Medical Facility** use within a Planned Development-1-Commercial zoning district located at the corner of RVG Parkway at 287 (Property ID 238268) – Owner: CRUX INVESTMENTS (ZDC-000042-2020)

### APPLICANT REQUEST

The applicant is requesting to construct a Surgery Outpatient Facility and Medical Office (Medical Facility) on 2.69 acres.

### CASE INFORMATION

*Applicant:* Randy Eardley, P.E., Wier & Associates, Inc.

*Property Owner(s):* Crux Investments

*Site Acreage:* 2.693 acres

*Current Zoning:* Planned Development-1-Commercial

*Requested Zoning:* Planned Development-1-Commercial w/ SUP

### SUBJECT PROPERTY

*General Location:* Northeast corner of US Highway 287 and RVG Plaza

*Parcel ID Number(s):* 238268

*Existing Use:* Currently Undeveloped

*Development History:* N/A

(22)

**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	LI1	Dart Container Corporation
East	PD-1-C	Currently Undeveloped
South	N/A	US Highway 287
West	GR	Currently Undeveloped

*Future Land Use Plan:*

Mixed Use Non Residential

*Comprehensive Plan:*

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

*Thoroughfare Plan:*

The subject property is accessible via Chenault Rd.

*Site Image:*



**PLANNING ANALYSIS**

**Purpose of Request:**

The applicant is requesting to construct a Surgery Outpatient Facility and Medical Office (Medical Facility) on 2.69 acres.

Proposed Use:

The applicant is requesting approval for a Specific Use Permit to accommodate development of a 25,341 sq. ft. clinic on 2.693 acres located at the Northeast corner of US Highway 287 and RVG Plaza. Per the Operational Plan, THSC (Texas Health Surgery Center) Waxahachie will be constructed as a single-story, multi-specialty surgery center. The surgery center will consist of seven physicians, as well as eighteen teammates (assistants), that will perform various procedures at the facility. Once the procedures are completed, patients will be discharged home the same day as surgery. Proposed hours of operation for the facility will be Monday through Friday, 7:00 am to 5 pm.

Surgery Specialties that will be utilized in the facility include:

- Orthopedic
- Ophthalmology (cataracts)
- General Surgery
- Urology
- GI – Endoscopy Procedures

Development Standards:

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

Permitted Uses:

- Health Clinic

**Table 2: Proposed Planned Development Standards (Commercial)**

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

Standard	City of Waxahachie	RVG Plaza	Meets Y/N
Min. Lot Area (Sq. Ft.)	5,000	117,300	Yes
Min. Lot Width (Ft.)	50	540	Yes
Min. Lot Depth (Ft.)	100	250	Yes
Min. Front Yard (Ft.)	25	25	Yes
<b>Min. Side Yard (Ft.)</b>	<b>15; 20 (ROW)</b>	<b>15 (ROW)</b>	<b>No</b>
Min. Rear Yard (Ft.)	20; 25 (adjacent to residential)	20	Yes
Max. Height	3 stories	1 story	Yes
Max. Lot Coverage (%)	40	22	Yes
Parking 1 space per 200 sq. ft.	127	128	Yes

*\*Additional Note: The building is proposed to be constructed of a masonry exterior with a mixture of brick and stone.*

**PUBLIC NOTIFICATIONS**

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

**PROPERTY OWNER NOTIFICATIONS**

Staff has received one (1) letter of support for the proposed development.

**SPECIAL EXCEPTION/VARIANCE REQUEST**

**Setback:**

*Per the City of Waxahachie Zoning Ordinance:* The side yard setback requirement, adjacent to public ROW, for the Commercial zoning district is 20 ft.

- The applicant is proposing a 15 ft. minimum side yard setback along Chenault Rd.

**Sidewalk:**

*Staff suggests that the applicant provide sidewalks surrounding the medical facility.*

- No sidewalk will be provided along Chenault Rd. along the north property boundary. The applicant is proposing to use the space between the existing private pavement of Chenault Rd., and the proposed parking pavement will be utilized for landscaping and required street trees.
- No sidewalk will be provided along Solon Rd. along west property boundary. The applicant is proposing that space between the existing street pavement and the street ROW line will be utilized for conveyance of storm drainage, and, the space between the ROW line and the proposed parking pavement will be utilized for landscaping and required street trees.

**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. Per staff's recommendation, a Development Agreement will be required for the proposed development.
  2. Sidewalks shall be provided along all four sides of the proposed development.

**ATTACHED EXHIBITS**

1. Development Agreement/Ordinance
2. Operational Plan
3. Location Exhibit
4. Site Plan
5. Landscape Plan
6. Elevation/Façade Plan
7. Property Owner Notification Responses

**APPLICANT REQUIREMENTS**

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

(22)

**STAFF CONTACT INFORMATION**

*Prepared by:*  
Colby Collins  
Senior Planner  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

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

(22)



February 25, 2020

**OPERATIONAL USE PLAN FOR TEXAS HEALTH SURGERY CENTER WAXAHACHIE**

THSC Waxahachie will be a single-story multi-specialty surgery center. Seven physicians will perform procedures at the facility. Patients will be discharged home same day as surgery.

**Surgery Specialties utilizing the facility:**

- Orthopedic
- Ophthalmology (cataracts)
- General Surgery
- Urology
- GI – Endoscopy Procedures

The facility will be open Monday through Friday, 7:00 am to 5 pm.

The facility will employ 18 teammates.

Thank you,

Karen Payne  
Vice President Operations  
Surgical Care Affiliates  
5215 N. O'Connor Blvd  
Suite 1775  
Irving, TX 75039

(22)

Case ZDC-000042-2020  
Responses Received Inside Required 200'  
Notification Area  
Support: 1    Oppose: 0

Owner's Address	Owner's City	Owner's State	Owner's ZIP
131 RVG PKWY	WAXAHACHIE	TX	75165
132 BROOKSTONE DR	WAXAHACHIE	TX	75165
14850 ROSELAWN LN	FRISCO	TX	75036
213 DEODAR LN	BRADBURY	CA	91008
500 HOGSBACK RD	MASON	MI	48854

Case Number: ZDC-000042-2020

City Reference: 238268

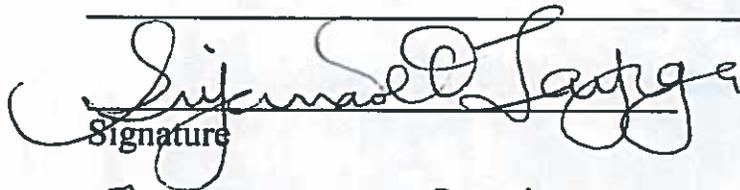
Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Wednesday, April 8, 2020** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

(93)

  
Signature

3/30/20  
Date

SIYANASE FAYIGA  
Printed Name and Title  
MANAGING PARTNER  
CRUX MANAGEMENT?

14850 Roselawn Ln  
Address Frisco Tx 75035

RECEIVED  
4/7/20

*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.*

(23)

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

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A MEDICAL FACILITY USE WITHIN A PLANNED DEVELOPMENT-1-COMMERCIAL (PD-1-C) ZONING DISTRICT, LOCATED AT THE NORTHEAST CORNER OF U.S. HIGHWAY 287 AND RVG PLAZA, BEING PROPERTY ID 238268, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1 & 2, BLOCK B OF THE RVG PLAZA ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, the described property is classified in said ordinance and any amendments thereto as C; 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 ZDC-42-2020. 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 C to C, with an SUP in order to permit a Medical Facility use on the following property: Lot 1 & 2, Block B of the RVG Plaza Addition, which is shown on Exhibit A, Site Plan attached as Exhibit B, Landscape Plan attached as Exhibit C, and Elevation/Façade Plan attached as Exhibit D.

### **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.

(23)

### Specific Use Permit

**FOR OPERATION OF A SPECIFIC USE PERMIT FOR A MEDICAL FACILITY USE IN THE PLANNED DEVELOPMENT-1-COMMERCIAL (PD-1-C) 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 ZDC-000042-2020.
2. Sidewalks shall be provided along all four sides of the proposed development.
3. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit, Exhibit B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, and Operational Plan.
4. The minimum side yard setback along Chenault Rd. shall be 15ft.
5. The minimum masonry percentage for the building shall be 80%.
6. 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.
7. If approved, the City Council shall have the right to review the Specific Use Permit after 12-months if needed.

### Compliance

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 20<sup>th</sup> day of April, 2020.

(23)

\_\_\_\_\_  
MAYOR

ATTEST:

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

(24)

STATE OF TEXAS           §           DEVELOPMENT AGREEMENT  
                                  §           FOR MEDICAL FACILITY – RVG PLAZA  
COUNTY OF ELLIS       §

This Development Agreement for Medical Facility – RVG Plaza (“Agreement”) is entered into between Crux Investments (“CI”) and the City of Waxahachie, Texas (“City”). CI and the City are sometimes referred herein together as the “Parties” and individually as a “Party.”

**Recitals:**

1. CI is the owner of approximately 2.69 acres of real property generally located at the Northeast corner of US Highway 287 and RVG Plaza, parcel number 238268, in the City of Waxahachie, Texas (the “Property”), for which the applicant has requested a change in the Property’s Planned Development-1-Commercial to a Planned Development (“PD”) Commercial with Specific Use Permit (“SUP”) zoning, revising specific development standards. The Property is currently zoned Planned Development-1-Commercial by the City, and is anticipated to have the zoning changed/SUP reviewed on April 20, 2020.

2. The planned use of the Property is to create a Specific Use Permit to allow for the development of a medical facility. The SUP 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 CI with agreed-upon and negotiated standards consistent with their business objectives.

3. As is reflected by the public records of the City, significant discussions and negotiations between representatives of CI 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 zoning amendment Ordinance No. ##### (the “Medical Facility – RVG Plaza SUP Ordinance”), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for Medical Facility – RVG Plaza.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the Medical Facility – RVG Plaza SUP Ordinance as contractually-binding obligations between the City of Waxahachie and CI, and to recognize CI’s reasonable investment-backed expectations in the Medical Facility – RVG Plaza SUP Ordinance and the planned development of Medical Facility – RVG Plaza.

**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.

(24)

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

**Section 3. Agreements.** The Parties agree as follows:

**Incorporation of Zoning and Recognition of Investment-Backed Expectations:**

The negotiated and agreed upon zoning and development standards contained in the Medical Facility – RVG Plaza 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 CI. CI, agrees to:

- The site plan shall conform as approved by the City Council under case number ZDC-000042-2020.
- Sidewalks shall be provided along all four sides of the proposed development.
- The minimum side yard setback along Chenault Rd. shall be 15ft.
- The minimum masonry percentage for the building shall be 80%.
- 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.

In consideration of CI's agreement in this regard, the City of Waxahachie agrees that CI has reasonable investment-backed expectations in the Medical Facility – RVG Plaza SUP Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the Medical Facility – RVG Plaza SUP Ordinance without impacting CI'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.

(24)

C. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the Parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

D. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Parties may have by law statute, ordinance, or otherwise. The failure by any Party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement with respect to any other or subsequent breach thereof, nor a waiver by such Party of its rights at any time thereafter to require exact and strict compliance with all the terms hereof. Any rights and remedies any Party may have with respect to the other arising out of this Agreement shall survive the cancellation, expiration or termination of this Agreement, except as otherwise expressly set forth herein.

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

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

G. This Agreement is made subject to the existing provisions of the 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.

(24)

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 CI 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}**

(24)

**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

**: Crux Investments**

By: \_\_\_\_\_

Date: \_\_\_\_\_

(24)

STATE OF TEXAS       §  
                                  §  
COUNTY OF ELLIS     §

Before me, the undersigned authority, on this \_\_\_\_\_ day of April, 2020, 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 \_\_\_\_\_ day of April, 2020, personally appeared \_\_\_\_\_, representative of Crux Investments, 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: \_\_\_\_\_

(24)

**EXHIBIT A**

**Medical Facility – RVG Plaza PD Ordinance**

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

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A MEDICAL FACILITY USE WITHIN A PLANNED DEVELOPMENT-1-COMMERCIAL (PD-1-C) ZONING DISTRICT, LOCATED AT THE NORTHEAST CORNER OF U.S. HIGHWAY 287 AND RVG PLAZA, BEING PROPERTY ID 238268, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1 & 2, BLOCK B OF THE RVG PLAZA ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, the described property is classified in said ordinance and any amendments thereto as C; 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 ZDC-42-2020. 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 C to C, with an SUP in order to permit a Medical Facility use on the following property: Lot 1 & 2, Block B of the RVG Plaza Addition, which is shown on Exhibit A, Site Plan attached as Exhibit B, Landscape Plan attached as Exhibit C, and Elevation/Façade Plan attached as Exhibit D.

**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.

(24)

Specific Use Permit

**FOR OPERATION OF A SPECIFIC USE PERMIT FOR A MEDICAL FACILITY USE IN THE PLANNED DEVELOPMENT-1-COMMERCIAL (PD-1-C) 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 ZDC-000042-2020.
2. Sidewalks shall be provided along all four sides of the proposed development.
3. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit, Exhibit B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, and Operational Plan.
4. The minimum side yard setback along Chenault Rd. shall be 15ft.
5. The minimum masonry percentage for the building shall be 80%.
6. 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.
7. If approved, the City Council shall have the right to review the Specific Use Permit after 12-months if needed.

