

A G E N D A

A *work session* of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Conference Room, City Hall, 401 South Rogers, on *Monday, June 18, 2018 at 6:00 p.m.*

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

1. Call to Order
2. Hear presentation from SiEnergy
3. 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

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, June 18, 2018 at 7:00 p.m.*

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

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Texas Pledge of Allegiance *Honor the Texas Flag;
I pledge allegiance to thee;
Texas, one state under God, one and indivisible*
5. **Public Comments:** Persons may address the City Council on any issues. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Council may not comment or deliberate such statements during this period, except as authorized by Section 551.071, Texas Government Code.
6. **Consent Agenda**

All matters listed under Item 6, Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Mayor/City Manager to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the City Council.
 - a. Minutes of the City Council meeting of June 4, 2018
 - b. Approve Downtown Improvements/Public Art per Tax Increment Reinvestment Zone #1 recommendation
 - c. Approve Interlocal Agreement with Ellis County for maintenance of roads, bridges, waterways and ditches
 - d. Approve member to the Cemetery Board to fill a vacancy
 - e. Approve application for Neighborhood Block Party
 - f. Approve request by Chris Acker, Acker Construction, for a Final Plat of Dental Place Addition for 2 lots, being 2.081 acres situated in the John Gooch Survey, Abstract 393 (Property ID 184243) – Owner: INDIAN DRIVE HOLDINGS LLC (FP-18-0058)
7. **Introduce** Honorary Councilmember
8. **Present** Proclamation recognizing City Secretary Lori Cartwright

9. **Consider** request by Donnie Tucker, Tucker Surveyors, for a Preliminary Plat of Baker 1 for 1 lot, being 4.00 acres in the T.D. Mason Survey, Abstract 1227 (Property ID 271351) in the Extra Territorial Jurisdiction – Owner: DONNA G BAKER (PP-18-0075)
10. **Consider** request by Donnie Tucker, Tucker Surveyors, for a Final Plat of Baker 1 for 1 lot, being 4.00 acres in the T.D. Mason Survey, Abstract 1227 (Property ID 271351) in the Extra Territorial Jurisdiction – Owner: DONNA G BAKER (FP-18-0076)
11. **Public Hearing** on a request by Vayne Thomas, P.O.M. Contracting LLC, for a Replat of Lot 5 and 6, Block 13, Harriet I. Nowlin Addition, to create Lot 5R, Block 13 0.619 acres (Property ID 175065) – Owner: WAYNE SUTTON (RP-18-0086)
12. **Consider** approval of RP-18-0086
13. **Public Hearing** on a request by Terry Gyde, Born 2 B A Blessing Birth Services, for a Specific Use Permit (SUP) for Medical Facilities use within a Commercial zoning district, located at 612 S. Rogers Street, being 2 20 BULLARD 0.454 ACRES (Property ID 172376) - Owner: JACK & LAURA HODGE (SU-18-0085)
14. **Consider** proposed Ordinance approving Zoning Change No. SU-18-0085
15. **Consider** request by Joe Wilson, for a Preliminary Plat of Wilson Family Farm for 1 lot, being 12.273 acres in the T. Mason Survey, Abstract 127 (Property ID 266860) – Owner: WILSON JOSEPH D & MISTY L WILSON (PP-18-0068)
16. **Consider** request by Joe Wilson, for a Final Plat of Wilson Family Farm for 1 lot, being 12.273 acres in the T. Mason Survey, Abstract 127 (Property ID 266860) – Owner: JOSEPH D WILSON & MISTY L WILSON (FP-18-0091)
17. **Public Hearing** on a request by Mickey Williams, Straightway Church, for a Replat of Lots 37 and 38, Highland Park Addition, to create Lot 37A, Highland Park Addition, 0.241 acre (Property ID 174037) – Owner: STRAIGHTWAY NONDENOMINATIONAL (RP-18-0073)
18. **Consider** approval of RP-18-0073
19. **Continue Public Hearing** on a request by Blain Vinson, Aspen Community Development, for a Zoning Change from a Single Family-3 zoning district to Planned Development-SF-3, with Concept Plan, located East of 865 Cantrell Street, being 6 JC ARMSTRONG 17.521 ACRES (Property ID 244351) - Owner: WALKER L GORDON ETAL (PD-18-0059)
20. **Consider** proposed Ordinance approving Zoning Change No. PD-18-0059
21. **Public Hearing** on a request by the City of Waxahachie to amend Sections 2.1 through 2.10, “Procedures”, of Appendix C, “Subdivisions”, of the City of Waxahachie City Code (TA-18-0089)
22. **Consider** proposed Ordinance approving Zoning Change No. TA-18-0089

