

A G E N D A

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Chamber at City Hall, 401 S. Rogers on **Monday, November 2, 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. **Public Comments:** Persons may address the City Council on any issues. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.
5. **Consent Agenda**

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

- a. Minutes of the City Council meeting of October 19, 2020
 - b. Minutes of the City Council briefing of October 19, 2020
 - c. Revised 2020 Holiday Schedule
 - d. Accept the Impact Fee Capital Improvement Advisory Committee's Capital Improvement Plan Recommendation Letter
 - e. Budget Amendment increasing Miscellaneous Revenue and Human Resources – Employee Wellness Account
 - f. Proposal for Architectural Design Services by la terra studio for Master Planning of City's Lake Parks and Authorizing Funding from Park Dedication Fees
 - g. Proposed Resolution for Senior Housing for the Gala at Waxahachie, LP
6. **Present** Proclamation proclaiming November 2-6, 2020 as "Municipal Court Week"
 7. **Consider** a resolution to call a public hearing associated with the 5-Year Update for the City of Waxahachie's Land Use Assumptions, Capital Improvement Plan and associated Impact Fees

8. **Public Hearing** on a request by Irma Espinoza, Reach for the Sky, for a Specific Use Permit (SUP) for Family Home use within a Single-Family Residential-2 zoning district located at 409 W 6th Street (Property ID 176922) - Owner: MEDINA LIVING TRUST & IRMA MEDINA (ZDC-128-2020)
9. **Consider** proposed Ordinance approving ZDC-128-2020
10. **Public Hearing** on a request by Yolanda Martinez, Martinez Day Care, for a Specific Use Permit (SUP) for Family Home use within a Single-Family Residential-2 zoning district located at 317 W University Avenue (Property ID 176190) - Owner: JOE & YOLANDA MARTINEZ (ZDC-129-2020)
11. **Consider** proposed Ordinance approving ZDC-129-2020
12. **Public Hearing** on a request by Carrie Finley for a Specific Use Permit (SUP) for Family Home use within a Single-Family Residential-2 zoning district located at 201 Olive Street (Property ID 176437) - Owner: RICKIE L & CARRIE R FINLEY (ZDC-134-2020)
13. **Consider** proposed Ordinance approving ZDC-134-2020
14. **Public Hearing** on a request by Erik Barnard for a Zoning Change from a Single-Family Residential-1 zoning district to Commercial, located at 601 Ovilla Road (Property ID 191635) - Owner: ERIK BARNARD AND ELMWOOD HOMES LLC (ZDC-127-2020)
15. **Consider** proposed Ordinance approving ZDC-127-2020
16. **Public Hearing** on a request by Paula Justice, Secure More Storage, for a Zoning Change from a Light Industrial-2 and Single-Family Residential-2 zoning district to Planned Development-Light Industrial-2, located at 602 Cantrell Street (Property ID 189795) - Owner: SECURE MORE STORAGE CORP (ZDC-130-2020)
17. **Consider** proposed Ordinance approving ZDC-130-2020
18. Comments by Mayor, City Council, City Attorney and City Manager
19. Adjourn

The City Council reserves the right to go into Executive Session on any posted item. This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4005 or (TDD) 1-800-RELAY TX

(5a)

City Council
October 19, 2020

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, October 19, 2020 at 7:00 p.m.

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

Others Present: Michael Scott, City Manager
Albert Lawrence, Assistant City Manager
Tommy Ludwig, Assistant City Manager
Robert Brown, City Attorney
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. Public Comments

None

5. Consent Agenda

- a. Minutes of the City Council meeting of October 5, 2020
- b. Minutes of the City Council briefing of October 5, 2020
- c. Approve funding request by Waxahachie Community Development Corporation for site preparation of 1601 W. Highway 287

Action:

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

6. Recognition of Robert W. Sokoll Water Treatment Plant for receiving the 2020 Outstanding Small Membrane Plant Award

Director of Utilities David Bailey presented the 2020 Outstanding Small Membrane Plant Award recognizing the Robert W. Sokoll Water Treatment Plant Operations and Maintenance and Exemplary Membrane Treatment Plant performance. He introduced and thanked the team at the facility for their dedication in operating and maintaining the plant.

- 7. Request to appear by Elizabeth Tull, President of the Waxahachie Arts Council, to present Annual Financial Report for Waxahachie Arts Council and consider request to extend current contract between Waxahachie Arts Council and City of Waxahachie for one year expiring on December 31, 2021**

Ms. Elizabeth Tull, President of the Waxahachie Arts Council, presented the Annual Financial Report and requested the contract be extended for one year expiring on December 31, 2021. She thanked City Council for supporting the groups that form the Waxahachie Arts Council.

Action:

Councilmember Chuck Beatty moved to extend the contract between the Waxahachie Arts Council and City of Waxahachie for one year expiring on December 31, 2021. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

- 8. Consider request by Mark Wilson, Maxwell Custom Homes, LLC, for a Plat of The Estates of Hidden Creek for seventy (70) lots being 99.170 acres situated in the D. Mitchell Survey, Abstract 703, J. Steele Survey, Abstract 991, and the J. Starrett Survey, Abstract 1026 (Property ID 183399 and 277593) in the Extra Territorial Jurisdiction – Owner: Konark Singh, Konark Real Estate Enterprises and Navito Development, LLC (SUB-85-2020)**

Director of Planning Shon Brooks reported the applicant is requesting approval for a new residential subdivision in the Waxahachie ETJ. He noted adequate domestic flow and fire flow are available to this site and recommended approval.

Action:

Councilmember Chuck Beatty moved to approve a request by Mark Wilson, Maxwell Custom Homes, LLC, for a Plat of The Estates of Hidden Creek for seventy (70) lots being 99.170 acres situated in the D. Mitchell Survey, Abstract 703, J. Steele Survey, Abstract 991, and the J. Starrett Survey, Abstract 1026 (Property ID 183399 and 277593) in the Extra Territorial Jurisdiction – Owner: Konark Singh, Konark Real Estate Enterprises and Navito Development, LLC (SUB-85-2020). Councilmember Kevin Strength seconded, All Ayes.

- 9. Public Hearing on a request by Jaime Eagleson, Keller Williams, for a Zoning Change from a General Retail zoning district to Planned Development-General Retail, located at 2760 Venture Way (Property ID 273975) - Owner: ROUX PROPERTIES LLC (ZDC-126-2020)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the zoning change request is to allow for a Convenience Store with alcohol sales (Daiquiri Shop) and the drive-through sales of prepackaged, sealed beverages. He recommended approval per the applicant shall adhere to standards put forth in the Planned Development Ordinance.

There being no others to speak for or against ZDC-126-2020, Mayor Hill closed the Public Hearing.

(5a)

10. Consider proposed Ordinance approving ZDC-126-2020

ORDINANCE NO. 3222

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM GENERAL RETAIL (GR) TO PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR), WITH SITE PLAN TO ALLOW FOR A CONVENIENCE STORE WITH ALCOHOL SALES (DAIQUIRI SHOP) AND WITH DRIVE-THROUGH USE LOCATED AT 2760 VENTURE WAY, BEING A PORTION OF PROPERTY ID 273975, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.246 ACRES KNOWN AS LOT 2, BLOCK B OF THE NORTH GROVE BUSINESS PARK SUBDIVISION PHASE 2 & 4, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Melissa Olson moved to approve Ordinance No. 3222 as presented. Councilmember Chuck Beatty seconded, All Ayes.

11. Continue Public Hearing on a request by John Kennedy, Bannister Engineering, for a Zoning Change from a Light Industrial-1 and Heavy Industrial to Planned Development-General Retail and Planned Development-Multi Family-2, with Concept Plan, located SW of Butcher Road at N Highway 77 (Property ID 189377, 189370, and 239005) - Owner: DMJ Properties LTD, Saldena Properties LP, and Citizens National Bank in Waxahachie (ZDC-117-2020)

Mayor Hill continued the Public Hearing.

Mr. Brooks reported the applicant intends to create a Planned Development to allow for retail, commercial, office, and townhome uses on 42.94 acres. Staff believes that the proposed development will be beneficial to the uses surrounding the subject property. He noted the development will help compliment the adjacent development, North Grove Business Park, which also consist of similar uses. Mr. Brooks reviewed the Concept Plan and proposed changes from the 10/13/20 Planning and Zoning Commission meeting. He recommended approval per a mutually agreed upon Development Agreement for the proposed development.

There being no others to speak for or against ZDC-117-2020, Mayor Hill closed the Public Hearing.