Compliance

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 20<sup>th</sup> day of April, 2020.

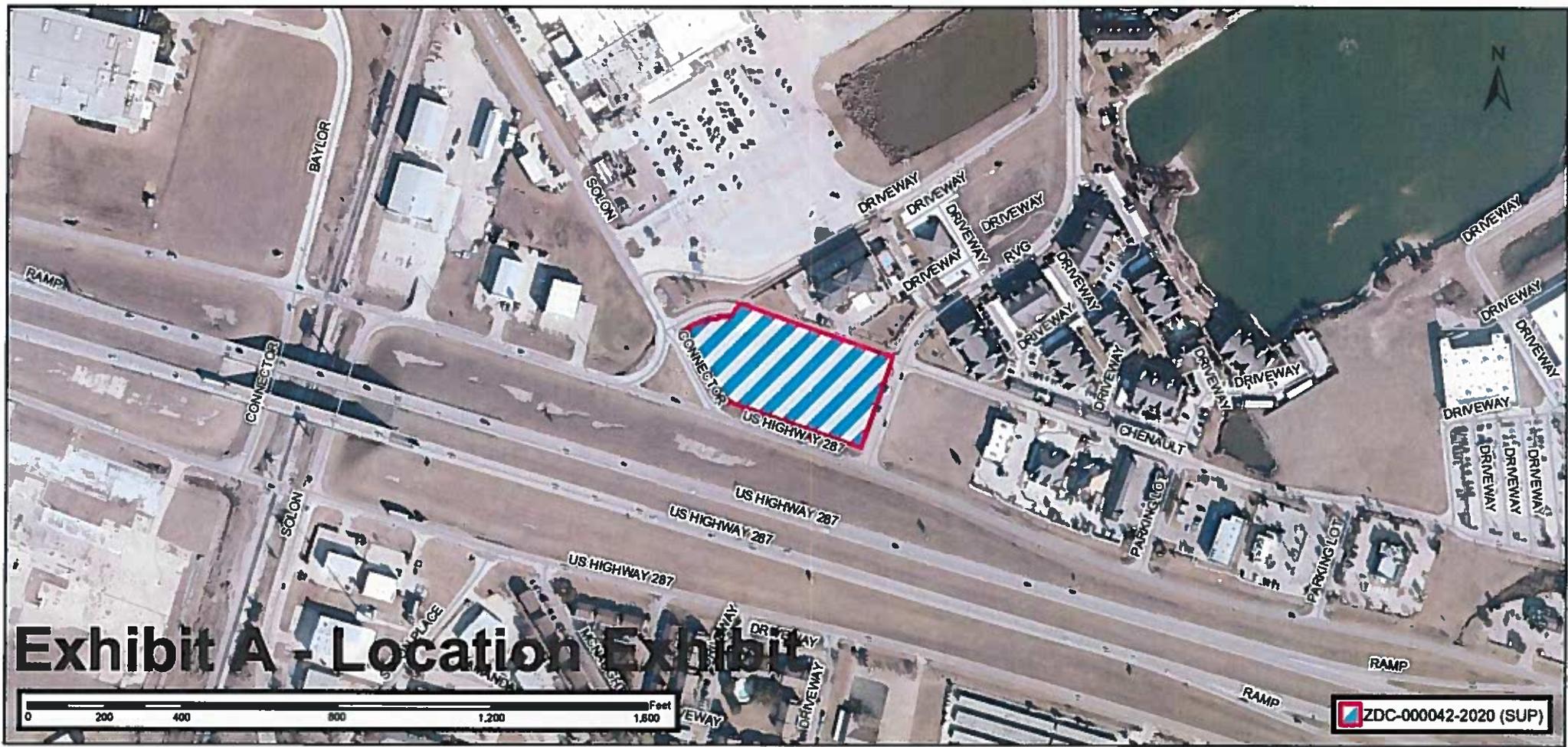
(24)

\_\_\_\_\_  
MAYOR

ATTEST:

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

(HP)

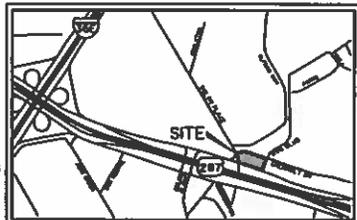
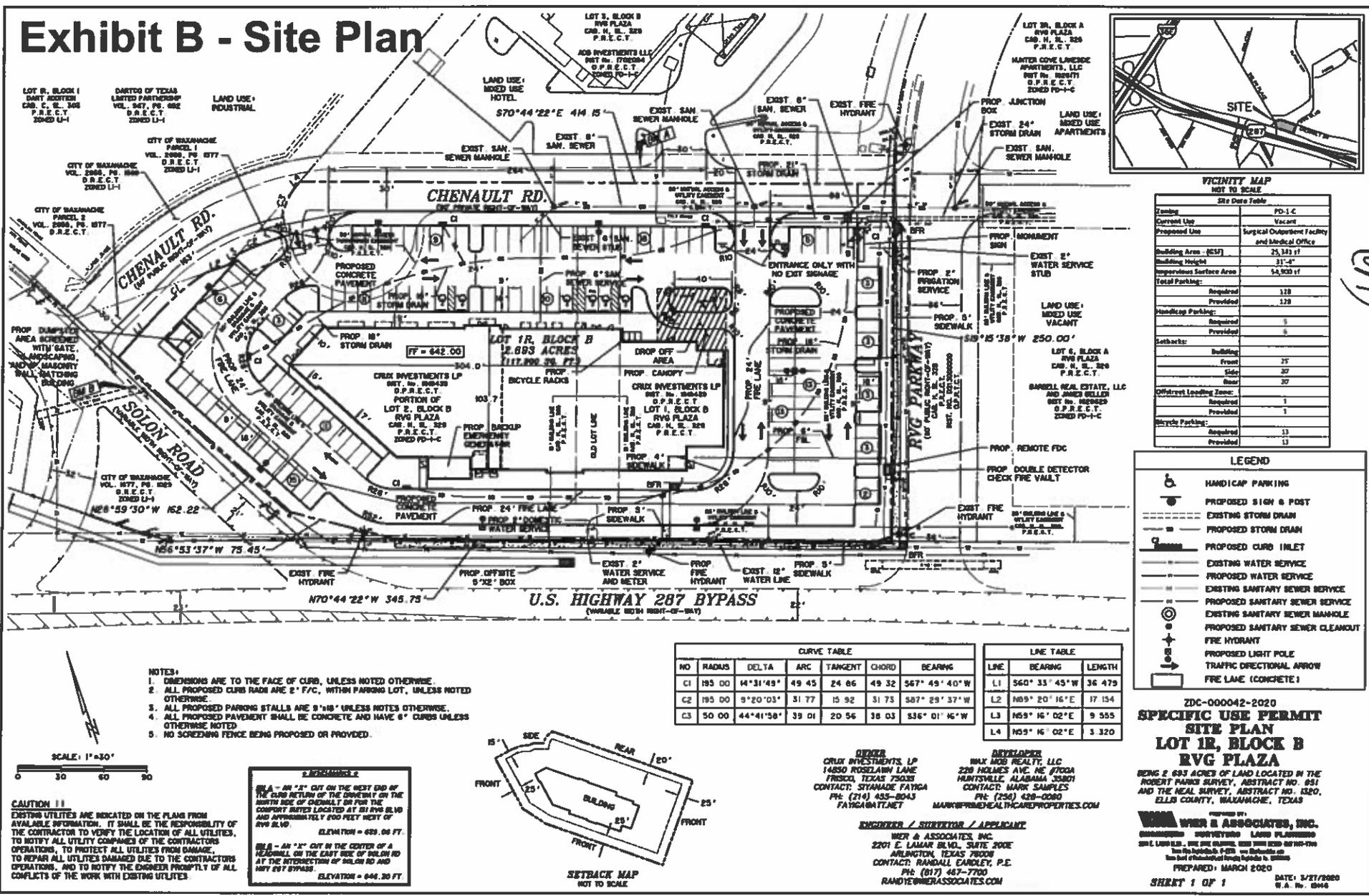


# Exhibit A - Location Exhibit

0 200 400 800 1,200 1,600 Feet

ZDC-000042-2020 (SUP)

# Exhibit B - Site Plan



**VICINITY MAP NOT TO SCALE**

**287 Data Table**

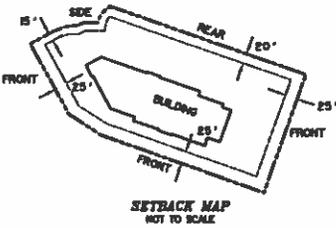
zoning	PD-1-C
current use	Vacant
proposed use	Surgical Outpatient Facility and Medical Office
building area - (CSF)	25,342 sf
building height	31'-0"
impervious surface area	14,900 sf
total parking:	
Required	128
Provided	128
nonstop parking:	
Required	5
Provided	5
setbacks:	
building	
front	25'
side	30'
rear	30'
offstreet loading zone:	
Required	1
Provided	1
bicycle parking:	
Required	13
Provided	13

**LEGEND**

- HANDICAP PARKING
- PROPOSED SIGN & POST
- EXISTING STORM DRAIN
- PROPOSED STORM DRAIN
- PROPOSED CURB INLET
- EXISTING WATER SERVICE
- PROPOSED WATER SERVICE
- EXISTING SANITARY SEWER SERVICE
- PROPOSED SANITARY SEWER SERVICE
- EXISTING SANITARY SEWER MANHOLE
- PROPOSED SANITARY SEWER CLEANOUT
- FIRE HYDRANT
- PROPOSED LIGHT POLE
- TRAFFIC DIRECTIONAL ARROW
- FIRE LANE (CONCRETE)

- NOTES:**
1. DIMENSIONS ARE TO THE FACE OF CURB, UNLESS NOTED OTHERWISE.
  2. ALL PROPOSED CURB RADI ARE 2' F/C, WITHIN PARKING LOT, UNLESS NOTED OTHERWISE.
  3. ALL PROPOSED PARKING STALLS ARE 9'x18' UNLESS NOTED OTHERWISE.
  4. ALL PROPOSED PAVEMENT SHALL BE CONCRETE AND HAVE 5" CURBS UNLESS OTHERWISE NOTED.
  5. NO SCREENING FENCE BEING PROPOSED OR PROVIDED.

CURVE TABLE						LINE TABLE			
NO	RADIUS	DELTA	ARC	TANGENT	CHORD	BEARING	LINE	BEARING	LENGTH
C1	193.00	14°31'49"	49.45	24.86	49.32	S67°49'40"W	L1	S60°33'45"W	36.479
C2	193.00	9°20'03"	31.77	15.92	31.73	S87°29'37"W	L2	N09°20'16"E	17.154
C3	50.00	44°41'58"	39.01	20.56	38.03	S36°01'16"W	L3	N59°16'02"E	9.555
							L4	N59°16'02"E	5.320



**2. ELEVATIONS**

MSL - AN "X" CUT ON THE WEST END OF THE CURB RETURN OF THE CONCOURSE ON THE NORTH SIDE OF CHENAULT DR FOR THE COMPANY RATES LOCATED AT 818 RVS BLVD AND APPROXIMATELY 1,000 FEET WEST OF RVS BLVD. ELEVATION = 629.06 FT.

MSL - AN "X" CUT IN THE CENTER OF A HEADWALL ON THE EAST SIDE OF SOLON RD AT THE INTERSECTION OF SOLON RD AND HWY 287 BYPASS. ELEVATION = 646.30 FT.

**CAUTION !!**

EXISTING UTILITIES ARE INDICATED ON THE PLANS FROM AVAILABLE INFORMATION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE LOCATION OF ALL UTILITIES, TO NOTIFY ALL UTILITY COMPANIES OF THE CONTRACTOR'S OPERATIONS, TO PROTECT ALL UTILITIES FROM DAMAGE, TO REPAIR ALL UTILITIES DAMAGED DUE TO THE CONTRACTOR'S OPERATIONS, AND TO NOTIFY THE ENGINEER PROMPTLY OF ALL CONFLICTS OF THE WORK WITH EXISTING UTILITIES.