23. **Consider** request by Jaison Stephen, Jacobs Engineering Group, Inc, for a Preliminary Plat of Harlan Village for 233 lots and 12 open space lots, being 77.70 acres in the Thomas Shelby Survey, Abstract 1002 (Property ID 191092) – Owner: HARLAN PROPERTIES INC (PP-18-0050)
24. **Consider** Landscape Plan for Harlan Village as a companion to PP-18-0050 – Owner: HARLAN PROPERTIES INC
25. **Public Hearing** on a request Kyle Hunt, Hunt Restoration, for a Specific Use Permit (SUP) for Accessory Building (Residential) greater or equal to 700 S.F. use within a Planned Development-28-General Retail zoning district, located at 520 N. College Street, being LOT 26 & PT 27 BLK 9 TOWN - WAXAHACHIE 0.471 AC (Property ID 170713) - Owner: BILLY L & SHARON G DUNCAN (SU-18-0087)
26. **Consider** proposed Ordinance approving Zoning Change No. SU-18-0087
27. **Continue Public Hearing** on a request by Grant Robinson, CPG Homes LLC, for a Zoning Change from a Multi-Family-2 zoning district to Planned Development-Multi-Family-2, with Concept Plan, located East of new Waxahachie High School, being 1080 WM C TUNNELL 6.536 ACRES (Property ID 264879) - Owner: THE MARK ON 287 OWNER LLC (PD-18-0048)
28. **Consider** proposed Ordinance approving Zoning Change No. PD-18-0048
29. **Public Hearing** on a request by Verlin Taylor, VKT Associates, for a Zoning Change from a Commercial zoning district to Planned Development-Commercial, with Concept Plan, located at 1501 Dr. Martin Luther King Jr Blvd., being 272 S M DURRETT 0.3426 ACRES (Property ID 182074) - Owner: VKT ASSOCIATES LLC (PD-18-0079)
30. **Consider** proposed Ordinance approving Zoning Change No. PD-18-0079
31. **Continue Public Hearing** on a request by Joseph Willrich, BEFCO Engineering Inc, for a Specific Use Permit (SUP) for HEAVY MACHINERY SALES OR STORAGE, TRAILER AND HEAVY LOAD VEHICLE REPAIR, EQUIPMENT SALES (NEW OR USED), EQUIPMENT RENTAL (HEAVY), OPEN OR OUTSIDE STORAGE, DISPLAY, OR WORK AREAS FOR MERCHANDISE OR MACHINERY) uses within a Light Industrial-1 zoning district, located at 100 W Sterrett, 6820 N Interstate 35, and 6800 N Interstate 35, being 821 LB OUTLAW 2.354 ACRES, 821 LB OUTLAW 2.324 ACRES, and 821 LB OUTLAW 4.98 ACRES (Property ID 203820, 194221, and 188699) - Owner: M & M INVESTMENTS (SU-18-0045)
32. **Consider** proposed Ordinance approving Zoning Change No. SU-18-0045
33. **Consider** request by Joseph Willrich, BEFCO Engineering Inc, for a Preliminary Plat of Sterrett Industrial Addition for 1 lot, being 9.686 acres in the William B. Haynes Survey, Abstract 486 and the LB Outlaw Survey, Abstract 10 (Property ID 203820, 194221, and 188699) – Owner: M & M INVESTMENTS (PP-18-0081)
34. **Consider** request by Joseph Willrich, BEFCO Engineering Inc, for a Final Plat of Sterrett Industrial Addition for 1 lot, being 9.686 acres in the William B. Haynes Survey, Abstract 486 and the LB Outlaw Survey, Abstract 10 (Property ID 203820, 194221, and 188699) – Owner: M & M INVESTMENTS (FP-18-0082)