12. Consider proposed Ordinance approving ZDC-117-2020

ORDINANCE NO. 3223

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM LIGHT INDUSTRIAL-1 (LI1), HEAVY INDUSTRIAL (HI), AND COMMERCIAL (C), TO PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) AND PLANNED DEVELOPMENT-MULTI-FAMILY-2, WITH CONCEPT PLAN LOCATED AT THE SOUTHWEST CORNER OF BUTCHER ROAD AND U.S. HIGHWAY 77 IN THE CITY OF

WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 42.94 ACRES KNOWN AS A PORTION OF PROPERTY ID 189377, 189370, AND 239005 OF ABSTRACT 848 OF THE A S PRUETT SURVEY, ABSTRACT 1000 OF THE J SHAVER SURVEY, ABSTRACT 1003 OF THE T B STOUT SURVEY, ABSTRACT 1 OF THE A DMJ BUSINESS CENTRE UNIT AND LOT 2AR, BLOCK A OF DMJ BUSINESS CENTRE UNIT 1 REV. 1.1 AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Kevin Strength moved to approve Ordinance No. 3223 as presented. Councilmember Chuck Beatty seconded, All Ayes.

13. Consider Development Agreement for ZDC-117-2020

Action:

Councilmember Kevin Strength moved to approve a Development Agreement for ZDC-117-2020 per staff comments. Councilmember Chuck Beatty seconded, All Ayes.

14. Public Hearing on a request by Marshall Patton, KFM Engineering & Design, for a Zoning Change from a Planned Development-41-Commercial and Commercial zoning district to Planned Development-Mixed Use Non-Residential, located at the SW corner of I-35 and Highway 287 (Property ID 180322, 180349, and 189254) - Owner: LIDE FAMILY INC and FAYE J MOSELEY & ERNEST M HOWELL (ZDC-124-2020)

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the applicant intends to create a Planned Development to allow for industrial, multi-family, retail, and commercial uses on 124.92 acres. The development intends to provide uses such as a large corporate campus consisting of logistics, warehouse, and last mile delivery uses. The development will also include retail, restaurant, and a multi-family site to support the needs of the anticipated corporate campus users, as well as the community in general. Mr. Brooks stated staff believes the proposed mixed-use development will be a beneficial development to the city. The proposed will be consistent with the Future Land Use Plan as well as the envisioned character for the surrounding area. Mr. Brooks' recommended approval per the following comments:

- Per the applicant's request, a mutually agreed upon Development Agreement will be required for the development.
- The maximum apartment dwelling unit count shall not exceed 346 units.
- All development on land located within the boundaries of the Planned Development District shall adhere to the rules and regulations set forth in the Ordinance, Development Agreement, and Planned Development Regulations.

There being no others to speak for or against ZDC-124-2020, Mayor Hill closed the Public Hearing.

(5a)

15. Consider proposed Ordinance approving ZDC-124-2020

ORDINANCE NO. 3224

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-41-COMMERCIAL (PD-41-C) AND COMMERCIAL (C) TO PLANNED DEVELOPMENT-MIXED USE NON-RESIDENTIAL (PD-MUNR), LOCATED AT THE SOUTHWEST CORNER OF IH-35 AND US HIGHWAY 287, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 124.92 ACRES KNOWN AS A PORTION OF PROPERTY ID 180322, 180349, AND 189254 OF ABSTRACT 99 OF THE JB BOUNDS SURVEY AND ABSTRACT 844 OF THE JE PRINCE SURVEY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Kevin Strength moved to approve Ordinance No. 3224. Councilmember Chuck Beatty seconded, All Ayes.

16. Consider Development Agreement for ZDC-124-2020

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve a Development Agreement for ZDC-124-2020 as presented. Councilmember Melissa Olson seconded, All Ayes.

17. Consider award of a bid to A&M Construction & Utilities, Inc. associated with the Ennis, Elder, Cleaver water and sewer system capital improvement project

Utilities Director David Bailey presented a bid award with A&M Construction & Utilities, Inc. associated with the Ennis, Elder, Cleaver water and sewer system capital improvement project in the amount of \$1,668,125.15. He presented an overview of the replacement utility improvements noting the project is a planned expense and will be funded through certificate of obligation bonds.

Action:

Councilmember Chuck Beatty moved to approve award of bid to A&M Construction & Utilities, Inc. associated with the Ennis, Elder, Cleaver water and sewer system capital improvement project as presented. Councilmember Kevin Strength seconded, All Ayes.

18. Convene into Executive Session for deliberation regarding real property as permitted by Section 551.072 of the Texas Government Code, and to review Performance Evaluation for City Manager as permitted by Section 551.074 of the Texas Government Code

Mayor Hill announced at 7:23 p.m. the City Council would convene into Executive Session for deliberation regarding real property as permitted by Section 551.072 of the Texas Government Code, and to review Performance Evaluation for City Manager as permitted by Section 551.074 of the Texas Government Code.

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19. Reconvene and take any necessary action

The meeting reconvened at 8:36 p.m.

Action (regarding real property as permitted by Section 551.072 of the Texas Government Code):

Councilmember Kevin Strength moved to convey a strip of land approximately 10 feet wide and 170 feet long, located at the north end of Pecan Street, to the adjacent property owner located at 306 Pecan Street, Waxahachie, Texas; and authorizing the City Manager to execute all documents associated with the conveyance of the land. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

Action (regarding review Performance Evaluation for City Manager as permitted by Section 551.074 of the Texas Government Code):

Mayor Pro Tem Mary Lou Shipley moved to extend the City Manager's employment contract for an additional year. Councilmember Kevin Strength seconded, All Ayes.

Mayor Pro Tem Mary Lou Shipley thanked City Manager Michael Scott for the good things that are happening in Waxahachie noting they are attributable to his good work and looks forward to another year with him.

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

Mayor David Hill stated he is proud of the direction the city has gone and thanked City Manager Michael Scott for his leadership.

21. Adjourn

There being no further business, the meeting adjourned at 8:39 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary

(5b)

City Council
October 19, 2020

A briefing session of the Mayor and City Council of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, October 19, 2020 at 6:30 p.m.

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

Others Present: Michael Scott, City Manager
Albert Lawrence, Assistant City Manager
Tommy Ludwig, Assistant City Manager
Robert Brown, City Attorney
Lori Cartwright, City Secretary

1. Call to Order

Mayor David Hill called the meeting to order.

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

City Manager Michael Scott reviewed the Consent Agenda noting the WCDC recommended approving expenditures for site preparation on the acres located at 1601 W. Highway 287. Assistant City Manager Albert Lawrence reported the approval will allow the city to contract with J&K Excavation to clean up the site. It was recommended by the WCDC not to exceed \$350,000. Mr. Scott noted the funding will come from the WCDC working capital fund.

Mr. Scott reported the Waxahachie Arts Council will request their contract be extended for one year expiring on December 31, 2021.

Planner Director Shon Brooks reviewed the following planning and zoning cases:

- SUB-85-2020 – The applicant is requesting approval for a new residential subdivision located in the ETJ. The plat will consist of 70 lots and would be a single-family development.
- ZDC-126-2020 – The applicant is requesting a zoning change to allow for a convenience store with alcohol sales (Daiquiri Shop) and the drive-through sales of prepackaged, sealed beverages.
- ZDC-117-2020 – The applicant intends to create a Planned Development to allow for retail, commercial, office, and townhome uses on 42.94 acres. He reported staff worked with the applicant and believes the proposed development will be beneficial to the uses surrounding the subject property.

(5b)

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- ZDC-124-2020 – The applicant intends to create a Planned Development to allow for industrial, multi family, retail, and commercial uses on 124.92 acres. He reported staff worked with the applicant and believes the proposed development will provide a high-end facility.

Utilities Director David Bailey reported he will request a bid award associated with the Ennis, Elder, Cleaver water and sewer system capital improvement project. He stated the project is a planned expense and will be funded through certificate of obligation bonds.

3. Adjourn

There being no further business, the meeting adjourned at 6:57 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary

(5c)



Memorandum

To: Honorable Mayor and City Council

From: Michael Scott, City Manager

CC:

Date: October 21, 2020

Re: Revised Holiday Schedule

Attached is the proposed revised holiday schedule for the City of Waxahachie. You will notice that Veterans Day has been added as a day of observance making a total of eleven (11) official holidays.

City staff and I thank you in advance for your kind consideration of this change.