**OWNER**  
 CRUX INVESTMENTS LP  
 14850 ROSLAWN LANE  
 FRODO, TEXAS 75045  
 CONTACT: SYVANADE FAYRA  
 PH: (714) 455-0943  
 FAYRA@ATT.NET

**DEVELOPER**  
 MAX AND REALTY, LLC  
 228 HOLMES AVE. NE #700A  
 HUNTSVILLE, ALABAMA 35801  
 CONTACT: MARK SAMPLES  
 PH: (256) 458-0280  
 MARK@PRIMEALTYREALTYPROPERTIES.COM

**ENGINEER / SURVEYOR / APPLICANT**  
 WER & ASSOCIATES, INC.  
 2201 E. LAMAR BLVD., SUITE 200E  
 ARLINGTON, TEXAS 76010  
 CONTACT: RANDALL EMBURY, P.E.  
 PH: (817) 467-7700  
 RANDY@WERASSOCIATES.COM

ZC-000042-2020  
**SPECIFIC USE PERMIT**  
**SITE PLAN**  
**LOT 1R, BLOCK B**  
**RVG PLAZA**  
 BEING 2.883 ACRES OF LAND LOCATED IN THE ROBERT PARKS SURVEY, ABSTRACT NO. 651 AND THE NEAL SURVEY, ABSTRACT NO. 1320, ELLIS COUNTY, WASHINGTON, TEXAS

PREPARED BY:  
**WER & ASSOCIATES, INC.**  
 (REGISTERED SURVEYING LAND PLANNING AND ENGINEERING FIRM)  
 2201 E. LAMAR BLVD., SUITE 200E ARLINGTON, TEXAS 76010  
 TEL: (817) 467-7700 FAX: (817) 467-7701  
 WWW.WERASSOCIATES.COM

PREPARED: MARCH 2020  
**SHEET 1 OF 1** DATE: 3/21/2020  
 W.A. No. 0042

PRINTED: 3/27/2020 STD FILE, 8:57:2020 8:08 AM SAVED BY: TERRY FILE: SITE PLAN-RVG PLAZA  
 DATE: 3/27/2020 STD FILE, 8:57:2020 8:08 AM SAVED BY: TERRY FILE: SITE PLAN-RVG PLAZA







(25426)



## Memorandum

To: Honorable Mayor and City Council  
From: Shon Brooks, Director of Planning  
Thru: Michael Scott, City Manager *[Signature]*  
Date: April 15, 2020  
Re: ZDC-000030-2020 – Blue Bonnet Trails Phase 3

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On April 14, 2020, the Planning and Zoning Commission voted 6-0 to continue case no. ZDC-000030-2020 to the April 28, 2020 Planning and Zoning meeting agenda and the May 4, 2020 City Council meeting agenda.

(27)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ANX-DNX-000039-2020  
◇◇◇◇

The Waxahachie City Council will hold a Public Hearing on Monday, April 20, 2020 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 Clyde L. Hargrove, WP Legacy LTD, for Voluntary Annexation on approximately 82+/- acres situated off of Farm to Market Road No 877 (Property ID 183566) - Owner: CLYDE HARGROVE (ANX-DNX-000039-2020)

Any interested person may be heard at the Public Hearing.

Lori Cartwright, City Secretary

Please contact the Planning Department at (469) 309-4290 or via email: [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) for additional information on this request.



(28)

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

**AN ORDINANCE PROVIDING FOR THE VOLUNTARY ANNEXATION OF PROPERTY ID 183566 OF THE A.B. FLUERY, M. RAFFERTY, AND WC COLEMAN ABSTRACT, APPROXIMATELY 110.484 ACRES, SITUATED GENERALLY EAST OF THE INTERSECTION OF HUNTER PASS AND FM 877, OF THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS.**

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

**SECTION 1.** That the following described land and territory lying adjacent to the City of Waxahachie and being within its extraterritorial jurisdiction (ETJ), be, and the same is hereby added and annexed to the City of Waxahachie, and that said territory hereinafter described shall hereafter be included within the boundary limits of the City of Waxahachie, at the various points contiguous to the area hereinafter described, are altered and amended so as to include said area within the corporate limits of the City of Waxahachie to-wit:

All that Property ID 183566, Abstract 374 A.B. Fluery, 898 M. Rafferty, and 204 WC Coleman, situated in Ellis County, Texas, and being more particularly described in Exhibit B – Legal Description, describing portions of the annexation, made a part of hereof and attached hereto for all purposes.

**SECTION 2.** That the above described additional territory and area so annexed shall be a part of the City of Waxahachie, and the property so added therein shall bear its pro rata part of the taxes levied by the City of Waxahachie, and the inhabitants hereof shall be entitled to all the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of Waxahachie, Texas.

**SECTION 3.** An emergency is declared to exist, in that this annexation should be completed and made final so that the boundaries of the City shall be determined without delay, and this ordinance is effective immediately upon passage.

**PASSED, APPROVED AND ADOPTED** on this 20<sup>th</sup> day of April, 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

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

# Exhibit B - <sup>(b)</sup> Legal Description

## LEGAL DESCRIPTION CITY OF WAXAHACHIE ANNEXATION 110.484 ACRES

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

BEGINNING at a 1/2 inch iron rod found for a common interior ell corner of said Bobby Lide, Inc. tract and an exterior ell corner of that tract of land described in Deed to Terry Michael Jeffcoat and wife, Margie M. Jeffcoat, as recorded in Volume 1055, Page 218, Deed Records, Ellis County, Texas;

THENCE North 19 degrees 00 minutes 36 seconds West, with the common north line of said Bobby Lide, Inc. tract and south line of said Terry Michael Jeffcoat and wife, Margie M. Jeffcoat, a distance of 242.06 feet to a point for corner;

THENCE North 64 degrees 23 minutes 14 seconds East, continuing with said common line, a distance of 576.17 feet to a point for corner;

THENCE South 29 degrees 23 minutes 08 seconds East, leaving said common line, a distance of 1,191.14 feet to a point for corner;

THENCE South 16 degrees 37 minutes 16 seconds West, a distance of 1,442.60 feet to a point for corner;

THENCE South 59 degrees 01 minutes 15 seconds West, a distance of 350.53 feet to a point for corner;

THENCE North 73 degrees 22 minutes 44 seconds West, a distance of 1,019.76 feet to a point for corner;

THENCE South 88 degrees 16 minutes 27 seconds West, a distance of 131.43 feet to a point for corner;

THENCE South 65 degrees 28 minutes 46 seconds West, a distance of 318.16 feet to a point for corner;

THENCE South 79 degrees 32 minutes 15 seconds West, a distance of 257.32 feet to a point for corner in the present boundary limits of the City of Waxahachie as described in City Ordinance

No. 2123;

# Exhibit B - Legal Description

(28)

19028DESC-ANNEXATION-110.484AC

Page 1 of 2

THENCE Northerly, with said present boundary limits, the following three (3) courses and distances:

North 30 degrees 21 minutes 00 seconds West, a distance of 706.86 feet to a point for corner;

North 60 degrees 00 minutes 00 seconds East, a distance of 1,477.12 feet to a point for corner;

North 30 degrees 07 minutes 30 seconds West, a distance of 382.44 feet to a point for corner at the intersection of said present boundary limits with the above mentioned common line;

THENCE Northeasterly, with said common line, the following six (6) courses and distances:

North 60 degrees 23 minutes 07 seconds East, leaving said present boundary limits line, a distance of 0.47 feet to a point for corner;

North 60 degrees 23 minutes 05 seconds East, a distance of 31.20 feet to a point for corner;

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

North 60 degrees 27 minutes 52 seconds East, a distance of 295.16 feet to a point for corner;

South 21 degrees 08 minutes 44 seconds East, a distance of 84.75 feet to a point for corner;

North 48 degrees 02 minutes 16 seconds East, a distance of 389.40 feet to the POINT OF BEGINNING and containing 110.484 acres of land, more or less.

19028DESC-ANNEXATION-110.484AC

Page 2 of 2

(28)

**SERVICE PLAN  
FOR  
PROPOSED VOLUNTARY ANNEXATION OF APPROXIMATELY 110.484 ACRES  
SITUATED EAST OF HOWARD ROAD AND WEST OF U.S. HIGHWAY 287**

The following is a plan whereby full municipal services as defined in Section 43.056 of the Texas Local Government Code will be provided by the City of Waxahachie (the "City") in territory to be annexed, being approximately 110.484 acres of land located adjacent to the City limits, as depicted on the map included as Exhibit A.

Municipal facilities and services will be provided to the annexed area at the following levels and in accordance with the following schedule:

**A. Police Protection:**

The City provides municipal police protection to its residents, including routine patrols throughout the City and law enforcement services upon call. Upon the effective date of the annexation, said services will also be made available to the annexed area on the same basis as they are made available to other parts of the City with land uses and population densities similar to those reasonably contemplated or projected in the annexed area.

**B. Fire Protection and Emergency Medical Services:**

The City provides full-time fire protection. Upon the effective date of the annexation, said services will also be made available to the annexed area on the same basis as they are made available to other parts of the City with land uses and population densities similar to those reasonably contemplated or projected in the proposed annexation area.

The City contracts with American Medical Response ("AMR") for Emergency Medical Service. Upon the effective date of the annexation, said services will also be made available to the annexed area on the same basis as they are made available to other parts of the City with land uses and population densities similar to those reasonably contemplated or projected in the proposed annexation area.

**C. Solid Waste Collection:**

The City's solid waste collection is currently provided by Waste Connections ("Waste Connections"). Upon the effective date of the annexation, the City will provide solid waste collection to the annexed area on the same basis as it is made available to other parts of the city with land uses and population densities similar to those reasonably contemplated or projected in the annexed area.

(28)

**D. Water and Wastewater Service and Maintenance:**

The area to be annexed is an unplatted area within the City's ETJ and currently receives water from the City of Waxahachie and is within the City's Water Certificate of Convenience, Certificate No. 10915, service area. The extension of any necessary sanitary sewer facilities will be added by the developer and in a manner consistent with other development regulations and practices. The developer will serve this area with a septic system instead of a sanitary sewer system. Currently, no sewer service is available in this area.

Should City plans be changed and sanitary sewer service infrastructure is extended to this area, said services will also be made available to the annexed area on the same basis as they are made available to other parts of the City with land uses and population densities similar to those reasonably contemplated or projected in the annexed area.

**E. Maintenance of Roads, Streets and Street Lighting:**

The City shall begin to make provision for the maintenance of current roads and streets within the annexed areas upon the effective date of the annexation\*. Such streets and roads shall be maintained in their current condition and shall be included in the City's Capital Improvements Plan for upgrading, resurfacing and/or improvement on the same basis as other areas in the City with topography, land uses and population densities similar to those reasonably contemplated or projected in the annexed area. Any such resurfacing or upgrade shall be made in accordance with current City policies or the City's Subdivision Ordinance, adopted as Ordinance 3151, and as amended from time to time.

Improvements will be made in conjunction with new development in accordance with City policies contained in the City's Subdivision Ordinance after installation and dedication of such improvements by the relevant property owner and acceptance by the City. Future streets within the annexed area will be upgraded in accordance with an approved Capital Improvements Program, as may be amended from time to time, on the same basis as other areas in the City with land uses and population densities to those reasonably contemplated or projected in the annexed area.

\* State-owned facilities will continue to be maintained by the State of Texas, Department of Transportation.

**F. Parks, Playgrounds and other Public Facilities and Services:**

Public parks, playgrounds, and other public recreation facilities dedicated to and accepted by the City within the annexed area, will be maintained in their present condition by the City upon the effective date of the annexation. Property owners and residents of the annexed area may use the existing public parks, playgrounds, and other recreation facilities and services of the City on the same basis as other residents of the City.

**G. Public Library Services and Other Publicly Owned Facilities, Buildings and Services:**

Property owners and residents of the annexed area may use the existing public library and other publicly owned facilities, buildings, and services within the City on the same basis as other residents of the City.

(28)

**H. City Regulations and Code Enforcement**

The annexed areas will upon the date of annexation, be subject to all City regulations as specified within the City of Waxahachie Code of Ordinances. Further, the City's codes and regulations will be enforced in a manner like other similar parts of the corporate city limits.

**I. General Municipal Administration:**

General municipal administration services will be available to the annexed area upon the effective date of the annexation. This Service Plan provides for full municipal services to the annexed area on the same basis as municipal services are made available to other parts of the City with land uses and population densities similar to those reasonably contemplated or projected in the annexed area. Further, said municipal services are equal to or greater than the services and level of such services in existence in the annexed area are immediately preceding the effective date of the annexation. This Service Plan does not constitute a right to a superior level of services in the annexed area. The City retains its authority to adjust programs on a city-wide basis to provide more effective services through changes in operating procedures and standards. The City also retains the authority to adjust services on a city-wide basis should economic or emergency circumstances dictate.

Upon annexation to the city of Waxahachie, this tract, similar to other newly annexed lands, will be assigned the Future Development (FD) zoning district designation. This zoning designation shall remain until such time as a separate zoning action by City Council has taken place to change it.

This plan is presented the 20<sup>th</sup> day of April, 2020.

---

Michael Scott  
City Manager

(96)



# Exhibit A - Location Exhibit

Planning & Zoning Department (29)

Zoning Staff Report

Case: ZDC-000040-2020



MEETING DATE(S)

Planning & Zoning Commission: April 14, 2020

City Council: April 20, 2020

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held April 14, 2020, the Commission voted 6-0 to recommend approval of case number ZDC-40-2020, subject to staff comments.

CAPTION

Public Hearing on a request by Clyde Hargrove, WP Legacy LTD, for a Zoning Change from Planned Development-23-Single Family Residential-1 to Single Family Residential-1 situated generally on FM 877 just Southeast of Lake Waxahachie (Property ID 183566) - Owner: CLYDE HARGROVE (ZDC-000040-2020)

APPLICANT REQUEST

The applicant is requesting a zoning change from Planned Development-23-Single Family-1 (PD-23-SF1) to Single Family-1 (SF1) to create a single family residential development.

\*The annexation case (ANX-DNX-000039-2020) for this property is scheduled to be reviewed by City Council as a Public Hearing item on April 20, 2020.

CASE INFORMATION

Applicant: Clyde L. Hargrove, WP Legacy, LTD.
Property Owner(s): WP Legacy, LTD.
Site Acreage: 110.5 acres
Current Zoning: Planned Development-23-Single Family-1
Requested Zoning: Single Family-1

SUBJECT PROPERTY

General Location: East of the intersection of Hunter Pass and FM 877
Parcel ID Number(s): 183566
Existing Use: Currently Undeveloped
Development History: N/A

(29)

**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	PD-23-SF1 & FD	Currently Undeveloped
East	ETJ	Currently Undeveloped
South	ETJ	Single Family Residential
West	FD	Currently Undeveloped

*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:* The subject property is accessible via Howard Rd.