35. **Public Hearing** on a request by Stan Beard, Buc-ee's, LTD, for a Zoning Change from a Light Industrial-1 and Future Development zoning district to Planned Development-Commercial, with Concept Plan, located at the SW corner of I-35E and Butcher Road, being 790 E C NEWTON 58.718 ACRES (Property ID 188453) - Owner: 60 WAX RE HOLDINGS, LLC (PD-18-0088)
36. **Consider** proposed Ordinance approving Zoning Change No. PD-18-0088
37. **Consider** Food and Food Handlers Ordinance and take any necessary action
38. **Public Hearing** to continue the curfew for minors
39. **Consider** proposed Ordinance continuing the curfew for minors
40. **Consider** award of bid for Penn Park Phase II
41. **Consider** budget amendment for Penn Park Phase II
42. **Consider** Park Board recommendation for regulating patrons at lake parks during the week of the Fourth of July holiday
43. **Consider** Resolution directing publication of Notice of Intention to issue Combination Tax and Revenue Certificates of Obligation, Series 2018
44. **Consider** proposed contract with Kimley-Horn to provide professional engineering services for the design of electrical improvements and the installation of an emergency generator for the Howard Road Water Treatment Plant high service pump station, and for the design of an emergency generator for the Lake Waxahachie raw water pump station number 2
45. **Consider** Resolution authorizing reimbursement of the Water Fund's Working Capital from proceeds for future debt for the design of electrical improvements and the installation of an emergency generator for the Howard Road Water Treatment Plant high service pump station, and for the design of an emergency generator for the Lake Waxahachie raw water pump station number 2
46. **Convene** into Executive Session for deliberation regarding economic development negotiations as permitted by Section 551.087 of the Texas Government Code
47. **Reconvene** and take any necessary action
48. Comments by Mayor, City Council, City Attorney and City Manager
49. Adjourn

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City Council
June 4, 2018

(lead)

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, June 4, 2018 at 7:00 p.m.

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

Council Member Absent: Kevin Strength, Mayor

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

1. Call to Order

Mayor Pro Tem David Hill called the meeting to order.

2. Invocation

3. Pledge of Allegiance

4. Texas Pledge of Allegiance

City Manager Michael Scott gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

5. Public Comments

Mr. Alan Fox, 327 University, Waxahachie, referenced the street projects in the area he lives in noting he wants to make sure University Street as well as East University and West University is in the planning stages of being restored.

The following spoke of the Garden Valley Apartments:

Ms. Megan Wheeler, 414 Foxtail Court, Waxahachie, expressed concern with congestion of apartment and school traffic as well as the safety of school children and response time to first responders to the school. She asked the development to reconsider the location of the apartment complex.

Mr. Jerry Pace, 202 Atlanta Avenue, Waxahachie, stated there will be a major congestion with occupancy in the apartment complex mixed with the congestion of the school traffic.

Ms. Megan Roberts, 205 Stardust Trail, Waxahachie, stated there are way too many homes in this area and expressed safety concerns with the apartment complex directly across from the school.

Mr. Lamar Herford, 103 Adobe Court, Waxahachie, expressed concerns with the safety on the walking trail near Garden Valley Apartments.

(wa)

Mr. Tim McFarland, 204 Stardust Trail, Waxahachie, stated he likes the thought of Waxahachie growing and expressed concern with the apartment complex directly across from an elementary school noting it will cause trouble with traffic. He stated hopefully the city will be very thoughtful of how the city grows.