MEMO

DATE: October 20, 2020
TO: All Employees
FROM: Jamie Holbert, Human Resources Director
RE: 2020 Holiday Schedule ****Revised****

The following holidays will be observed by the City of Waxahachie in 2020:

- **New Year's Day**
Wednesday, January 1, 2020
- **Martin Luther King Jr. Day**
Monday, January 20, 2020
- **Good Friday**
Friday, April 10, 2020
- **Memorial Day**
Monday, May 25, 2020
- **Independence Day**
Friday, July 3, 2020 (observed)
- **Labor Day**
Monday, September 7, 2020
- **Veteran's Day**
Wednesday, November 11, 2020
- **Thanksgiving Day**
Thursday, November 26, 2020
- **Day after Thanksgiving Day**
Friday, November 27, 2020
- **Christmas Eve**
Thursday, December 24, 2020
- **Christmas Day**
Friday, December 25, 2020

Contact the Human Resources Office with questions.
Jamie Holbert, HR Director
Department of Human Resources

(5d)



TO: Mayor and City Council
FROM: Rick Keeler, Chairman, *Impact Fee Capital Improvement Advisory Committee*
DATE: November 2, 2020
SUBJECT: Recommendation Regarding Impact Fee Program Update

In accordance with Texas Local Government Code, the Impact Fee Capital Improvement Advisory Committee (IFCIAC) has been conducting meetings with City staff and the City's consultants for the purpose of commenting on technical data relative to the update of the water, wastewater, and roadway impact fee program. State law mandates that the impact fee program be updated and reviewed, at minimum, every five years. Technical elements of the review were performed by the IFCIAC. The IFCIA consists of the Planning and Zoning Commission, additional ad hoc members from the development community and the City's extraterritorial jurisdiction, and a City Council Member. The technical review included an analysis of the Land Use Assumptions (2020 – 2030), respective Capital improvement Plans, and the resultant cost per service unit calculations for determining impact fees.

After consideration and deliberation of the information, the CIAC recommends the following:

- a. Concurrence with the information presented in the Land Use Assumptions for impact fees;
- b. Implementing a system wide approach to the impact fee capital improvement planning, rather than a program based on a 10 year horizon;
- c. Assessing the impact fees, based on the 10 year system calculations, wherever possible, for water, wastewater and roadway impact fees;
- d. Assessing 82% of the maximum 10 year system calculation for water impact fees, 73% of the maximum 10 year calculation for the wastewater impact fees, and assessing 100% of the maximum 10 year system calculations, where possible, for the roadway fees (imposed at 100% of the maximum of the full system calculations where not).

The following represent the recommended collection rates for the impact fee program:

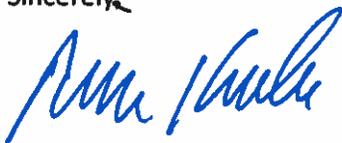
Roadway Service Area	Recommended Collection Rate (per service unit)
1	\$925
2	\$1,014
3	\$1,102
4	\$1,193
5	\$1,144
6	\$923
7	\$1,420

(5d)

Meter Type	Meter Size	LUE	Recommended Collection Rate (per service unit)		
			Water	Sewer	Total
Simple	5/8" x 3/4"	1	\$2,216	\$2,321	\$4,537
Simple	1"	2.5	\$5,540	\$5,803	\$11,343
Simple	1-1/2"	5	\$11,080	\$11,605	\$22,685
Simple	2"	8	\$17,728	\$18,568	\$36,296
Compound	2"	8	\$17,728	\$18,568	\$36,296
Turbine	2"	10	\$22,160	\$23,210	\$45,370
Compound	3"	16	\$35,456	\$37,136	\$72,592
Turbine	3"	24	\$53,184	\$55,704	\$108,888
Compound	4"	25	\$55,400	\$58,025	\$113,425
Turbine	4"	42	\$93,072	\$97,482	\$190,554
Compound	6"	50	\$110,800	\$116,050	\$226,850
Turbine	6"	92	\$203,872	\$213,532	\$417,404
Compound	8"	80	\$177,280	\$185,680	\$362,960
Turbine	8"	160	\$354,560	\$371,360	\$725,920
Compound	10"	115	\$254,840	\$266,915	\$521,755
Turbine	10"	250	\$554,000	\$580,250	\$1,134,250
Turbine	12"	330	\$731,280	\$765,930	\$1,497,210

The Committee came to these conclusions after reviewing comparable cities' impact fees to ensure that Waxahachie would remain competitive based on the proposed rate structure. The IFCIAC would recommend that the City Council approve the updated Land Use Assumptions Report, Capital Improvements Plan, and the water, wastewater, and roadway impact fees as presented.

Sincerely,



Rick Keeler
Impact Fee Capital Improvement Advisory Committee
Committee Chairman



Memorandum

To: Honorable Mayor and City Council
From: Jamie Holbert, Director of Human Resources/Civil Service
Thru: Michael Scott, City Manager
Date: October 28, 2020
Re: Consider Budget Amendment Increasing Miscellaneous Revenue and Human Resources – Employee Wellness Accounts

Item Description: Consider approving a budget amendment increasing the 2020-21 Miscellaneous Revenue and Human Resources – Employee Wellness accounts by \$20,000 each.

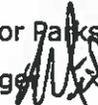
Item Summary: Blue Cross Blue Shield has provided the City of Waxahachie a wellness credit to help support the City's current Wellness Program (#Healthy Hachie). The Healthy Hachie wellness program focuses on employees' physical, emotional, financial and social well-being. The funds Blue Cross Blue Shield provides will be used to enhance the wellness program through guest speakers, trainings, and other educational activities.

The \$20,000 wellness credit will go into the Miscellaneous Revenue account, but the wellness expenses will be paid from the Human Resources – Employee Wellness account. Therefore, both accounts need to be increased by \$20,000.

Fiscal Impact: The proposed budget amendment would increase the Miscellaneous Revenue (100-49651) and Human Resources – Employee Wellness (100-150-52620) accounts by \$20,000 each. These additional funds would come from Blue Cross Blue Shield.



Memorandum

To: Honorable Mayor and City Council
From: Gumaro Martinez, Director Parks & Recreation
Thru: Michael Scott, City Manager 
Date: October 29, 2020
Re: Consider Proposal for Architectural Design Services by la terra studio for Master Planning of City's Lake Parks and Authorizing Funding from Park Dedication Fees

Item Description: Consider proposal for architectural design services by la terra studio for master planning of Spring Park, Jetti Park, and Boat Dock Park; and authorizing funding from Park Dedication Fees in the amount of \$22,500 plus up to 10% in contingency costs.

Item Summary: Improvements at our lake parks, specifically Spring Park Parking Improvements in 2019 were the start of multi-phase renovation projects approved by council. Followed by a new play structure at Boat Dock Park in 2020, the interest in improving the city's lake parks is prevalent. To ensure staff is aligning the lake parks improvements with Council's vision and provide consistency and structure to the stages of improvements, staff consulted with an architectural firm to assist with these goals.

On October 6, 2020, staff met with la terra studio to discuss master planning services for the city's lake parks. La terra studio submitted a proposal in which an analysis of the site conditions such as slope conditions, existing vegetation, views, exposure, and sight lines will be evaluated. La terra studio will also prepare conceptual site planning diagrams with various degrees of park development. A steering committee will be created to help la terra studio review and evaluate plan alternatives. La terra studio will assist in planning level cost estimation and develop a phasing plan to assist the City in funding improvements in stages. The master plan is not intended to completely design the project, but only to establish the relationship of the key layouts and basic organization for to site, surrounding neighborhoods, landscape concepts, and provide an illustrative layout of the public spaces, and park amenities, and trails. The fees for the services provided is \$22,500, but staff would like to add up to 10% in contingency costs to account for unforeseen issues that may arise. Staff recommends acceptance of the proposal from la terra studio and funding in the amount of \$24,750 from Park Dedication Fees – Fund 227.

Fiscal Impact: The fees associated with master planning services provided by la terra studio will be funded by the Park Dedication Fees – Fund 227. The fund balance is adequate to absorb the cost of the services provided.

(5g)



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Director of Planning
Thru: Michael Scott, City Manager
Date: October 29, 2020
Re: Gala at Waxahachie Resolution

On Monday November 2, 2020, a resolution associated with the Gala at Waxahachie Senior Living development will appear before City Council for its consideration. The resolution indicates the census tract as having more than 20% housing tax credit units per total households. Approval of the resolution is needed by Council in order for the applicant to commence with the development.

The Planned Development (ZDC-77-2020) and Resolution 1293 was approved by City Council on August 17, 2020. The development is intended to consist of 178 affordable senior housing units, and is located at the intersection of Parks School House Rd. and E. Main St.