*Site Image:*



**PLANNING ANALYSIS**

**Purpose of Request:**

The applicant is requesting a zoning change from Planned Development-23-Single Family-1 (PD-23-SF1) to Single Family-1 (SF1) to create a single family residential development.

**Proposed Use:**

The applicant is requesting approval for a zoning change to accommodate development of a single family residential development consisting of eighty-seven lots (86 dwelling unit lots; 1 open space/common area lot) on 110.5 acres located East of the intersection of Hunter Pass and FM 877.

(24)

Each lot within the development will be one acre minimum lots, and the applicant intends to meet all Single Family-1 zoning district requirements.

Staff Note: The annexation case (ANX-DNX-000039-2020) for this property is scheduled to be reviewed by City Council as a Public Hearing item on April 20, 2020.

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

- Open Space/Common Area
- Community Pond (Detention/Amenity Pond)

Conformance with the Comprehensive Plan:

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

- Growth Strategies – Goal 1: Encourage the most desirable, efficient use of land while maintaining and enhancing local aesthetics.
- Growth Strategies – Goal 3: Ensure that land use recommendations for development and redevelopment respect critical physical features and support innovative development.
- Growth Strategies – Goal 12: Promote growth of the community where infrastructure exists.

**Table 2: Proposed Single Family Residential (per SF1 standards)**

**\*\*\*Items highlighted in bold do not meet the City of Waxahachie SF1 requirements\*\*\***

Standard	City of Waxahachie	Lakeway Estates	Meets
Min. Lot Area	16,000 sq. ft.	43,560 sq. ft.	Yes
Min. Lot Width	90 ft.	150 ft.	Yes
Min. Lot Depth	140 ft.	290 ft.	Yes
Min. Front Setback	40 ft.	40 ft.	Yes
Min. Interior Setback	15 ft; 20 ft (ROW)	15 ft.; 20 ft. (ROW)	Yes
Min. Rear Setback	25 ft.	25 ft.	Yes
Min. Dwelling Size	2,200 sq. ft.	2,200 sq. ft.	Yes
Max. Height	2 stories (main structure); 1 story (accessory structure)	2 stories (main structure); 1 story (accessory structure)	Yes
Max. Lot Coverage	50%	50%	Yes
Parking	Min. of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure	Min. of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure	Yes

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, **19** 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.

**SPECIAL EXCEPTION/VARIANCE REQUEST**

(29)

**Street Length:**

The applicant is requesting a variance to allow the proposed dead-end street, Paradise Cove, to exceed the maximum dead-end street requirement of 600 ft. Paradise Cove is currently planned to be an approximate length of 700 ft. and terminates with a cul-de-sac.

**Reduced Fee Request:**

As seen in the chart below, the applicant is requesting fee waivers for Roadway Impact Fees, Water Impact Fees, and Park Dedication Fees.

***\*Items highlighted in bold are deviation request***

Item	Fee Per Lot	With Annexation 86 Lots/110.48 Ac.	Without Annexation 24 Lots/24.01 Ac.	Fee Waiver Amount
<b>Roadway Impact Fee</b>	<b>\$3,167</b>	<b>\$272,362</b>	<b>\$76,008</b>	<b>\$196,354</b>
<b>Water Impact Fee</b>	<b>\$2,100</b>	<b>\$180,600</b>	<b>\$50,400</b>	<b>\$130,200</b>
Sewer Impact Fee*	\$3,082	\$0	\$0	\$0
<b>Park Dedication</b>	<b>\$400</b>	<b>\$34,400</b>	<b>\$9,600</b>	<b>24,800</b>
<b>Total</b>		<b>\$487,362</b>	<b>\$136,008</b>	<b>\$351,354</b>

*\*Lots to be served by individual septic systems*

**STAFF CONCERNS**

1. Staff suggests that the applicant pay the required amount for impact fees, opposed to granting a fee waiver.

**APPLICANT RESPONSE TO CONCERNS**

1. The applicant understands staff's concerns and intends to state their reasoning at the April 20, 2020 City Council meeting.

**RECOMMENDATION**

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

- Denial
- Approval, as presented.
- Approval, per the following comments:
  1. Per the staff's recommendation, a Development Agreement will be required for the proposed development.
  2. Staff suggests that the applicant pay the required total amount of impact fees, opposed to granting a fee waiver.
  3. The street length for Paradise Cove within the development is allowed to exceed the maximum dead end street requirement of 600 ft. Paradise cove is planned to be an approximate length of 700 ft. and terminates with a cul-de-sac.

(29)

**ATTACHED EXHIBITS**

1. Development Agreement/Ordinance
2. Location Exhibit
3. Concept Plan
4. Fee Waiver Request Letter

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*  
Colby Collins  
Senior Planner  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

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

(30)

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-23-SINGLE FAMILY-1 (PD-23-SF1) TO SINGLE FAMILY-1 (SF1), WITH CONCEPT PLAN LOCATED EAST OF THE INTERSECTION OF HUNTER PASS AND FM877 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 110.484 ACRES KNOWN AS A PORTION OF PROPERTY ID 183566 OF ABSTRACT 374 OF THE A.B. FLEURY SURVEY, ABSTRACT 898 M. RAFFERTY SURVEY, AND ABSTRACT 204 OF THE WC COLEMAN SURVEY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, a proper application for a Zoning Change, has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-40-2020. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from PD-23-SF1 to SF1; and

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

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

**NOW, THEREFORE**, this property is rezoned from PD-23-SF1 to SF1, in order to facilitate development of the subject property in a manner that allows a single family residential development on the following property: a portion of Property ID 183566 of Abstract 374 of the A.B. Fleury Survey, Abstract 898 M. Rafferty Survey, and Abstract 204 of the WC Coleman Survey, which is shown on Exhibit A, and in accordance with the Concept Plan attached as Exhibit B.

### **ZONING CHANGE**

#### **Purpose and Intent**

The purpose of this zoning change is to develop a single family residential development and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

(30)

Development Standards

All development on land located within the boundaries of this Parcel ID (183566) shall adhere to the rules and regulations set forth in this ordinance.

Development Regulations

1. Per the staff's recommendation, a Development Agreement will be required for the property.
2. The total amount of impact fees shall be paid for the development.
3. The street length for Paradise Cove within the development is allowed to exceed the maximum dead end street requirement of 600 ft. However, Paradise cove shall not exceed the approximate length of 700 ft., and shall terminate with a cul-de-sac.
4. The proposed development shall consist of no more than eighty-six (86) single family residential lots.
5. All amenities proposed for the development, as mentioned by the applicant and approved by City Council, shall be provided within the development.
6. The development shall conform as approved by the City Council under case number ZDC-000040-2020.
7. Where regulations are not specified in this ordinance, the regulations of Single Family-1 zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.
8. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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

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

**PASSED, APPROVED, AND ADOPTED** on this 20<sup>th</sup> day of April, 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

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

(31)

STATE OF TEXAS           §                                   DEVELOPMENT AGREEMENT  
                                  §                                   FOR LAKEWAY ESTATES  
COUNTY OF ELLIS       §

This Development Agreement for Lakeway Estates ("Agreement") is entered into between WP Legacy, LTD. ("WPL") and the City of Waxahachie, Texas ("City"). WPL and the City are sometimes referred herein together as the "Parties" and individually as a "Party."

**Recitals:**

1. WPL is the owner of approximately 110.5 acres of real property generally located East of the intersection of Hunter Pass and FM 877, parcel ID 183566, in the City of Waxahachie, Texas (the "Property"), for which he has requested a Zoning Change (PD-23-SF1 to SF1) ("ZC") to allow for a single family residential development. The Property is currently zoned Planned Development-23-Single Family-1 by the City, and is anticipated to have the Zoning Change reviewed on April 20, 2020.

2. The planned use of the Property is to create eighty-six (86) single family residential lots within a Planned Development-23-Single Family-1 zoning district. The Zoning Change review 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 WPL with agreed-upon and negotiated standards consistent with their business objectives.

3. As is reflected by the public records of the City, significant discussions and negotiations between WPL 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 ZC Ordinance No. ##### (the "Lakeway Estates Zoning Change Ordinance"), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for Lakeway Estates.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards as contractually-binding obligations between the City of Waxahachie and WPL, and to recognize WPL's reasonable investment-backed expectations in Lakeway Estates.

**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").

(31)

**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 Lakeway Estates Zoning Change, 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 WPL. WPL, agrees to:

- The total amount of impact fees shall be paid for the development.
- The street length for Paradise Cove within the development is allowed to exceed the maximum dead end street requirement of 600 ft. However, Paradise cove shall not exceed the approximate length of 700 ft., and shall terminate with a cul-de-sac.
- The proposed development shall consist of no more than eighty-six (86) single family residential lots.
- All amenities proposed for the development, as mentioned by the applicant and approved by City Council, shall be provided within the development.
- The development shall conform as approved by the City Council under case number ZDC-000040-2020.
- 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.

In consideration of WPL's agreement in this regard, the City of Waxahachie agrees that WPL has reasonable investment-backed expectations in Lakeway Estates Zoning Change, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in Lakeway Estates without impacting WPL'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.

(31)

C. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the Parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

D. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Parties may have by law statute, ordinance, or otherwise. The failure by any Party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement with respect to any other or subsequent breach thereof, nor a waiver by such Party of its rights at any time thereafter to require exact and strict compliance with all the terms hereof. Any rights and remedies any Party may have with respect to the other arising out of this Agreement shall survive the cancellation, expiration or termination of this Agreement, except as otherwise expressly set forth herein.

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

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

G. This Agreement is made subject to the existing provisions of the 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.

(31)

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 WPL and all of his 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}**

(31)

**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

**Lakway Estates:**

By: \_\_\_\_\_

Date: \_\_\_\_\_

(13)

STATE OF TEXAS       §  
                                  §  
COUNTY OF ELLIS     §

Before me, the undersigned authority, on this \_\_\_\_\_ day of April, 2020, 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 \_\_\_\_\_ day of April, 2020, personally appeared \_\_\_\_\_, 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: \_\_\_\_\_

(31)

**EXHIBIT A**

**Lakeway Estates Ordinance**

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-23-SINGLE FAMILY-1 (PD-23-SF1) TO SINGLE FAMILY-1 (SF1), WITH CONCEPT PLAN LOCATED EAST OF THE INTERSECTION OF HUNTER PASS AND FM877 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 110.484 ACRES KNOWN AS A PORTION OF PROPERTY ID 183566 OF ABSTRACT 374 OF THE A.B. FLEURY SURVEY, ABSTRACT 898 M. RAFFERTY SURVEY, AND ABSTRACT 204 OF THE WC COLEMAN SURVEY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, a proper application for a Zoning Change, has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-40-2020. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from PD-23-SF1 to SF1; and

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

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

**NOW, THEREFORE**, this property is rezoned from PD-23-SF1 to SF1, in order to facilitate development of the subject property in a manner that allows a single family residential development on the following property: a portion of Property ID 183566 of Abstract 374 of the A.B. Fleury Survey, Abstract 898 M. Rafferty Survey, and Abstract 204 of the WC Coleman Survey, which is shown on Exhibit A, and in accordance with the Concept Plan attached as Exhibit B.

(31)

## ZONING CHANGE

### Purpose and Intent

The purpose of this zoning change is to develop a single family residential development and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

### Development Standards

All development on land located within the boundaries of this Parcel ID (183566) shall adhere to the rules and regulations set forth in this ordinance.