6. Consent Agenda

- a. Minutes of the regular City Council meeting of May 21, 2018
- b. Minutes of the regular Planning and Zoning Commission meeting of May 22, 2018
- c. Minutes of the Planning and Zoning Commission Briefing Session of May 22, 2018
- d. Minutes of Mid-Way Regional Airport Board meeting of May 10, 2018
- e. Minutes of Tax Increment Reinvestment Zone No. 1 meeting of May 21, 2018
- f. Approve event application for CNB of Texas 150th Birthday Bash
- g. Approve event application for Juneteenth Parade and Celebration
- h. Request by David Hargrove for a Final Plat of Garden Valley Meadows for 86 lots, being 27.545 acres situated in the JB and Ann Adams Survey, Abstract 5 (Property ID 263468) – Owner: LEGACY GROVE DEVELOPMENT LLC (FP-18-0051)
- i. Authorization of a budget amendment to fund fully reimbursable repairs for a City vehicle involved in a traffic accident
- j. Resolution authorizing reimbursement of the Wastewater Funds' Working Capital from proceeds for future debt for the sanitary sewer rehabilitation project on Ennis, Elder and East Marvin Streets

RESOLUTION NO. 1244

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE DESIGN OF SEWER REHABILITATIONS ON ENNIS, ELDER, AND EAST MARVIN STREETS

Action:

Councilmember Melissa Olson moved to remove items e. and j. from the Consent Agenda for separate discussion and moved to approve items a. through i. Councilmember Chuck Beatty seconded, All Ayes.

Councilmember Melissa Olson referenced Item e. being the minutes of the Tax Increment Reinvestment Zone #1 (TIRZ) meeting of May 21, 2018 and asked if the fiberglass hearts will be sponsored by local businesses and will they pay a portion of the cost. She asked if the funds should have come from the Waxahachie Community Development Corporation (WCDC).

Ms. Amy Borders, Director of Communications and Marketing, stated local businesses will pay for the artwork on the structures noting the TIRZ funds will pay for the parts.

City Manager Michael Scott explained the TIRZ fund was set up for downtown development and that includes marketing efforts and incentive and therefore TIRZ would be an appropriate source for this. He stated WCDC could as well assist but the TIRZ is geared for the downtown.

(wa)

Councilmember Olson stated it seems like a lot of money since people are balking at the price of a couple of hundred dollars to live stream. She asked for a description of the hearts. Ms. Borders stated she doesn't have anything with her because that was all presented at the TIRZ meeting. She stated the fiberglass hearts are 4.5 feet tall.

Councilmember Olson referenced Item j. noting it mentions the anticipation of selling Certificate of Obligations (C.O.'s). She asked if we could use impact fees instead of incurring interest on C.O.'s because impact fees have such limited ways and asked the advantage of using C.O.'s.

Mr. Scott explained this is actually a rehabilitation project and stated anytime you use impact fees you are looking at additional capacity. He stated staff presented a model at a Council workshop reviewing the Capital Improvement Plan that showed how we want to use impact fees as well as C.O. Bonds and defining Capital Improvements.

Councilmember Olson stated she didn't get a good enough breakdown at that meeting noting she would like to review the Capital Improvement Plan at some point.

Councilmember Mary Lou Shipley stated this brings up a point of order and stated she doesn't believe this is appropriate noting these issues we are looking at is really just approving the minutes and not discussing the substance of these items. She stated the discussion should be done at the actual meeting of a budget or the TIRZ meeting.

Action:

Councilmember Mary Lou Shipley moved to approve items e. and j. on the Consent Agenda. Councilmember Chuck Beatty seconded, All Ayes.

7. Introduce Honorary Councilmember

Councilmember Mary Lou Shipley introduced Honorary Councilmember Jonah Taylor noting he is the son of Nicholas and Amy Taylor and the valedictorian of Global High School's class of 2018. During his time in high school, Jonah earned his Associate's Degree from Navarro College and was selected for the college's most prestigious award: the Graduate Caston Scholarship. Outside of his academic achievements, Jonah has proven himself to be a capable leader. He served as Vice President for his school's student council, Build Captain for their Robotics Team, and Senior Patrol Leader of Boy Scout troop 232. He has also earned his Eagle Scout rank, and built five (5) small-scale food pantries for his Eagle Project. Jonah is well respected by his peers and was voted as the person who "Always represents Global High" in his school's yearbook with the tagline: "He is very intelligent and has a lot of integrity". Jonah will continue his education at Texas A&M next fall to study Electrical Engineering and play piano and mellophone in the university band.