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

(5g)

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF WAXAHACHIE, TEXAS, INDICATING CENSUS TRACT 48139060400 AS HAVING MORE THAN 20% HOUSING TAX CREDIT UNITS PER TOTAL HOUSEHOLDS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Gala at Waxahachie, LP has proposed a development of 185 units for senior rental housing on approximately 9 +/- acres of land located approximately the south east quadrant of E. Main Street and Parks Schoolhouse Road, Waxahachie, Ellis County, Texas, to be commonly known as Gala at Waxahachie ("Senior Project"); and

WHEREAS, Gala at Waxahachie, LP ("Applicant") has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs ("TDHCA") for Housing Tax Credits for the Senior Project.

WHEREAS, Census Tract 48139060400 is large and contains 299 units financed with Housing Tax Credits of which only 178 units are for seniors.

WHEREAS, Those 178 units are the total number of affordable senior housing units available in Waxahachie currently.

WHEREAS, The City Council of the City of Waxahachie passed Resolution No. 1293 to specifically provide a Resolution of non-objection to the proposed Senior Project.

NOW, THEREFORE, BE IT RESOLVED AND CERTIFIED BY THE NORTH CENTRAL TEXAS HOUSING FINANCE CORPORATION THAT:

SECTION 1. As provided for in 11.3(e) of the Qualified Allocation Plan, it is expressly acknowledged and confirmed that the Census Tract 48139060400 has more than 20% Housing Tax Credit Units per total households.

SECTION 2. The City of Waxahachie, Ellis County hereby supports the proposed Gala at Waxahachie, and confirms that its governing body has voted specifically to approve the construction of the Development and to authorize an allocation of Housing Tax Credits for the Development pursuant to Tex. Gov't Code §2306.6703(a)(4) and this action serves to affirmatively further fair housing.

CONSIDERED, PASSED AND ADOPTED by the City Council of Waxahachie at a regular meeting on the 2nd day of November, 2020 at which a quorum was present.

APPROVED:

David Hill, Mayor

ATTEST:

Lori Cartwright, City Secretary

(6)

PROCLAMATION

WHEREAS, the Municipal Court of Waxahachie, a time honored and vital part of local government; and

WHEREAS, more citizens and non-citizens alike, come in personal contact with municipal courts than all other Texas courts combined; and

WHEREAS, public impression of the entire Texas judicial system is largely dependent upon the public's experience in municipal court; and

WHEREAS, Municipal Judges and court support personnel have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all, and conform to the standards set by the Canons of Judicial Conduct; and

WHEREAS, the Municipal Courts play a significant role in preserving the quality of life in Texas communities through the adjudication of traffic offenses, ensuring a high level of traffic safety for our citizens; and

WHEREAS, the Municipal Courts serve as the local justice center for the enforcement of local ordinances and fine-only state offenses that protect the peace and dignity of our community; and

WHEREAS, the Municipal Judges and Clerks continually strive to improve the administration of justice through participation in judicial education programs, seminars, workshops and the annual meetings of their state and local professional organizations; and

WHEREAS, it is most appropriate that we recognize the accomplishments of the 916 Texas Municipal Courts, and salute their critical role in preserving public safety, protecting the quality of life in Texas communities, and deterring future criminal behavior;

NOW, THEREFORE, I, David Hill, Mayor of the City of Waxahachie, along with the entire City Council, do hereby proclaim November 2-6, 2020 as

“MUNICIPAL COURT WEEK”

and further extend appreciation to all Waxahachie Municipal Judges and court support personnel for the vital services they perform and their exemplary dedication to our community.

Proclaimed this 2nd day of November 2020.

MAYOR

ATTEST:

CTY SECRETARY

(7)



Memorandum

To: Honorable Mayor and City Council

From: Tommy Ludwig, Assistant City Manager

Thru: Michael Scott, City Manager

Date: October 30, 2020

Re: Land Use Assumptions and Capital Improvement Plan Public Hearing

On Monday, November 2, 2020, a resolution to call a public hearing associated with the 5-Year Update for the City of Waxahachie's Land Use Assumptions, Capital Improvement Plan and associated Impact Fees will appear before City Council for consideration. Chapter 395 of the Texas Local Government Code requires that cities update land use assumptions and capital improvement plan at least every five years. This resolution will allow for a public hearing to be scheduled within 60 days, as required by State Law, with a tentative date of December 7th for the proposed public hearing.

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

Tommy Ludwig

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF WAXAHACHIE, TEXAS ESTABLISHING A PUBLIC HEARING DATE TO CONSIDER APPROVAL OF CAPITAL IMPROVEMENT PLANS AND IMPACT FEES FOR ROADWAYS, WATER, AND WASTEWATER FACILITIES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Waxahachie (the “City”) has authorized an impact fee study to determine whether to adopt land use assumptions, capital improvement plans, and impact fees for roadway, water, and wastewater facilities in accordance with Texas Local Government Code Chapter 395; and

WHEREAS, Chapter 395 requires City Council to set a public hearing to consider whether to adopt updated land use assumptions, capital improvement plans, and impact fees for roadway, water, and wastewater facilities;

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

SECTION 1

That the above recitals are found to be true and correct and they are incorporated herein as findings of the City Council for all purposes.

SECTION 2

That a public hearing of the City council shall be held within 60 days of November 2, 2020, at 7:00PM at City Hall, 401 South Rogers, Waxahachie, Texas for the purpose of considering amendments to the capital improvement plans and impact fees for roadway, water, and wastewater facilities.

SECTION 3

That public notice will be published in one or more newspapers of general circulation in Ellis County, before the 30th day before the date set for the hearing.

SECTION 4

That this resolution shall take effect immediately upon execution by the Mayor

PASSED AND APPROVED THIS 2nd day of November, 2020.

MAYOR

ATTEST:

City Secretary

(8)

Planning & Zoning Department
Zoning Staff Report

Case: ZDC-128-2020



MEETING DATE(S)

Planning & Zoning Commission: October 27, 2020

City Council: November 2, 2020

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held October 27, 2020, the Commission voted 5-0 to recommend approval of case number ZDC-128-2020, as presented by staff.

CAPTION

Public Hearing on a request by Irma Espinoza, Reach for the Sky, for a Specific Use Permit (SUP) for Family Home use within a Single-Family Residential-2 zoning district located at 409 W 6th Street (Property ID 176922) - Owner: MEDINA LIVING TRUST & IRMA MEDINA (ZDC-128-2020)

APPLICANT REQUEST

The applicant is requesting approval to allow an existing Family Home (child daycare at a single family residence) use.

CASE INFORMATION

Applicant: Irma Espinoza
Property Owner(s): Medina Living Trust & Irma Medina
Site Acreage: 0.164 acres
Current Zoning: Single Family-2
Requested Zoning: Single Family-2 with SUP

SUBJECT PROPERTY

General Location: 409 W. 6th St.
Parcel ID Number(s): 176922
Existing Use: Single Family Residence and Family Home
Development History: N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	SF2	Single Family Residences
East	GR	Keller Williams Realty
South	SF2	Single Family Residences
West	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 W. 6th St.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval to allow an existing Family Home (child daycare at a single family residence) use.

Proposed Use:

The applicant, Irma Espinoza, is requesting approval to allow an existing Family Home (Reach For The Sky Daycare). Per the City of Waxahachie Zoning Ordinance, a Family Home is defined as "a facility that regularly provides care in the caretaker's own residence, not exceeding twelve (12) children at any given time." A Family Home must also be licensed and in accordance with the Texas Department of Health and Human Services Commission.

During a city health inspection, staff noticed that the applicant did not have the required Specific Use Permit approval to operate the existing Family Home. Since becoming aware of this matter, the applicant has worked in unison with city staff to bring the Family Home into compliance with the City of Waxahachie.

Reach For The Sky Daycare has been operating the at the subject property for 5 years. Per the Operational Plan, the Family Home is licensed and regulated by the Texas Department of Health and Human Services. Reach For The Sky Daycare is allowed a maximum of twelve children who range in ages from infant to twelve years of age. Operational hours are 6:00am – 6:00pm Monday-Friday.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 21 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PROPERTY OWNER NOTIFICATION RESPONSES

Staff received two (2) letters of opposition and two (2) letters of support for the proposed Specific Use Permit request.