### Development Regulations

1. Per the staff's recommendation, a Development Agreement will be required for the property.
2. The total amount of impact fees shall be paid for the development.
3. The street length for Paradise Cove within the development is allowed to exceed the maximum dead end street requirement of 600 ft. However, Paradise cove shall not exceed the approximate length of 700 ft., and shall terminate with a cul-de-sac.
4. The proposed development shall consist of no more than eighty-six (86) single family residential lots.
5. All amenities proposed for the development, as mentioned by the applicant and approved by City Council, shall be provided within the development.
6. The development shall conform as approved by the City Council under case number ZDC-000040-2020.
7. Where regulations are not specified in this ordinance, the regulations of Single Family-1 zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.
8. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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

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

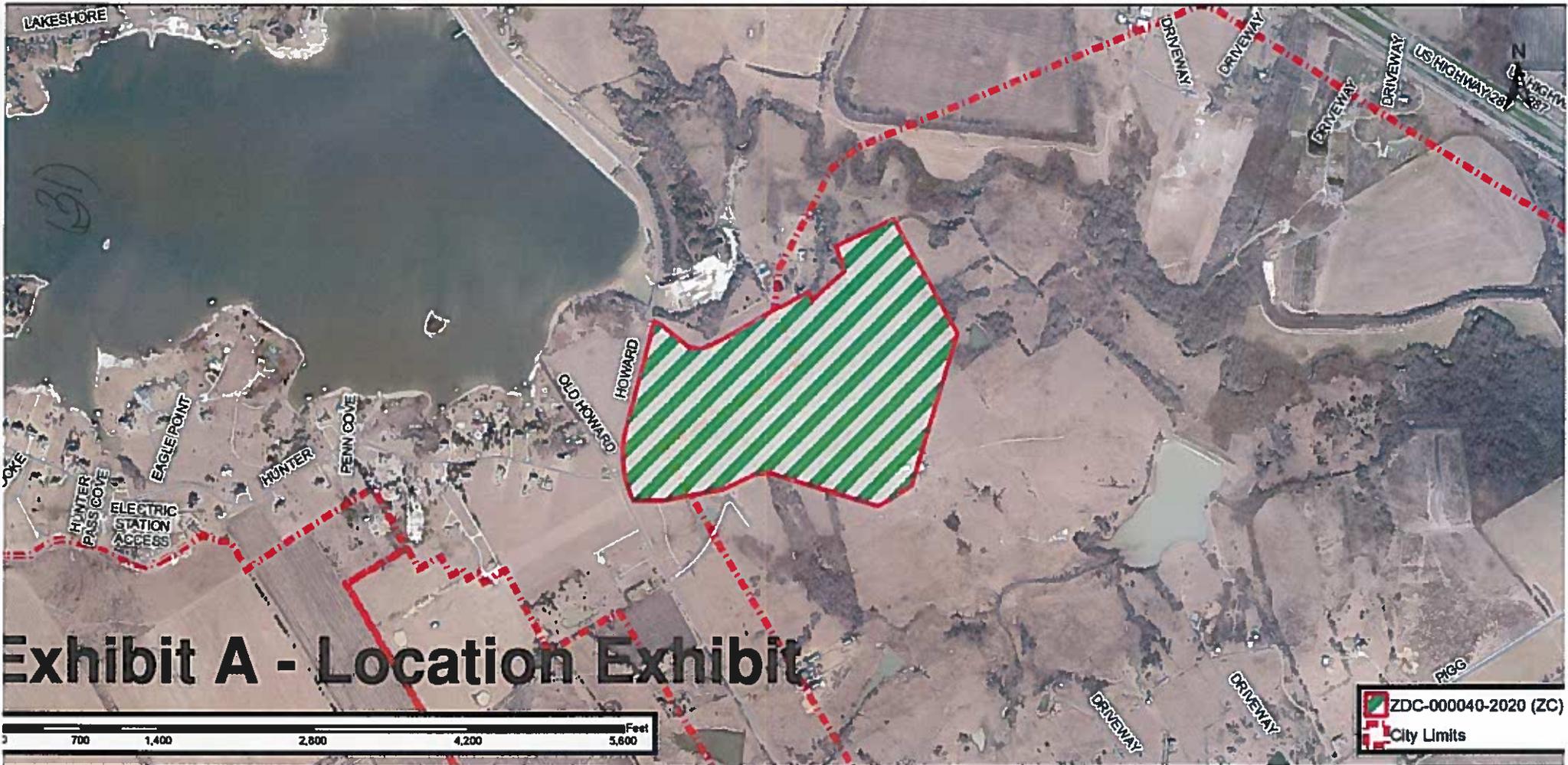
**PASSED, APPROVED, AND ADOPTED** on this 20<sup>th</sup> day of April, 2020.

(31)

\_\_\_\_\_  
MAYOR

ATTEST:

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



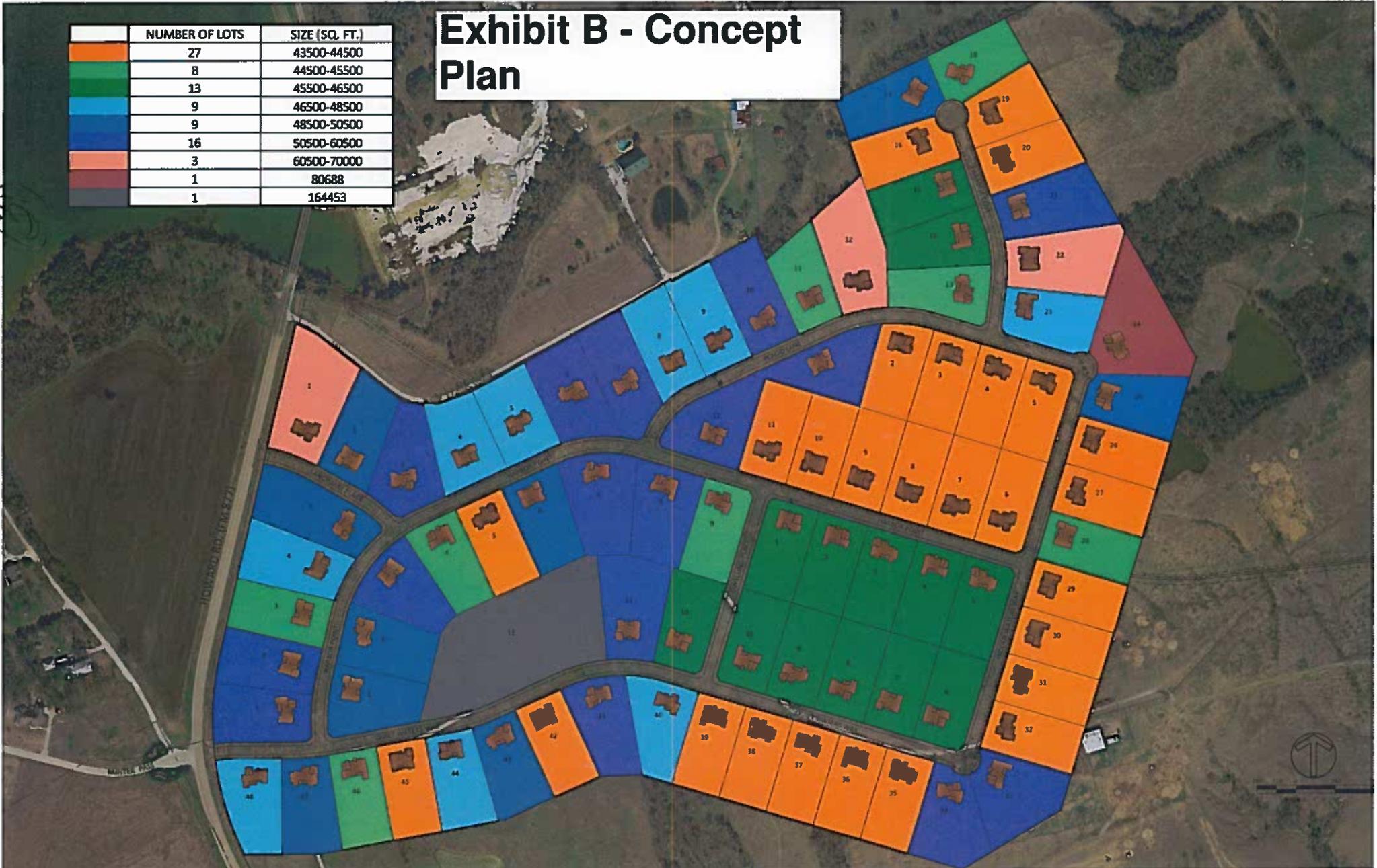
# Exhibit A - Location Exhibit

700 1,400 2,800 4,200 5,600 Feet

ZDC-000040-2020 (ZC)  
City Limits

# Exhibit B - Concept Plan

	NUMBER OF LOTS	SIZE (SQ. FT.)
	27	43500-44500
	8	44500-45500
	13	45500-46500
	9	46500-48500
	9	48500-50500
	16	50500-60500
	3	60500-70000
	1	80688
	1	164453



(31)

**W P LEGACY, LTD  
101 Valley Ridge Drive  
Red Oak, TX 75154  
972-227-4718**

**March 2, 2020**

Shon Brooks, AICP  
Director of Planning  
City of Waxahachie  
401 S Rogers Street  
Waxahachie, TX 75165

**RE: Lakeway Estates Single-Family Development-Impact Fee Waiver and Park Dedication**

Dear Shon,

As part of our zoning and annexation application, we wish to formally request a waiver of certain development fees. Currently, approximately 24.01 acres of the subject property falls within the city limits. A total of 24 lots of the proposed 86 lots are fully or partially within the city limits.

62 lots, if not annexed, would fall outside the city limits and into the County. We are estimating that the average home price would be \$450,000. If we annex, this would mean an additional \$27,900,000 subject to city taxes or a total of \$189,730 per year (\$3,060 per home). "No city taxes" as a marketing tool would be significant for these buyers. I am accustomed to developing in the County, however, it would be much smoother and more enjoyable to develop all the land as a City of Waxahachie subdivision.

As the table below illustrates, the impact and park dedication fees to be paid to the city would be substantially less if the balance of the property were not annexed.

ITEM	FEE PER LOT	WITH ANNEXATION 86 LOTS / 110.48 AC	WITHOUT ANNEXATION 24 LOTS / 24.01 AC	FEE WAIVER AMOUNT
ROADWAY IMPACT FEE	\$3,167	\$272,362	\$76,008	\$196,354
WATER IMPACT FEE	\$2,100	\$180,600	\$50,400	\$130,200
SEWER IMPACT FEE*	\$3,082	\$0	\$0	\$0
PARK DEDICATION	\$400	\$34,400	\$9,600	\$24,800
<b>TOTAL</b>		<b>\$487,362</b>	<b>\$136,008</b>	<b>\$351,354</b>

*\*LOTS TO BE SERVED BY INDIVIDUAL SEPTIC SYSTEMS*

(31)

Regarding impact fees, it should be noted that the property outside of the city limits would not have been considered in the most recent impact fee studies. **As such, a waiver of these fees would not be forfeiting previously anticipated revenues.**

The City's park land ordinance requires the dedication of two acres per 100 dwelling units, which for 86 lots would be 1.72 acres, or \$400/lot, as fees in lieu. Our development plan includes a 3.8-acre neighborhood open space area, which we would be happy to dedicate as a public park. If the City does not desire to have this park dedicated, we would dedicate it to the neighborhood HOA and have the HOA maintain it, as a private open space. We, therefore, request that any park dedication fees be waived for the entire project, if the City Parks Department chooses not to accept the proposed park dedication.

We feel like our request to waive the fees would be a win-win situation with the City and the prospective homebuilders.

We thank you for your consideration of these items.

Sincerely,

**W P Legacy, LTD.**

Clyde L. Hargrove  
President of W P Legacy, LTD

(32)

# Planning & Zoning Department Plat Staff Report

Case: SUB-41-2020



**MEETING DATE(S)**

*Planning & Zoning Commission:* April 14, 2020

*City Council:* April 20, 2020

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held April 14, 2020, the Commission voted 6-0 to recommend approval of Case no. SUB-41-2020, as presented. The Planning and Zoning Commission also approved a variance request for the length of the dead end street, Paradise Cove (a responsibility granted to P&Z per the Subdivision Ordinance). The Commission did not, however, take action on the fee waiver request for Roadway and Water Impact Fees, and Park Land Dedication Fees. Only City Council has the authority to take action on those items.

**CAPTION**

*Consider* request by Clyde L. Hargrove, WP Legacy, LTD. for a Plat of Lakeway Estates for 86 residential lots being 110.484 acres situated in the W.C. Coleman Survey, Abstract 204, the A.B. Fleury Survey, Abstract 374, and the M. Rafferty Survey, Abstract 898 (Property ID 183566) Owner: WP Legacy, LTD. (SUB-41-2020)

**APPLICANT REQUEST**

The applicant is requesting to plat 86 1-acre lots in an effort to create a new subdivision on the south side of Waxahachie. The applicant is requesting a petition of relief for Right-of-Way Length for Paradise Cove, which currently exceeds what is allowed for a dead end street (P&Z can grant this variance) and requesting a fee waiver for roadway, water, sewer impact fees, and Park Land Dedication Fees.

**CASE INFORMATION**

<i>Applicant:</i>	Clyde L. Hargrove, WP Legacy, LTD.
<i>Property Owner(s):</i>	WP Legacy, LTD.
<i>Site Acreage:</i>	110.484 acres
<i>Number of Lots:</i>	Currently 1 lot (86 proposed)
<i>Number of Dwelling Units:</i>	Currently 1 unit (86 units proposed)
<i>Park Land Dedication:</i>	Cash-in-lieu of Park Dedication Fee is \$34,400 (86 residential lots at \$400.00 per lot)
<i>Adequate Public Facilities:</i>	Adequate public facilities are available for this subdivision.

(32)

**SUBJECT PROPERTY**

*General Location:* 4101 Howard Rd.  
*Parcel ID Number(s):* 183566  
*Current Zoning:* PD-SF-1, FD, ETJ  
*Existing Use:* Farmland  
*Platting History:* W.C. Coleman Survey, Abstract 204, A.B. Fleury Survey, Abstract 374, M. Rafferty Survey, Abstract 898  
*Site Aerial:*



**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
- Approval, as presented.
- Approval, per the following conditions:

**ATTACHED EXHIBITS**

1. Plat Drawing
2. Fee Waiver Request

**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.

(32)

**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](mailto:cwebb@waxahachie.com)

*Reviewed by:*

Shon Brooks, AICP

Director of Planning

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



LOT #	ACREAGE	BLK #	S.F.	LOT #	ACREAGE	BLK #	S.F.	LOT #	ACREAGE	BLK #	S.F.	LOT #	ACREAGE	BLK #	S.F.	LOT #	ACREAGE	BLK #	S.F.	LOT #	ACREAGE	BLK #	S.F.	LOT #	ACREAGE	BLK #	S.F.	LOT #	ACREAGE	BLK #	S.F.	LOT #	ACREAGE	BLK #	S.F.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																
1	0.0000	A	0.0000	13	0.0000	A	0.0000	25	0.0000	B	0.0000	37	0.0000	A	0.0000	49	0.0000	B	0.0000	61	0.0000	A	0.0000	73	0.0000	B	0.0000	85	0.0000	A	0.0000	97	0.0000	B	0.0000	109	0.0000	A	0.0000	121	0.0000	B	0.0000	133	0.0000	A	0.0000	145	0.0000	B	0.0000	157	0.0000	A	0.0000	169	0.0000	B	0.0000	181	0.0000	A	0.0000	193	0.0000	B	0.0000	205	0.0000	A	0.0000	217	0.0000	B	0.0000	229	0.0000	A	0.0000	241	0.0000	B	0.0000	253	0.0000	A	0.0000	265	0.0000	B	0.0000	277	0.0000	A	0.0000	289	0.0000	B	0.0000	301	0.0000	A	0.0000	313	0.0000	B	0.0000	325	0.0000	A	0.0000	337	0.0000	B	0.0000	349	0.0000	A	0.0000	361	0.0000	B	0.0000	373	0.0000	A	0.0000	385	0.0000	B	0.0000	397	0.0000	A	0.0000	409	0.0000	B	0.0000	421	0.0000	A	0.0000	433	0.0000	B	0.0000	445	0.0000	A	0.0000	457	0.0000	B	0.0000	469	0.0000	A	0.0000	481	0.0000	B	0.0000	493	0.0000	A	0.0000	505	0.0000	B	0.0000	517	0.0000	A	0.0000	529	0.0000	B	0.0000	541	0.0000	A	0.0000	553	0.0000	B	0.0000	565	0.0000	A	0.0000	577	0.0000	B	0.0000	589	0.0000	A	0.0000	601	0.0000	B	0.0000	613	0.0000	A	0.0000	625	0.0000	B	0.0000	637	0.0000	A	0.0000	649	0.0000	B	0.0000	661	0.0000	A	0.0000	673	0.0000	B	0.0000	685	0.0000	A	0.0000	697	0.0000	B	0.0000	709	0.0000	A	0.0000	721	0.0000	B	0.0000	733	0.0000	A	0.0000	745	0.0000	B	0.0000	757	0.0000	A	0.0000	769	0.0000	B	0.0000	781	0.0000	A	0.0000	793	0.0000	B	0.0000	805	0.0000	A	0.0000	817	0.0000	B	0.0000	829	0.0000	A	0.0000	841	0.0000	B	0.0000	853	0.0000	A	0.0000	865	0.0000	B	0.0000	877	0.0000	A	0.0000	889	0.0000	B	0.0000	901	0.0000	A	0.0000	913	0.0000	B	0.0000	925	0.0000	A	0.0000	937	0.0000	B	0.0000	949	0.0000	A	0.0000	961	0.0000	B	0.0000	973	0.0000	A	0.0000	985	0.0000	B	0.0000	997	0.0000	A	0.0000	1009	0.0000	B	0.0000	1021	0.0000	A	0.0000	1033	0.0000	B	0.0000	1045	0.0000	A	0.0000	1057	0.0000	B	0.0000	1069	0.0000	A	0.0000	1081	0.0000	B	0.0000	1093	0.0000	A	0.0000	1105	0.0000	B	0.0000	1117	0.0000	A	0.0000	1129	0.0000	B	0.0000	1141	0.0000	A	0.0000	1153	0.0000	B	0.0000	1165	0.0000	A	0.0000	1177	0.0000	B	0.0000	1189	0.0000	A	0.0000	1201	0.0000	B	0.0000	1213	0.0000	A	0.0000	1225	0.0000	B	0.0000	1237	0.0000	A	0.0000	1249	0.0000	B	0.0000	1261	0.0000	A	0.0000	1273	0.0000	B	0.0000	1285	0.0000	A	0.0000	1297	0.0000	B	0.0000	1309	0.0000	A	0.0000	1321	0.0000	B	0.0000	1333	0.0000	A	0.0000	1345	0.0000	B	0.0000	1357	0.0000	A	0.0000	1369	0.0000	B	0.0000	1381	0.0000	A	0.0000	1393	0.0000	B	0.0000	1405	0.0000	A	0.0000	1417	0.0000	B	0.0000	1429	0.0000	A	0.0000	1441	0.0000	B	0.0000	1453	0.0000	A	0.0000	1465	0.0000	B	0.0000	1477	0.0000	A	0.0000	1489	0.0000	B	0.0000	1501	0.0000	A	0.0000	1513	0.0000	B	0.0000	1525	0.0000	A	0.0000	1537	0.0000	B	0.0000	1549	0.0000	A	0.0000	1561	0.0000	B	0.0000	1573	0.0000	A	0.0000	1585	0.0000	B	0.0000	1597	0.0000	A	0.0000	1609	0.0000	B	0.0000	1621	0.0000	A	0.0000	1633	0.0000	B	0.0000	1645	0.0000	A	0.0000	1657	0.0000	B	0.0000	1669	0.0000	A	0.0000	1681	0.0000	B	0.0000	1693	0.0000	A	0.0000	1705	0.0000	B	0.0000	1717	0.0000	A	0.0000	1729	0.0000	B	0.0000	1741	0.0000	A	0.0000	1753	0.0000	B	0.0000	1765	0.0000	A	0.0000	1777	0.0000	B	0.0000	1789	0.0000	A	0.0000	1801	0.0000	B	0.0000	1813	0.0000	A	0.0000	1825	0.0000	B	0.0000	1837	0.0000	A	0.0000	1849	0.0000	B	0.0000	1861	0.0000	A	0.0000	1873	0.0000	B	0.0000	1885	0.0000	A	0.0000	1897	0.0000	B	0.0000	1909	0.0000	A	0.0000	1921	0.0000	B	0.0000	1933	0.0000	A	0.0000	1945	0.0000	B	0.0000	1957	0.0000	A	0.0000	1969	0.0000	B	0.0000	1981	0.0000	A	0.0000	1993	0.0000	B	0.0000	2005	0.0000	A	0.0000	2017	0.0000	B	0.0000	2029	0.0000	A	0.0000	2041	0.0000	B	0.0000	2053	0.0000	A	0.0000	2065	0.0000	B	0.0000	2077	0.0000	A	0.0000	2089	0.0000	B	0.0000	2101	0.0000	A	0.0000	2113	0.0000	B	0.0000	2125	0.0000	A	0.0000	2137	0.0000	B	0.0000	2149	0.0000	A	0.0000	2161	0.0000	B	0.0000	2173	0.0000	A	0.0000	2185	0.0000	B	0.0000	2197	0.0000	A	0.0000	2209	0.0000	B	0.0000	2221	0.0000	A	0.0000	2233	0.0000	B	0.0000	2245	0.0000	A	0.0000	2257	0.0000	B	0.0000	2269	0.0000	A	0.0000	2281	0.0000	B	0.0000	2293	0.0000	A	0.0000	2305	0.0000	B	0.0000	2317	0.0000	A	0.0000	2329	0.0000	B	0.0000	2341	0.0000	A	0.0000	2353	0.0000	B	0.0000	2365	0.0000	A	0.0000	2377	0.0000	B	0.0000	2389	0.0000	A	0.0000	2401	0.0000	B	0.0000	2413	0.0000	A	0.0000	2425	0.0000	B	0.0000	2437	0.0000	A	0.0000	2449	0.0000	B	0.0000	2461	0.0000	A	0.0000	2473	0.0000	B	0.0000	2485	0.0000	A	0.0000	2497	0.0000	B	0.0000	2509	0.0000	A	0.0000	2521	0.0000	B	0.0000	2533	0.0000	A	0.0000	2545	0.0000	B	0.0000	2557	0.0000	A	0.0000	2569	0.0000	B	0.0000	2581	0.0000	A	0.0000	2593	0.0000	B	0.0000	2605	0.0000	A	0.0000	2617	0.0000	B	0.0000	2629	0.0000	A	0.0000	2641	0.0000	B	0.0000	2653	0.0000	A	0.0000	2665	0.0000	B	0.0000	2677	0.0000	A	0.0000	2689	0.0000	B	0.0000	2701	0.0000	A	0.0000	2713	0.0000	B	0.0000	2725	0.0000	A	0.0000	2737	0.0000	B	0.0000	2749	0.0000	A	0.0000	2761	0.0000	B	0.0000	2773	0.0000	A	0.0000	2785	0.0000	B	0.0000	2797	0.0000	A	0.0000	2809	0.0000	B	0.0000	2821	0.0000	A	0.0000	2833	0.0000	B	0.0000	2845	0.0000	A	0.0000	2857	0.0000	B	0.0000	2869	0.0000	A	0.0000	2881	0.0000	B	0.0000	2893	0.0000	A	0.0000	2905	0.0000	B	0.0000	2917	0.0000	A	0.0000	2929	0.0000	B	0.0000	2941	0.0000	A	0.0000	2953	0.0000	B	0.0000	2965	0.0000	A	0.0000	2977	0.0000	B	0.0000	2989	0.0000	A	0.0000	3001	0.0000	B	0.0000	3013	0.0000	A	0.0000	3025	0.0000	B	0.0000	3037	0.0000	A	0.0000	3049	0.0000	B	0.0000	3061	0.0000	A	0.0000	3073	0.0000	B	0.0000	3085	0.0000	A	0.0000	3097	0.0000	B	0.0000	3109	0.0000	A	0.0000	3121	0.0000	B	0.0000	3133	0.0000	A	0.0000	3145	0.0000	B	0.0000	3157	0.0000	A	0.0000	3169	0.0000	B	0.0000	3181	0.0000	A	0.0000	3193	0.0000	B	0.0000	3205	0.0000	A	0.0000	3217	0.0000	B	0.0000	3229	0.0000	A	0.0000	3241	0.0000	B	0.0000	3253	0.0000	A	0.0000	3265	0.0000	B	0.0000	3277	0.0000	A	0.0000	3289	0.0000	B	0.0000	3301	0.0000	A	0.0000	3313	0.0000	B	0.0000	3325	0.0000	A	0.0000	3337	0.0000	B	0.0000	3349	0.0000	A	0.0000	3361	0.0000	B	0.0000	3373	0.0000	A	0.0000	3385	0.0000	B	0.0000	3397	0.0000	A	0.0000	3409	0.0000	B	0.0000	3421	0.0000	A	0.0000	3433	0.0000	B	0.0000	3445	0.0000	A	0.0000	3457	0.0000	B	0.0000	3469	0.0000	A	0.0000	3481	0.0000	B	0.0000	3493	0.0000	A	0.0000	3505	0.0000	B	0.0000	3517	0.0000	A	0.0000	3529	0.0000	B	0.0000	3541	0.0000	A	0.0000	3553	0.0000	B	0.0000	3565	0.0000	A	0.0000	3577	0.0000	B	0.0000	3589	0.0000	A	0.0000	3601	0.0000	B	0.0000	3613	0.0000	A	0.0000	3625	0.0000	B	0.0000	3637	0.0000	A	0.0000	3649	0.0000	B	0.0000	3661	0.0000	A	0.0000	3673	0.0000	B	0.0000	3685	0.0000	A	0.0000	3697	0.0000	B	0.0000	3709	0.0000	A	0.0000	3721	0.0000	B	0.0000	3733	0.0000	A	0.0000	3745	0.0000	B	0.0000	3757	0.0000	A	0.0000	3769	0.0000	B	0.0000	3781	0.0000	A	0.0000	3793	0.0000	B	0.0000	3805	0.0000	A	0.0000	3817	0.0000	B	0.0000	3829	0.0000	A	0.0000	3841	0.0000	B	0.0000	3853	0.0000	A	0.0000	3865	0.0000	B	0.0000	3877	0.0000	A	0.0000	3889	0.0000	B	0.0000	3901	0.0000	A	0.0000	3913	0.0000	B	0.0000	3925	0.0000	A	0.0000	3937	0.0000	B	0.0000	3949	0.0000	A	0.0000	3961	0.0000	B	0.0000	3973	0.0000	A	0.0000	3985	0.0000	B	0.0000	3997	0.0000	A	0.0000	4009	0.0000	B	0.0000	4021	0.0000	A	0.0000	4033	0.0000	B	0.0

**LEGAL DESCRIPTION**  
**LAKWAY ESTATES**  
**110.484 ACRES**

BEING a tract of land situated in the W.C. COLEMAN SURVEY, ABSTRACT NO. 304, the A.B. FLEURY SURVEY, ABSTRACT NO. 374 and the M. RAFFERTY SURVEY, ABSTRACT NO. 696, City of Waxahachie, Ellis County, Texas and being all of that tract of land described in Deed to W.P. Lopez, Ltd., as recorded in Document No. 2000899, Deed Record, Ellis County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with a yellow plastic cap stamped "WPLS 4468" found in the southeast line of Farm to Market Road No. 877, on 80 feet right-of-way, for the most northerly northeasterly corner of said W.P. Lopez, Ltd. tract;

THENCE Easterly, with the north line of said W.P. Lopez, Ltd. tract, the following distance (15) courses and distances:

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

South 81 degrees 30 minutes 12 seconds East, a distance of 333.78 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "WPLS 4466" found for corner;