RECOMMENDATION

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

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

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Ordinance
3. Location Exhibit
4. Operational Plan

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

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

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

(8)

Case ZDC-128-2020
Responses Received Inside Required 202 Notification Area
Support 2 Oppose 2

PropertyID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
174193	COX CALEB & MARY B	0.184	LOT 37B, 38B & 40A BLK 6 HILLCREST	701 BRYSON ST	WAXAHACHIE	TX	75165	701 BRYSON ST WAXAHACHIE TX 75165
174199	ALLEN MARJORIE	0.439	LOT 33 & 34 BLK 6 HILLCREST	805 BRYSON ST	WAXAHACHIE	TX	75165	805 BRYSON ST WAXAHACHIE TX 75165
174200	HIGGINS PENNY BETH	0.439	LOT 35 & 37B BLK 6 HILLCREST	803 BRYSON ST	WAXAHACHIE	TX	75165	803 BRYSON ST WAXAHACHIE TX 75165
175201	JENNELL JEFFER, G	0.307	LOT 37C & 37A & 39A & 39B BLK 6 HILLCREST	703 BRYSON ST	WAXAHACHIE	TX	75165	703 BRYSON ST WAXAHACHIE TX 75165
175914	LIVINGSTON JO ANN	0.184	4.35 WILLIAMS 0.184 ACRES	404 W ROSS ST	WAXAHACHIE	TX	75165	404 W ROSS ST WAXAHACHIE TX 75165
175915	FITE JAMES	0.31	LOT 1 BLK 36 WILLIAMS-REV	1 ARTS PLAZA	DALLAS	TX	75201	806 BRYSON ST WAXAHACHIE TX 75165
175916	HUGHES SUSAN J	0.282	LOT 2A & 2B BLK 35 WILLIAMS-REV	PO BOX 14192	ARLINGTON	TX	76094	802 BRYSON ST WAXAHACHIE TX 75165
175918	SEARCY ARLEY R & JOYCE M	0.296	3.98 WILLIAMS 0.296 ACRES	800 BRYSON ST	WAXAHACHIE	TX	75165	800 BRYSON ST WAXAHACHIE TX 75165
175921	HUFSTETLER BILLY JOE	0.251	1.35 WILLIAMS 0.251 ACRES	704 BRYSON ST	WAXAHACHIE	TX	75165	704 BRYSON ST WAXAHACHIE TX 75165
175922	MEDINA LIVING TRUST & IRMA MEDINA MEDINA ALFREDO TRUSTEE	0.164	LOT 2 BLK 35 WILLIAMS-REV	3800 FM 878	WAXAHACHIE	TX	75165	409 W 6TH ST WAXAHACHIE TX 75165
175923	EDWARDS J H	0.251	3.35 WILLIAMS 0.251 ACRES	327 E UNIVERSITY AVE	WAXAHACHIE	TX	75165	700 BRYSON ST WAXAHACHIE TX 75165
175927	DS 606 LLC	0.251	LOT 1 BLK 34 WILLIAMS-REV	100 FLOYD ST	WAXAHACHIE	TX	75165	606 BRYSON ST WAXAHACHIE TX 75165
175925	RUSSELL JENNIFER	0.164	2.34 WILLIAMS 0.164 ACRES	407 W ROSS ST	WAXAHACHIE	TX	75165	407 W ROSS ST WAXAHACHIE TX 75165
175945	ONE FERRIS PROPERTY LLC	0.406	LOT 1 BLK 28 WILLIAMS-REV	1007 FERRIS AVE	WAXAHACHIE	TX	75165	1007 FERRIS AVE WAXAHACHIE TX 75165
175946	FERRIS PROPERTY	0.109	3.26 WILLIAMS 0.109 ACRES	1015 FERRIS AVE	DALLAS	TX	75165	407 W ROSS ST WAXAHACHIE TX 75165
175947	RUSCO CHRIS G & JEAN L	0.305	3.7% WILLIAMS 0.305 ACRES	1015 ERIN DR	DALLAS	TX	75218	1015 FERRIS AVE WAXAHACHIE TX 75165
175948	VIEN LADD & G LOWRIE	0.414	PT 1 27 WILLIAMS 0.414 ACRES	1015 FERRIS AVE	WAXAHACHIE	TX	75165	1015 FERRIS AVE WAXAHACHIE TX 75165
175949	VIEN LADD	0.12	LOT 2A BLK 27 WILLIAMS-REV	1015 FERRIS AVE	WAXAHACHIE	TX	75165	402 W 6TH ST WAXAHACHIE TX 75165
175950	VIEN LADD	0.294	LOT 2B BLK 27 WILLIAMS-REV	1015 FERRIS AVE	WAXAHACHIE	TX	75165	1009 FERRIS AVE WAXAHACHIE TX 75165
175955	BALLAS VICTOR & VA CAPITAL LLC	0.458	LOT 1 BLK 25 WILLIAMS-REV	4936 RADBROOK PL	DALLAS	TX	75220	913 FERRIS AVE WAXAHACHIE TX 75165
208985	LOWRIE GLYNN	0.031	PT 1 27 WILLIAMS 0.031 ACRES	1015 FERRIS AVE	WAXAHACHIE	TX	75165	FERRIS AVE WAXAHACHIE TX 75165

(8)

RECEIVED OCT 15 2020



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-128-2020

JARRELL JEFFERY G
703 BRYSON ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 27, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 2, 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 Irma Espinoza, Reach for the Sky, for a Specific Use Permit (SUP) for Family Home use within a Single-Family Residential-2 zoning district located at 409 W 6th Street (Property ID 176922) - Owner: MEDINA LIVING TRUST & IRMA MEDINA (ZDC-128-2020)

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 for additional information on this request.

Case Number: ZDC-128-2020

City Reference: 174201

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, October 21, 2020* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

In my opinion issuance of this permit would have an overall negative effect on the value of the property as well as the surrounding properties.

Jeff Jarrell
Signature

10/15/20
Date

Jeff Jarrell
Printed Name and Title

703 Bryson 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.

(8)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-128-2020

RECEIVED OCT 15 2020

LIVINGSTON JO ANN
404 W ROSS ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 27, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 2, 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 Irma Espinoza, Reach for the Sky, for a Specific Use Permit (SUP) for Family Home use within a Single-Family Residential-2 zoning district located at 409 W 6th Street (Property ID 176922) - Owner: MEDINA LIVING TRUST & IRMA MEDINA (ZDC-128-2020)

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 for additional information on this request.

Case Number: ZDC-128-2020

City Reference: 176914

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, October 21, 2020* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

I 100% support Irma's request. She is an exceptional resident, neighbor + child care provider. There is NO reason to deny this.

[Handwritten Signature]
Signature

10-09-20
Date

JO ANN LIVINGSTON
Printed Name and Title

404 W. ROSS ST.
Address *WAXAHACHIE*

Property Owner

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.

(8)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-128-2020**

RECEIVED OCT 15 2020

SEARCY ARLEY R & JOYCE M
800 BRYSON ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 27, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 2, 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 Irma Espinoza, Reach for the Sky, for a Specific Use Permit (SUP) for Family Home use within a Single-Family Residential-2 zoning district located at 409 W 6th Street (Property ID 176922) - Owner: MEDINA LIVING TRUST & IRMA MEDINA (ZDC-128-2020)

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 for additional information on this request.

Case Number: **ZDC-128-2020**

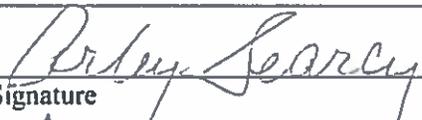
City Reference: 176918

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Wednesday, October 21, 2020** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

 Signature	<u>10-9-20</u> Date
<u>ARLEY SEARCY</u> Printed Name and Title	<u>800 BRYSON ST</u> 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.

(8)

RECEIVED OCT 20 2020



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-128-2020

PARR CHRISTINA
17221 STEGER LN
MANOR, TX 78653

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 27, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 2, 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 Irma Espinoza, Reach for the Sky, for a Specific Use Permit (SUP) for **Family Home** use within a Single-Family Residential-2 zoning district located at 409 W 6th Street (Property ID 176922) - Owner: MEDINA LIVING TRUST & IRMA MEDINA (ZDC-128-2020)

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 for additional information on this request.