South 87 degrees 23 minutes 00 seconds East, a distance of 110.34 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JC" not for corner;

North 09 degrees 43 minutes 03 seconds East, a distance of 86.35 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JC" not for corner;

North 02 degrees 27 minutes 02 seconds East, a distance of 88.34 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "WPLS 4468" found for corner;

North 00 degrees 23 minutes 07 seconds East, a distance of 878.43 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JC" not for corner;

North 00 degrees 23 minutes 05 seconds East, a distance of 31.20 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JC" not for corner;

South 28 degrees 50 minutes 46 seconds East, a distance of 3.21 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "WPLS 4466" found for corner;

North 80 degrees 27 minutes 52 seconds East, a distance of 295.19 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JC" not for corner;

South 21 degrees 08 minutes 44 seconds East, a distance of 84.78 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JC" not for corner;

North 46 degrees 02 minutes 16 seconds East, a distance of 308.40 feet to a 1/2 inch iron rod found for corner;

North 18 degrees 02 minutes 38 seconds West, a distance of 245.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JC" not for corner;

North 84 degrees 23 minutes 14 seconds East, a distance of 578.17 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JC" not for corner;

THENCE South 28 degrees 23 minutes 08 seconds East, leaving said north line, a distance of 1,181.14 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JC" not for corner;

THENCE South 16 degrees 37 minutes 18 seconds West, a distance of 1,442.80 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JC" not for corner;

THENCE South 80 degrees 01 minutes 15 seconds West, a distance of 330.53 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JC" not for corner;

THENCE North 73 degrees 25 minutes 44 seconds West, a distance of 1,078.78 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JC" not for corner;

THENCE South 08 degrees 18 minutes 27 seconds West, a distance of 131.43 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JC" not for corner;

THENCE South 05 degrees 38 minutes 46 seconds West, a distance of 318.18 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JC" not for corner;

THENCE South 79 degrees 32 minutes 19 seconds West, a distance of 267.10 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JC" not for corner;

THENCE South 88 degrees 41 minutes 52 seconds West, a distance of 236.44 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "JC" not for corner in the southeast line of the above mentioned Farm to Market Road No. 877 at the beginning of a non-tangent curve to the right having a central angle of 38 degrees 47 minutes 07 seconds, a radius of 804.83 feet and a chord bearing and distance of North 08 degrees 58 minutes 40 seconds West, 619.52 feet;

THENCE Northerly, with said southeast line and said curve to the right, an arc distance of 633.84 feet to a steel right-of-way monument found for corner;

THENCE North 12 degrees 27 minutes 24 seconds East, continuing with said southeast line, a distance of 1,002.83 feet to the POINT OF BEGINNING and containing 110.484 acres of land, more or less.

**OWNER'S DEDICATION:**

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS

THAT W P LEGACY, LTD., acting by and through its duly authorized agent, does hereby adopt this plat, designating the herein described property as LAKWAY ESTATES, an addition to the City of Waxahachie, Texas, and do hereby dedicate to the people the streets, alleys, and easement areas shown thereon. The streets, alleys are dedicated for street purposes. The easements and public use areas, so shown, are dedicated for the public use hereon, for the purposes indicated on this plat. No buildings, houses, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over or across the easements so shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Waxahachie. In addition, Utility Easements may also be used for the method use and communication of all public utilities desiring to use or using the same unless the consent thereto the use is particular written, said use by public utilities being subordinate to the Public's and City of Waxahachie's use thereon. The City of Waxahachie and public utility entities shall have the right to remove and keep removed all or parts of any building, house, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective system in said Easements. The City of Waxahachie and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, repairing, maintaining, modifying, renewing, and adding to or removing all or parts of its respective systems without the necessity of any time of procuring the permission from anyone.

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

WITNESS OUR HANDS this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_

NAME:

TITLE:

STATE OF TEXAS        §  
 COUNTY OF COLLIN    §

BEFORE ME, the undersigned authority, a Notary Public in and for said County and State on this date personally appeared \_\_\_\_\_ Owner's Agent, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public in and for the State of Texas

My Commission Expires \_\_\_\_\_

**SURVEYORS CERTIFICATE:**

KNOW ALL MEN BY THESE PRESENTS That I, Ryan S. Reynolds, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon are set upon property placed under my personal supervision in accordance with the plotting rules and regulations of City of Waxahachie, Texas.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**FOR REVIEW PURPOSES ONLY. PRELIMINARY,  
 THIS DOCUMENT SHALL NOT BE RECORDED  
 FOR ANY PURPOSE.**

RYAN S. REYNOLDS, R.P.L.S.  
 Registered Professional Land Surveyor No. 6385

STATE OF TEXAS        §  
 COUNTY OF COLLIN    §

APPROVED BY Planning and Zoning Commission City of Waxahachie

By: _____ Chairperson	Date _____
By: _____ Attest	Date _____
IF APPLICABLE, APPROVED BY City Council City of Waxahachie	
By: _____ Mayor	Date _____
By: _____ Attest	Date _____

**PLAT**  
**LAKWAY ESTATES**  
 SUB-41-2020  
 ZDC-000040-2020  
 110.484 ACRES  
 LOTS 1-48, BLOCK A; LOTS 1-12, BLOCK B;  
 LOTS 1-10 BLOCK C; LOTS 1-11, BLOCK D;  
 LOTS 1-5, BLOCK E  
 86 SINGLE FAMILY LOTS  
 1 COMMON AREA LOT  
 OUT OF THE  
 W.C. COLEMAN SURVEY, ABSTRACT NO. 304  
 A.B. FLEURY SURVEY, ABSTRACT NO. 374  
 M. RAFFERTY SURVEY, ABSTRACT NO. 696

Applicant/Owner  
 W P Legacy, LTD.  
 101 Valley Ridge Dr  
 Red Oak, TX 75154  
 Phone: 972-227-4718  
 Contact: Clyde L. Hargrove

Engineer/Surveyor:  
 J. Volk Consulting, Inc.  
 830 Central Parkway East, Suite 300  
 Plano, Texas 75074  
 972-201-5100  
 Contact: Jay Volk

CITY OF WAXAHACHIE  
 ELLIS COUNTY, TEXAS  
 ZONED: SF-1  
 15 April 2020  
 SHEET 3 OF 3

**J. VOLK**  
 consulting  
888 Central Parkway East, Suite 300  
 Plano, Texas 75074  
 972-201-5100 \*Equal Opportunity Employer



(32)

**W P LEGACY, LTD  
101 Valley Ridge Drive  
Red Oak, TX 75154  
972-227-4718**

**March 2, 2020**

Shon Brooks, AICP  
Director of Planning  
City of Waxahachie  
401 S Rogers Street  
Waxahachie, TX 75165

**RE: Lakeway Estates Single-Family Development-Impact Fee Waiver and Park Dedication**

Dear Shon,

As part of our zoning and annexation application, we wish to formally request a waiver of certain development fees. Currently, approximately 24.01 acres of the subject property falls within the city limits. A total of 24 lots of the proposed 86 lots are fully or partially within the city limits.

62 lots, if not annexed, would fall outside the city limits and into the County. We are estimating that the average home price would be \$450,000. If we annex, this would mean an additional \$27,900,000 subject to city taxes or a total of \$189,730 per year (\$3,060 per home). "No city taxes" as a marketing tool would be significant for these buyers. I am accustomed to developing in the County, however, it would be much smoother and more enjoyable to develop all the land as a City of Waxahachie subdivision.

As the table below illustrates, the impact and park dedication fees to be paid to the city would be substantially less if the balance of the property were not annexed.

<b>ITEM</b>	<b>FEE PER LOT</b>	<b>WITH ANNEXATION 86 LOTS / 110.48 AC</b>	<b>WITHOUT ANNEXATION 24 LOTS / 24.01 AC</b>	<b>FEE WAIVER AMOUNT</b>
ROADWAY IMPACT FEE	\$3,167	\$272,362	\$76,008	\$196,354
WATER IMPACT FEE	\$2,100	\$180,600	\$50,400	\$130,200
SEWER IMPACT FEE*	\$3,082	\$0	\$0	\$0
PARK DEDICATION	\$400	\$34,400	\$9,600	\$24,800
<b>TOTAL</b>		<b>\$487,362</b>	<b>\$136,008</b>	<b>\$351,354</b>

\*LOTS TO BE SERVED BY INDIVIDUAL SEPTIC SYSTEMS

(32)

Regarding impact fees, it should be noted that the property outside of the city limits would not have been considered in the most recent impact fee studies. **As such, a waiver of these fees would not be forfeiting previously anticipated revenues.**

The City's park land ordinance requires the dedication of two acres per 100 dwelling units, which for 86 lots would be 1.72 acres, or \$400/lot, as fees in lieu. Our development plan includes a 3.8-acre neighborhood open space area, which we would be happy to dedicate as a public park. If the City does not desire to have this park dedicated, we would dedicate it to the neighborhood HOA and have the HOA maintain it, as a private open space. We, therefore, request that any park dedication fees be waived for the entire project, if the City Parks Department chooses not to accept the proposed park dedication.

We feel like our request to waive the fees would be a win-win situation with the City and the prospective homebuilders.

We thank you for your consideration of these items.

Sincerely,

**W P Legacy, LTD.**

Clyde L. Hargrove  
President of W P Legacy, LTD

(23)

W P LEGACY, LTD  
101 Valley Ridge Drive  
Red Oak, TX 75154  
972-227-4718

March 2, 2020

Shon Brooks, AICP  
Director of Planning  
City of Waxahachie  
401 S Rogers Street  
Waxahachie, TX 75165

**RE: Lakeway Estates Single-Family Development-Impact Fee Waiver and Park Dedication**

Dear Shon,

As part of our zoning and annexation application, we wish to formally request a waiver of certain development fees. Currently, approximately 24.01 acres of the subject property falls within the city limits. A total of 24 lots of the proposed 86 lots are fully or partially within the city limits.

62 lots, if not annexed, would fall outside the city limits and into the County. We are estimating that the average home price would be \$450,000. If we annex, this would mean an additional \$27,900,000 subject to city taxes or a total of \$189,730 per year (\$3,060 per home). "No city taxes" as a marketing tool would be significant for these buyers. I am accustomed to developing in the County, however, it would be much smoother and more enjoyable to develop all the land as a City of Waxahachie subdivision.

As the table below illustrates, the impact and park dedication fees to be paid to the city would be substantially less if the balance of the property were not annexed.

ITEM	FEE PER LOT	WITH ANNEXATION 86 LOTS / 110.48 AC	WITHOUT ANNEXATION 24 LOTS / 24.01 AC	FEE WAIVER AMOUNT
ROADWAY IMPACT FEE	\$3,167	\$272,362	\$76,008	\$196,354
WATER IMPACT FEE	\$2,100	\$180,600	\$50,400	\$130,200
SEWER IMPACT FEE*	\$3,082	\$0	\$0	\$0
PARK DEDICATION	\$400	\$34,400	\$9,600	\$24,800
<b>TOTAL</b>		<b>\$487,362</b>	<b>\$136,008</b>	<b>\$351,354</b>

\*LOTS TO BE SERVED BY INDIVIDUAL SEPTIC SYSTEMS

(33)

Regarding impact fees, it should be noted that the property outside of the city limits would not have been considered in the most recent impact fee studies. **As such, a waiver of these fees would not be forfeiting previously anticipated revenues.**

The City's park land ordinance requires the dedication of two acres per 100 dwelling units, which for 86 lots would be 1.72 acres, or \$400/lot, as fees in lieu. Our development plan includes a 3.8-acre neighborhood open space area, which we would be happy to dedicate as a public park. If the City does not desire to have this park dedicated, we would dedicate it to the neighborhood HOA and have the HOA maintain it, as a private open space. We, therefore, request that any park dedication fees be waived for the entire project, if the City Parks Department chooses not to accept the proposed park dedication.

We feel like our request to waive the fees would be a win-win situation with the City and the prospective homebuilders.

We thank you for your consideration of these items.

Sincerely,

**W P Legacy, LTD.**

Clyde L. Hargrove  
President of W P Legacy, LTD



## Memorandum

To: Honorable Mayor and City Council  
From: Tommy Ludwig, Executive Director of Development Services  
Thru: Michael Scott, City Manager  
Date: April 17, 2020  
Re: Bid Award – Kaufman Street Corridor Rehabilitation Phase 1

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On Monday, April 20, 2020, a bid award associated with the corridor rehabilitation of Kaufman Street Phase I will appear before the City Council in an amount of \$1,048,295.22. Staff is also recommending City Council approve funding for a project contingency in the amount of \$50,000. J&K Excavation, LLC was the lowest responsive bidder of eight proposers, with a bid amount that was \$26,971.28 below the next lowest responsive bidder. This project is a planned expense and the City has budgeted for it as part of the FY19-20 Bond Issuance.

This project provides for the reconstruction of Kaufman Street between Martin Luther King Jr. Blvd. and the Union Pacific Rail Road. The project includes replacement of the existing asphalt roadway with concrete pavement, replacement of water and sanitary sewer lines, installation of sidewalks, and street lights.

As stated above, this project is intended to be funded through FY19-20 certificate of obligation bonds, which are anticipated to be sold prior to the end of the fiscal year. There is a companion resolution to this agenda item authorizing a reimbursement to the Public Works and Engineering Department from future bond sales. This will allow any expenses associated with this

(34)

project that occur prior to bond issuance to be paid from the Operating Fund with reimbursement of these expenditures after the bonds have been issued.

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

Tommy Ludwig

(34)

# Kimley»Horn

April 15, 2020

Mr. James Gaertner  
Director of Public Works & Engineering  
City of Waxahachie  
401 S. Rogers Street  
Waxahachie, Texas 75165

Re: Bid Results  
Kaufman Street Reconstruction Phase I  
KHA No. 0612697038

Dear Mr. Gaertner:

On April 9, 2020, the City of Waxahachie received bids for the Kaufman Street Reconstruction Phase I project which extends from MLK Blvd to the railroad tracks. The project consists of reconstructing of Kaufman Street from an existing asphalt roadway to an asphalt or concrete curb and gutter section. The project also includes the installation of a storm drain system, water lines, sanitary sewer lines, sidewalks and street lights within the project limits. The project also consists of installing a sanitary sewer line from Kaufman Street to Tuggle Street.

The bid includes a base bid, an alternate bid and an additive alternate bid. A description of bids is below:

- **Base Bid:** This bid includes performing all aspects of the project including constructing the roadway with asphalt material.
- **Alternate Bid:** This alternate bid includes subtracting the asphalt roadway construction from the base bid and adding the construction of a concrete roadway to the base bid. If this bid is negative, it means the bid for constructing a concrete roadway is more cost effective than constructing an asphalt roadway.
- **Additive Alternate Bid:** This bid includes installing an epoxy liner/coating system to the interior of the sanitary sewer manholes. The liner/coating system will extend the life of the sanitary sewer manholes and protect the manholes from the hydrogen sulfide that corrodes the manholes.

The low bid received for the base bid was \$1,039,786.17, -\$2,098.00, for the Alternate Bid and \$10,607.05 for the Additive Alternate bid. The total for the Base Bid, Alternate Bid and Additive Alternate Bid was \$1,048, 295.22.

Kimley-Horn's Opinion of Probable Construction Cost (OPCC) of the base bid is \$1,361,229.50, the Alternate Bid was -\$2,000.00, and the Additive Alternate Bid was \$5,912.50.

Kimley-Horn has reviewed the lowest bidder's qualifications and has verified that the Contractor's bonding company is licensed in the State of Texas. Based on these reviews it appears that J&K

(34)



Excavation, LLC. is the lowest qualified responsive bidder. Enclosed is a copy of the Bid Summary report and itemized Bid Tabulation for your reference. The contract for the project is 210 calendar days.

Thank you for the opportunity to be of service to the City of Waxahachie. Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in cursive script that reads "Misty Christian".

Misty D. Christian, P.E., CFM

(24)

**APPARENT LOW BIDDERS****Kaufman Street Reconstruction Phase I**

	<b>Bidder</b>	<b>Base Bid</b>	<b>Alternate Bid #1</b>	<b>Additive Alternate #1</b>	<b>Total</b>
1	J&K Excavation, LLC	\$1,039,786.17	(\$2,098.00)	\$10,607.05	\$1,048,295.22
2	Circle H Contractors, LP	\$1,075,539.00	(\$10,105.00)	\$9,832.50	\$1,075,266.50
3	Reliable Paving, Inc.	\$1,171,707.03	\$27,994.50	\$12,004.70	\$1,211,706.23
4	ANA Site Construction, LLC	\$1,198,165.00	\$92,300.00	\$18,195.00	\$1,308,660.00
5	Pavecon	\$1,241,287.56	\$51,576.50	\$13,085.20	\$1,305,949.26
6	Axis Contracting, Inc.	\$1,274,801.00	\$44,100.00	\$22,645.00	\$1,341,546.00
7	Digg	\$1,295,940.00	\$86,800.00	\$31,500.00	\$1,414,240.00
8	Reyes Group	\$1,467,787.75	\$42,487.50	\$13,017.50	\$1,523,292.75

**RESOLUTION NO.**

(35)

**A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF CONSTRUCTION OF THE KAUFMAN STREET CORRIDOR REHABILITATION PHASE 1 PROJECT**

**WHEREAS**, the City of Waxahachie (the “City”) intends to issue debt to finance cost to be incurred for the Kaufman Street Corridor Rehabilitation Phase 1 Project and related expenses prior to the issuance of such debt with the expectation that such expenditures are to be reimbursed with proceeds of such debt; and

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

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

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

**SECTION 1**

That the City reasonably expects to reimburse the General Fund with proceeds of debt hereafter to be issued by the City, and this resolution shall constitute a declaration of official intent under the Regulation.

**SECTION 2**

That the City Manager is authorized to take those steps reasonable and necessary to comply with the intent of this resolution including a loan from the General Fund in an amount not to exceed \$1,098,300.

**SECTION 3**

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

ADOPTED THIS 20th day of April, 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

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



(3le)

## Memorandum

To: Honorable Mayor and City Council  
From: Tommy Ludwig, Executive Director of Development Services  
Thru: Michael Scott, City Manager  
Date: April 17, 2020  
Re: Bid Award – Cumberland Road Corridor Rehabilitation

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On Monday, April 20, 2020, a bid award associated with the corridor rehabilitation of Cumberland Road will appear before the City Council in an amount of \$1,521,436.00. Staff is also recommending City Council approve funding for a project contingency in the amount of \$75,000. Circle H Contractors, LP was the lowest responsive bidder of eleven proposers, with a bid amount that was \$150,401.52 below the next lowest responsive bidder. This project is a planned expense and the City budgeted \$1,625,000 in the FY19-20 operations and maintenance budget for this construction.

This corridor rehabilitation provides for the reconstruction of Cumberland Road with concrete pavement, replacement of water and sanitary sewer lines within the right of way, installation of sidewalks, and street lights. The project will also include construction of parking to serve Belle-Vue and Brown-Singleton Park and the replacement of sanitary sewer lines located in an easement along the rear of lots north of Cumberland.

As stated above, this project is intended to be funded through FY19-20 operation and maintenance funds. However in an effort to give the Finance Department additional flexibility with funding options, staff recommends City Council approve a reimbursement resolution associated with this project. The

(36)  
reimbursement resolution would allow the City to leverage certificate of obligation bonds, which are anticipated to be sold prior to the end of the fiscal year, rather than operation and maintenance funding to pay for the project. If the project is ultimately funded through bonds, the reimbursement resolution will allow costs to be incurred in advance of bond funding from the Public Works and Engineering Department. As a result, the companion resolution to this agenda item authorizes a reimbursement to the Public Works and Engineering Department for such expenditures.

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

Tommy Ludwig

(3le)



April 15, 2020

Mr. James Gaertner  
Director of Public Works & Engineering  
City of Waxahachie  
401 S. Rogers Street  
Waxahachie, Texas 75165

Re: Bid Results  
Cumberland Road Reconstruction  
KHA No. 061269737

Dear Mr. Gaertner:

On April 9, 2020, the City of Waxahachie received bids for the Cumberland Road Reconstruction project. The project consists of reconstructing Cumberland Road from an existing asphalt roadway to a concrete roadway. The project was bid with a base bid and three (3) additive alternate bids. A description of the bids is provided below:

- The Base Bid includes reconstructing the roadway from Richmond Lane to the end of Cumberland Road, installing a new sanitary sewer and water line system under the roadway, installing sidewalks and street lights along the corridor.
- The Additive Alternate #1 Bid includes rehabilitating the existing sewer line located in a utility easement in the backyards of the houses between Cumberland Road and Wilmington Avenue through a method called cured in place pipe (CIPP). This is a trenchless method to improve the functionality of the deteriorated pipe without causing disruption to the resident's backyard.
- The Additive Alternate #2 Bid includes the installation of a large valve on the existing 16-inch diameter water line that will allow for improved operation and reliability of the system.
- The Additive Alternate #3 Bid includes installing an epoxy liner/coating system to the interior of the sanitary sewer manholes. The liner/coating system will extend the life of the sanitary sewer manholes and protect the manholes from the hydrogen sulfide that corrodes the manholes.

Eleven (11) bids were received for the project. The lowest bid for the Base Bid and Additive Alternate Bids is as follows:

- Base Bid: \$1,387,447.75
- Additive Alternate Bid #1: \$116,625.00
- Additive Alternate Bid #2: \$8,100.00

- Additive Alternate Bid #3: \$9,263.25

The total for the Base Bid and all three (3) Additive Alternate Bids is \$1,521,436.00

Kimley-Horn's Opinion of Probable Construction Cost (OPCC) of the Base Bid is \$1,890,927.50, \$137,093 for the Additive Alternate #1 Bid, \$8,250 for the Additive Alternate #2 Bid and \$5,582.50 for the Additive alternate #3 Bid.

Kimley-Horn has reviewed the lowest bidder's qualifications and has verified that the Contractor's bonding company is licensed in the State of Texas. Based on these reviews it appears that Circle H Contractors, L.P. is the lowest qualified responsive bidder. Enclosed is a copy of the Bid Summary report and itemized Bid Tabulation for your reference. The contract time for the base bid is 210 calendar days and 30 additional calendar days if the additive alternates are selected.

Thank you for the opportunity to be of service to the City of Waxahachie. Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



Misty D. Christian, P.E., CFM

**APPARENT LOW BIDDERS****Cumberland Road Reconstruction**

	<b>Bidder</b>	<b>Base Bid</b>	<b>Additive Alternate 1</b>	<b>Additive Alternate 2</b>	<b>Additive Alternate 3</b>	<b>Total</b>
1	Circle H Contractors, LP	\$1,387,447.75	\$116,625.00	\$8,100.00	\$9,263.25	\$1,521,436.00
2	J&K Excavation, LLC	\$1,495,194.80	\$166,976.72	\$0.00	\$9,666.00	\$1,671,837.52
3	XIT Paving and Construction, Inc.	\$1,548,462.50	\$109,040.00	\$9,000.00	\$10,320.00	\$1,676,822.50
4	New World Contracting, LLC	\$1,679,834.50	\$85,867.00	\$2,893.00	\$10,909.00	\$1,779,503.50
5	Pavecon	\$1,697,232.00	\$290,414.80	\$10,421.00	\$12,300.00	\$2,010,367.80
6	McMahon Contracting LP	\$1,698,179.95	\$160,968.20	\$8,981.64	\$9,666.00	\$1,877,795.79
7	Reliable Paving	\$1,728,336.75	\$153,572.00	\$11,000.10	\$17,691.89	\$1,910,600.74
8	Axis Contracting, Inc.	\$1,740,335.50	\$255,644.00	\$8,645.00	\$20,958.00	\$2,025,582.50
9	Reyes Group	\$1,888,604.75	\$211,382.00	\$7,953.75	\$11,525.00	\$2,119,465.50
10	Digg	\$1,924,435.00	\$203,480.00	\$7,400.00	\$29,700.00	\$2,165,015.00
11	Supply Wharehouse	\$1,924,435.00	\$203,480.00	\$7,400.00	\$29,700.00	\$2,165,015.00

**RESOLUTION NO. (37)**

**A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF CONSTRUCTION OF THE CUMBERLAND ROAD CORRIDOR REHABILITATION PROJECT**

WHEREAS, the City of Waxahachie (the "City") intends to issue debt to finance cost to be incurred for the Cumberland Road Rehabilitation Project and related expenses prior to the issuance of such debt with the expectation that such expenditures are to be reimbursed with proceeds of such debt; and

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

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

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

**SECTION 1**

That the City reasonably expects to reimburse the General Fund with proceeds of debt hereafter to be issued by the City, and this resolution shall constitute a declaration of official intent under the Regulation.

**SECTION 2**

That the City Manager is authorized to take those steps reasonable and necessary to comply with the intent of this resolution including a loan from the General Fund in an amount not to exceed \$1,597,000.

**SECTION 3**

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

ADOPTED THIS 20th day of April, 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

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

(38-43)



## Memorandum

To: Honorable Mayor and City Council  
From: Tommy Ludwig, Assistant City Manager  
Thru: Michael Scott, City Manager  
Date: April 15, 2020  
Re: Substandard Structure Public Hearings

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On Monday April 20, 2020 three public hearings will be held, and corresponding action items will appear before City Council for consideration associated with three substandard structures within the City of Waxahachie. As a reminder, at the February 3, 2020 City Council Meeting staff provided an update regarding the properties which Council had determined to be substandard structure at a series of public hearings in December 2019. At the February 3<sup>rd</sup> meeting staff informed the City Council that three of the properties deemed to be substandard in December 2019 would need to be re-noticed and new public hearings held, as the original public hearing notices were not mailed to all the required recipients.

The properties appearing before City Council on April 20<sup>th</sup> represent those properties that required new public hearing dates, and are not newly identified substandard structures. During the April 20<sup>th</sup> City Council Meeting, 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 to appear before Council for consideration.

- 10 Yinger Street
- 214 Dunlap Street
- 908 Wyatt Street

(3843)

Please note that the substandard structure at 908 Wyatt has changed ownership since December 2019. Repairs have begun on the property, after the notification for this public hearing, and the property owner recently applied for a building permit which is currently under review. While progress has been made staff still recommends that Council proceed with the public hearing and order the repair of the property, in the event that the repairs are ultimately not completed. No progress has been made to repair, remove, or demolish either 10 Yinger Street or 214 Dunlap Street.

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".

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

Tommy Ludwig