Case Number: ZDC-128-2020

City Reference: 176946

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Wednesday, October 21, 2020** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Christina Parr
Signature

10-16-2020
Date

Christina Parr
Printed Name and Title

17221 Steger Lane
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.

(8)

REACH FOR THE SKY DAYCARE

409 W. 6th St Waxahachie, TX 75165

Office: 214-315-6622 – FAX: 214-463-5278

Hours of Operation:

Monday thru Friday

6:00 AM - 6:00 PM

Saturday thru Sunday

CLOSED

Breakfast Served:

6:00 AM – 7:00 AM

Snack Served:

9:00 AM – 9:30 AM

Lunch Served:

10:45 AM – 11:30 AM

Snack Served:

2:30 PM – 3:30 PM

Lite Dinner:

4:30 PM – 5:00 PM

Number of children enrolled: 12

Ages of children enrolled:

Newborn to 3 years of age: 4

4 years of age to 5 years of age: 4

6 years of age to 12 years of age: 4

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A FAMILY HOME USE WITHIN A SINGLE FAMILY-2 (SF2) ZONING DISTRICT, LOCATED AT 409 W. 6TH STREET, PROPERTY ID 176922, BEING LOT 2, BLOCK 35 OF WILLIAMS-REV, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, 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 SF2; 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-128-2020. 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 SF2 to SF2, with an SUP in order to permit a Family Home (Reach for the Sky Daycare) on the following property: Lot 2, Block 35 of Williams-Rev, which is shown on Exhibit A.

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.

(9)

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A FAMILY HOME (REACH FOR THE SKY DAYCARE) USE IN THE SINGLE FAMILY-2 (SF2) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The development shall conform as approved by the City Council under case number ZDC-128-2020.
2. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
3. If approved, the City Council shall have the right to review and/or deny 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. 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 2nd day of November, 2020.

MAYOR

ATTEST:

City Secretary

(9)

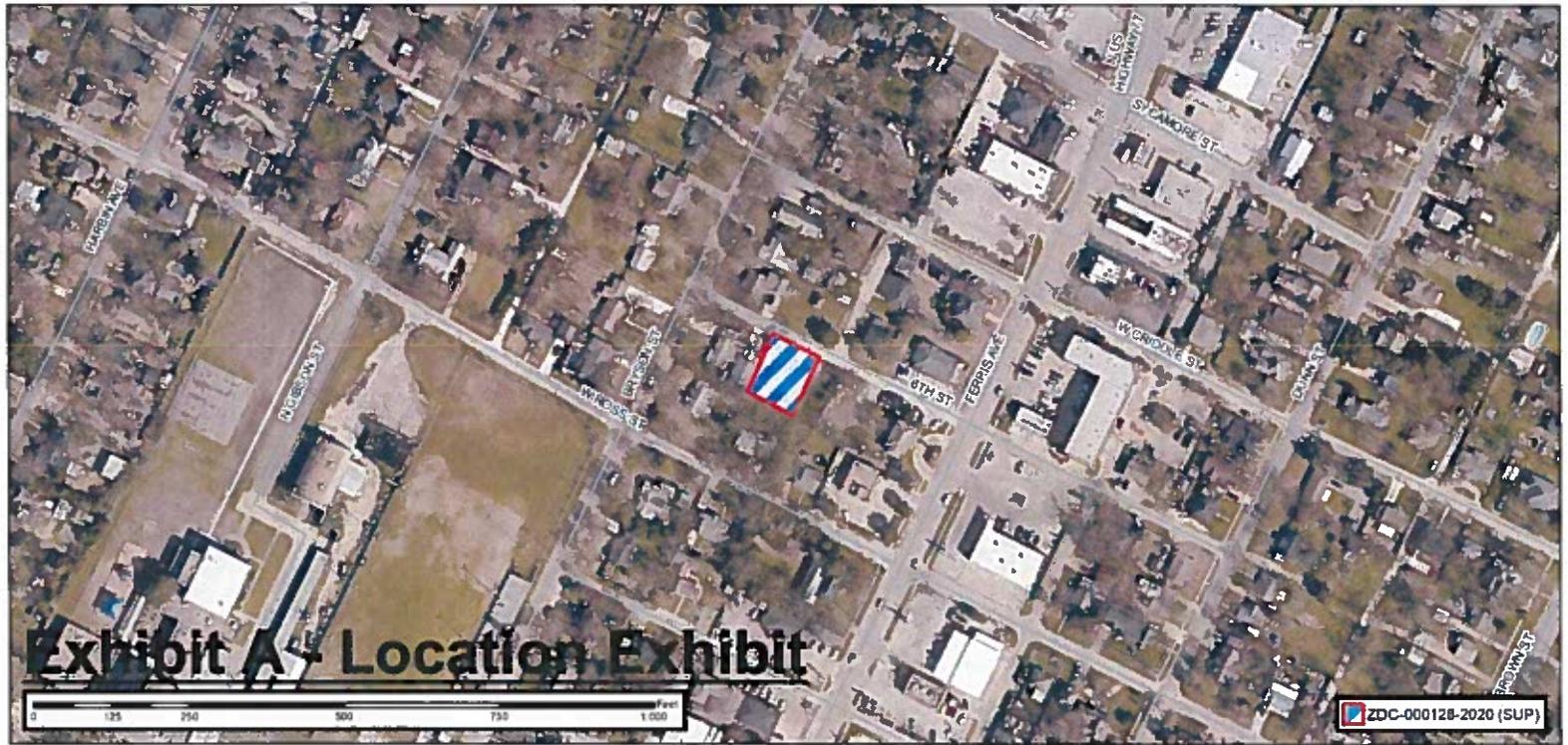


Exhibit A - Location Exhibit

ZDC-000128-2020 (SUP)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-129-2020



MEETING DATE(S)

Planning & Zoning Commission: October 27, 2020

City Council: November 2, 2020

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held October 27, 2020, the Commission voted 5-0 to recommend approval of case number ZDC-129-2020, as presented by staff.

CAPTION

Public Hearing on a request by Yolanda Martinez, Martinez Day Care, for a Specific Use Permit (SUP) for **Family Home** use within a Single-Family Residential-2 zoning district located at 317 W University Avenue (Property ID 176190) - Owner: JOE & YOLANDA MARTINEZ (ZDC-129-2020)

APPLICANT REQUEST

The applicant is requesting approval to allow an existing Family Home (child daycare at a single family residence) use.

CASE INFORMATION

Applicant: Yolanda Martinez

Property Owner(s): Yolanda Martinez

Site Acreage: 0.172 acres

Current Zoning: Single Family-2

Requested Zoning: Single Family-2 with SUP

SUBJECT PROPERTY

General Location: 317 W. University Ave.

Parcel ID Number(s): 176190

Existing Use: Single Family Residence and Family Home

Development History: N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	SF2	Single Family Residences
East	SF2	Single Family Residences
South	SF2	Single Family Residences
West	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 W. University Ave.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval to allow an existing Family Home (child daycare at a single family residence) use.

Proposed Use:

The applicant, Yolanda Martinez, is requesting approval to allow an existing Family Home (Martinez Day Care). Per the City of Waxahachie Zoning Ordinance, a Family Home is defined as "a facility that regularly provides care in the caretaker's own residence, not exceeding twelve (12) children at any given time." A Family Home must also be licensed and in accordance with the Texas Department of Health and Human Services Commission.

During a city health inspection, staff noticed that the applicant did not have the required Specific Use Permit approval to operate the existing Family Home. Since becoming aware of this matter, the applicant has worked in unison with city staff to bring the Family Home into compliance with the City of Waxahachie.

Martinez Day Care has been operating the at the subject property for 14 years (October 2006). Per the Operational Plan, the Family Home is licensed and regulated by the Texas Department of Health and Human Services. Martinez Day Care is allowed a maximum of twelve children who range in ages from infant to four years of age. Operational hours are 6:30am – 5:30pm Monday-Friday.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, 26 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PROPERTY OWNER NOTIFICATION RESPONSES

Staff received one (1) letter of support and one (1) letter of opposition for the proposed Specific Use Permit request.

RECOMMENDATION

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

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

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Ordinance
3. Location Exhibit
4. Operational Plan

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

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

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

(10)

Case ZDC-129-2020
Responses Received Inside Required 200' Notification Area
Support: 1 Oppose: 1

PropertyID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
178189	PARKER GERALD & JERI	0.258	LOT 68 & 7 BLK 7 UNIVERSITY-REV 0.258 AC	319 W UNIVERSITY AVE	WAXAHACHIE	TX	75165	319 W UNIVERSITY AVE WAXAHACHIE TX 75165
178190	MARTINEZ JOE & YOLANDA	0.172	8 7 UNIVERSITY 0.172 ACRES	317 W UNIVERSITY AVE	WAXAHACHIE	TX	75165	317 W UNIVERSITY AVE WAXAHACHIE TX 75165
178191	HASKOVEC KEENEETH J & SANDRA K HASKOVEC	0.172	8 7 UNIVERSITY 0.172 ACRES	868 FM 660	EMUS	TX	76119	316 W UNIVERSITY AVE WAXAHACHIE TX 75165
178182	BAILEY LEE BLAND	0.172	10 7 UNIVERSITY 0.172 ACRES	313 W UNIVERSITY AVE	WAXAHACHIE	TX	75165	313 W UNIVERSITY AVE WAXAHACHIE TX 75165
178193	HAYDEN JOSHUA A	0.172	LOT 11 BLK 7 UNIVERSITY-REV 0.172 AC	311 UNIVERSITY AVE W	WAXAHACHIE	TX	75165	311 W UNIVERSITY AVE WAXAHACHIE TX 75165
178196	DAVENPORT ROBERT W	0.172	LOT 3 BLK 7 UNIVERSITY-REV 0.172 AC	9079 VENTRIS RD	GARFIELD	AR	72732	325 W UNIVERSITY AVE WAXAHACHIE TX 75165
178197	BADILLO CIRA M	0.172	LOT 4 BLK 7 UNIVERSITY-REV 0.172 AC	1609 FERRIS AVE	WAXAHACHIE	TX	75165	323 W UNIVERSITY AVE WAXAHACHIE TX 75165
178199	JUAREZ JOEL G & TERESA S	0.258	5.8A 7 UNIVERSITY 0.258 ACRES	321 W UNIVERSITY AVE	WAXAHACHIE	TX	75165	321 W UNIVERSITY AVE WAXAHACHIE TX 75165
178199	DURAZO NICHOLAS A & MELODY A	0.172	26 8 UNIVERSITY 0.172 ACRES	320 W UNIVERSITY AVE	WAXAHACHIE	TX	75165	320 W UNIVERSITY AVE WAXAHACHIE TX 75165
178200	CRAVENS SUSAN A	0.172	27 6 UNIVERSITY 0.172 ACRES	1951 PATRICK RD	WAXAHACHIE	TX	75167	322 W UNIVERSITY AVE WAXAHACHIE TX 75165
178201	RADER GRANT C	0.172	LOT 28 BLK 8 UNIVERSITY-REV 172 AC	P O BOX 692	RUSK	TX	75785	324 W UNIVERSITY AVE WAXAHACHIE TX 75165
178202	MELICK CHRISANNA L & HARVEY CLYDE III	0.172	29 8 UNIVERSITY 0.172 ACRES	405 WILLIAMS ST	WAXAHACHIE	TX	75165	328 W UNIVERSITY AVE WAXAHACHIE TX 75165
178205	HERNANDEZ ARACELI	0.224	20A&21 8 UNIVERSITY 0.224 ACRES	913 S COLLEGE ST	WAXAHACHIE	TX	75165	309 W UNIVERSITY AVE WAXAHACHIE TX 75165
178206	LAWSON VICKI	0.258	22.238 6 UNIVERSITY 0.258 ACRES	310 W UNIVERSITY AVE	WAXAHACHIE	TX	75165	310 W UNIVERSITY AVE WAXAHACHIE TX 75165
178207	TACAXS STEVE G & CYNTHIA L	0.258	LOT 23A & 24 BLK 8 UNIVERSITY-REV 0.258 AC	314 W UNIVERSITY	WAXAHACHIE	TX	75165	314 W UNIVERSITY AVE WAXAHACHIE TX 75165
178208	BREEDON HAROLD P & JOHNNA M	0.172	LOT 25 BLK 8 UNIVERSITY-REV 0.172 AC	318 W UNIVERSITY AVE	WAXAHACHIE	TX	75165	318 W UNIVERSITY AVE WAXAHACHIE TX 75165
178269	GAJDICA GARY W JR	0.293	24.259 7 UNIVERSITY 0.293 ACRES	614 HIGHLAND AVE	WAXAHACHIE	TX	75165	614 HIGHLAND AVE WAXAHACHIE TX 75165
178270	PAPILLION D REAL ESTATE INVESTMENTS LLC	0.224	LOT 25A & 26 BLK 7 UNIVERSITY-REV .224 AC	146 HILLSIDE LN	DESOTO	TX	75115	616 HIGHLAND AVE WAXAHACHIE TX 75165
178271	UNARUT RAPEEPAT	0.172	LOT 27 BLK 7 UNIVERSITY-REV 172 AC	1015 FERRIS AVE	WAXAHACHIE	TX	75165	618 HIGHLAND AVE WAXAHACHIE TX 75165
178272	UNARUT RAPEEPAT	0.172	LOT 28 BLK 7 UNIVERSITY-REV 172 AC	1015 FERRIS AVE	WAXAHACHIE	TX	75165	620 HIGHLAND AVE WAXAHACHIE TX 75165
178273	LYNCH TOMMY & BOBBIE	0.344	LOT 29&30 BLK 7 UNIVERSITY-REV .344 AC	P O BOX 654	WAXAHACHIE	TX	75168	624 HIGHLAND AVE WAXAHACHIE TX 75165
178276	KOVACS NANCY	0.172	LOT 21 BLK 7 UNIVERSITY-REV 172 AC	608 HIGHLAND AVE	WAXAHACHIE	TX	75165	608 HIGHLAND AVE WAXAHACHIE TX 75165
178277	COCKERHAM STEPHEN W III & KRISTI K	0.172	22 7 UNIVERSITY 0.172 ACRES	109 BENT TREE LN	OVILLA	TX	75154	610 HIGHLAND AVE WAXAHACHIE TX 75165
178278	GONZALES ERIC L	0.172	23 7 UNIVERSITY 0.172 ACRES	612 HIGHLAND	WAXAHACHIE	TX	75165	612 HIGHLAND AVE WAXAHACHIE TX 75165
178279	GONZALES MARTHA A & JOSE L DELEON	0.172	LOT 13 BLK 7 UNIVERSITY-REV 172 AC	590 N MILAM	SAN BENITO	TX	78586	307 W UNIVERSITY AVE WAXAHACHIE TX 75165
178288	HACKMANN DEBBIE E & SAMUEL D MC COWN	0.172	LOT 12 BLK 7 UNIVERSITY-REV 172 AC	309 W UNIVERSITY ST	WAXAHACHIE	TX	75165	309 W UNIVERSITY AVE WAXAHACHIE TX 75165

(10)

RECEIVED OCT 20 2020



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-129-2020

HASKOVEC KENNETH J & SANDRA K HASKOVEC
9568 FM 660
ENNIS, TX 75119

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 27, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, November 2, 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 Yolanda Martinez, Martinez Day Care, for a Specific Use Permit (SUP) for Family Home use within a Single-Family Residential-2 zoning district located at 317 W University Avenue (Property ID 176190) - Owner: JOE & YOLANDA MARTINEZ (ZDC-129-2020)

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 for additional information on this request.

Case Number: ZDC-129-2020

City Reference: 176191

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, October 21, 2020* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Kenneth J. Haskovec
Signature

10-12-2020
Date

KENNETH J. HASKOVEC
Printed Name and Title

315 W University Ave
Address

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

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

(10)

Case Number: ZDC-129-2020

City Reference: 176207

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, October 21, 2020* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

RECEIVED OCT 15 2020

Comments:

Too much traffic moving at night
too much street parking due to lack of access
to that address

Signature

2144783080

Date

10-10-20

Steve Takacs

Printed Name and Title

314 W. University

Address

NO Permit for recently poured concrete drive

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

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

(10)

**Martinez Day Care
317 W. University
Waxahachie, TX 75165**

**We are open 6:30 am - 5:30 pm, Monday - Friday.
We accept children from 6 weeks old to 4 years of age.
We serve breakfast , snacks and lunch on a daily basis.**

The following rooms are used for our Day Care:

- **Our Kitchen Area**
- **2 bedrooms**
- **Our living room Area**
- **Our bathroom**
- **The playroom which is used specifically for the Day Care.**
- **Per the state our capacity is 12 children.**

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A FAMILY HOME USE WITHIN A SINGLE FAMILY-2 (SF2) ZONING DISTRICT, LOCATED AT 317 W. UNIVERSITY AVENUE, PROPERTY ID 176190, BEING LOT 8 OF THE UNIVERSITY ADDITION, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, 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 SF2; 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-129-2020. 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 SF2 to SF2, with an SUP in order to permit a Family Home (Martinez Daycare) on the following property: Lot 8 of the University Addition, which is shown on Exhibit A.

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.

(11)

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A FAMILY HOME (MARTINEZ DAYCARE) USE IN THE SINGLE FAMILY-2 (SF2) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The development shall conform as approved by the City Council under case number ZDC-129-2020.
2. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
3. If approved, the City Council shall have the right to review and/or deny 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. 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 2nd day of November, 2020.

MAYOR

ATTEST:

City Secretary

(11)



Planning & Zoning Department

Zoning Staff Report

Case: ZDC-134-2020



MEETING DATE(S)

Planning & Zoning Commission: October 27, 2020

City Council: November 2, 2020

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held October 27, 2020, the Commission voted 5-0 to recommend approval of case number ZDC-134-2020, as presented by staff.

CAPTION

Public Hearing on a request by Carrie Finley for a Specific Use Permit (SUP) for Family Home use within a Single-Family Residential-2 zoning district located at 201 Olive Street (Property ID 176437) - Owner: RICKIE L & CARRIE R FINLEY (ZDC-134-2020)

APPLICANT REQUEST

The applicant is requesting approval to allow an existing Family Home (child daycare at a single family residence) use.

CASE INFORMATION

Applicant: Carrie Finley

Property Owner(s): Carrie Finley

Site Acreage: 0.312 acres

Current Zoning: Single Family-2

Requested Zoning: Single Family-2 with SUP

SUBJECT PROPERTY

General Location: 201 Olive St.

Parcel ID Number(s): 176437

Existing Use: Single Family Residence and Family Home

Development History: N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	SF2	Single Family Residences
East	SF2	Single Family Residences
South	SF2	Single Family Residences
West	2F	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 Olive St.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval to allow an existing Family Home (child daycare at a single family residence) use.

Proposed Use:

The applicant, Carrie Finley, is requesting approval to allow an existing Family Home (Finley Family Home). Per the City of Waxahachie Zoning Ordinance, a Family Home is defined as “a facility that regularly provides care in the caretaker’s own residence, not exceeding twelve (12) children at any given time.” A Family Home must also be licensed and in accordance with the Texas Department of Health and Human Services Commission.

During a city health inspection, staff noticed that the applicant did not have the required Specific Use Permit approval to operate the existing Family Home. Since becoming aware of this matter, the applicant has worked in unison with city staff to bring the Family Home into compliance with the City of Waxahachie.

Finley Family Home has been operating the at the subject property for 6 years (April 2014). Per the Operational Plan, the Family Home is licensed and regulated by the Texas Department of Health and Human Services. Finley Family Home is allowed a maximum of twelve children who range in ages from infant to twelve years of age. Operational hours are 6:00am – 6:00pm Monday-Friday.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, **28** notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

RECOMMENDATION

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

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

ATTACHED EXHIBITS

1. Ordinance
2. Location Exhibit
3. Operational Plan

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

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

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

(12)

Carrie Finley

201 Olive Street

Waxahachie TX 75165

972-679-3804

Specific Use Permit

Operational Plan

Hours are 6am to 6pm Monday through Friday

Registered Family Home licensed for 12 total children

Meals are provided

Breakfast, Lunch and Snack

I do have a food handler's certificate.

I am enrolled in CACFP (Child and Adult Care Food Program) since 2014

I currently have 9 children enrolled

Ages: 4months, 18 months, 4yrs, 5yrs, 6yrs, 8yrs

I have a CDA (Child Development Associate) since 2019

I have my Child Care Director Credential since 2015

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A FAMILY HOME USE WITHIN A SINGLE FAMILY-2 (SF2) ZONING DISTRICT, LOCATED AT 201 OLIVE STREET, PROPERTY ID 176437, BEING LOT 1B, 2C, AND 6A OF UNIVERSITY ANNEX, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, 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 SF2; 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-134-2020. 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 SF2 to SF2, with an SUP in order to permit a Family Home (Finley Family Home Daycare) on the following property: Lot 1B, 2C, and 6A of University Annex, which is shown on Exhibit A.

SPECIFIC USE PERMIT

Purpose and Intent

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

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A FAMILY HOME (FINLEY FAMILY HOME DAYCARE) USE IN THE SINGLE FAMILY-2 (SF2) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The development shall conform as approved by the City Council under case number ZDC-134-2020.
2. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
3. If approved, the City Council shall have the right to review and/or deny 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. 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 2nd day of November, 2020.

MAYOR

ATTEST:

City Secretary

(13)



Exhibit A - Location Exhibit

ZDC-000134-2020 (SUP)

**Planning & Zoning Department
Zoning Staff Report**

Case: ZDC-127-2020



MEETING DATE(S)

Planning & Zoning Commission: October 27, 2020

City Council: November 2, 2020

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held October 27, 2020, the Commission voted 5-0 to recommend approval of case number ZDC-127-2020, as presented by staff.

CAPTION

Public Hearing on a request by Erik Barnard for a Zoning Change from a Single-Family Residential-1 zoning district to Commercial, located at 601 Ovilla Road (Property ID 191635) - Owner: ERIK BARNARD AND ELMWOOD HOMES LLC (ZDC-127-2020)

APPLICANT REQUEST

The applicant is requesting a zoning change from Single Family-1 (SF1) to Commercial (C) to construct an office building.

CASE INFORMATION

<i>Applicant:</i>	Erik Barnard
<i>Property Owner(s):</i>	Erik Barnard
<i>Site Acreage:</i>	1.005 acres
<i>Current Zoning:</i>	Single Family-1
<i>Requested Zoning:</i>	Commercial

SUBJECT PROPERTY

<i>General Location:</i>	601 Ovilla Rd.
<i>Parcel ID Number(s):</i>	191635
<i>Existing Use:</i>	Vacant Single Family Home
<i>Development History:</i>	N/A

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	C	Undeveloped Land/Exxon Gas Station
East	C	St. Pauls Episcopal Church/Undeveloped Land
South	PD-SF3	Ridge Crossing Planned Development (Undeveloped)
West	C	Currently Undeveloped

Future Land Use Plan: Highway Commercial

Comprehensive Plan: Highway Commercial areas are intended to allow for traditional commercial land uses, but such uses should be developed to a higher standard. For example, outside storage may be permitted, but would have to be screened and not visible from the road. In addition, a more limited array of commercial uses would be permitted. Hotels, motels, and car dealerships would be permitted, for example, but manufactured home sales and self-storage buildings would not. The idea is for these areas to show a positive image of Waxahachie and make visitors want to travel into the main part of the City.

Thoroughfare Plan: The subject property is accessible via Ovilla Rd.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting a zoning change from Single Family-1 (SF1) to Commercial (C) to construct an office building.

Proposed Use:

The applicant is requesting approval for a zoning change to accommodate development of an office building on 1 acre. If approved, the applicant intends to remove the existing single family structure from the subject property in order to construct the proposed development.

Due to land surrounding the subject property being zoned Commercial, staff believes that the proposed zoning change and development will be consistent with the existing character of the district. The proposed zoning change will also be consistent with the Future Land Use Plan (FLUP), as well as the envisioned character for the surrounding area.

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.

RECOMMENDATION

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

- Denial
- Approval, as presented.**
- Approval, per the following comments

ATTACHED EXHIBITS

1. Ordinance
2. Location Exhibit
3. Site Layout

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

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

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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-1 (SF1) TO COMMERCIAL (C), TO ALLOW AN OFFICE DEVELOPMENT, LOCATED AT 601 OVILLA ROAD, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.005 ACRES, KNOWN AS A PORTION OF PROPERTY ID 191635, OF ABSTRACT 1080 OF THE WM C TUNNELL 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-127-2020. 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 SF1 to C; 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 SF1 to C, in order to facilitate development of the subject property in a manner that allows an office development on the following property: a portion of Property ID 191635 of Abstract 1080 of the WM C Tunnell Survey, which is shown on Exhibit A, and in accordance with the Site Layout shown as Exhibit B.

ZONING CHANGE

Purpose and Intent

The purpose of this zoning change is to develop an office 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 subject property shall adhere to the rules and regulations set forth in this ordinance.

Development Regulations

1. The development shall conform as approved by the City Council under case number ZDC-127-2020.
2. Where regulations are not specified in this ordinance, the regulations of Commercial (C) zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.
3. 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 2nd day of November, 2020.

MAYOR

ATTEST:

City Secretary



Exhibit A - Location Exhibit

(16 + 17)



Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager

Date: October 29, 2020

Re: ZDC-130-2020 – Waxahachie RV Park and Secure More Storage

At the October 27, 2020 Planning and Zoning meeting, the Commission voted 5-0 to continue case number ZDC-130-2020 to the November 10, 2020 Planning and Zoning Commission meeting agenda, and the November 16, 2020 City Council meeting agenda.