8. Present Proclamation proclaiming June 4, 2018 – July 4, 2018 as "Crape Myrtle Month"

Mayor Pro Tem Hill read a Proclamation proclaiming June 4, 2018 – July 4, 2018 as "Crape Myrtle Month" and presented it to the Crape Myrtle Committee.

(wa)

9. Consider Waxahachie Community Development Corporation Financial Report for year ended September 30, 2017

Mr. Charles Harris, Finance Director, presented the Waxahachie Community Development Corporation Financial Report for year ended September 30, 2017. In summary at the close of the fiscal year total revenues were \$5,054,184 and total expenses were \$5,457,379, including depreciation. At the end of the fiscal year, the total fund balance of all governmental funds was \$7,973,473, down \$1,466,546 which was less than the prior year increase of \$5,740,878. This was due to certificate of obligation bonds issued during 2016 for park improvements and an increase in capital outlay expenditures in the current fiscal year. As of the close of the current fiscal year, unassigned fund balance for the Corporation's General Fund was \$3,421,641, or 117.94% of General Fund expenditures, not including transfers out.

Action:

Councilmember Mary Lou Shipley moved to accept the Waxahachie Community Development Corporation Financial Report for year ended September 30, 2017. Councilmember Chuck Beatty seconded, All Ayes.

10. Consider Robert W. Sokoll Treatment Plant Financial Report for year ended September 30, 2017

Mr. Harris presented the Robert W. Sokoll Treatment Plant Financial Report for year ended September 30, 2017. He reported the treatment plant is a wholesale treatment plant with two customers: City of Waxahachie and Rockett Special Utility District. Mr. Harris explained they both take water from the plant, providing water at cost and they in-turn resale it to their customers. He reviewed the financials noting the Net Position of the Plant decreased during the fiscal year by \$184,359, or about 2.87%. Mr. Harris stated this type of fund has no cash and by contract distributes water.

Action:

Councilmember Mary Lou Shipley moved to accept the Robert W. Sokoll Treatment Plant Financial Report for year ended September 30, 2017. Councilmember Chuck Beatty seconded, All Ayes.

11. Public Hearing on a request by Chris Acker, Acker Construction, for a Zoning Change from a Planned Development-44-General Retail and Single Family-2 zoning district to General Retail, located on the Southwest corner of Indian Drive at Brown Street, being 393 148 J GOOCH WM BASKINS 2.1698 ACRES (Property ID 184243) - Owner: INDIAN DRIVE HOLDINGS LLC (ZC-18-0056)

Mayor Pro Tem Hill opened the Public Hearing.

Mr. Shon Brooks, Director of Planning, stated staff has a proposal in-house and recommended approval.

There being no others to speak for or against ZC-18-0056, Mayor Pro Tem Hill closed the Public Hearing.

(6a)

12. Consider proposed Ordinance approving Zoning Change No. ZC-18-0056

ORDINANCE NO. 3027

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-44-GENERAL RETAIL AND SINGLE FAMILY-2 PD-44-GR AND SF2) TO GENERAL RETAIL (GR) LOCATED ON THE SOUTHWEST CORNER OF INDIAN DRIVE AT BROWN STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 2.1698 ACRES KNOWN AS PROPERTY ID 184243 OF THE J GOOCH SURVEY, ABSTRACT NO. 393; AND WM BASKINS SURVEY, ABSTRACT NO. 148, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3027. Councilmember Mary Lou Shipley seconded, All Ayes.

13. Consider request by Chris Acker, Acker Construction, for a Preliminary Plat of Dental Place Addition for 2 lots, being 2.081 acres situated in the John Gooch Survey, Abstract 393 (Property ID 184243) – Owner: INDIAN DRIVE HOLDINGS LLC (PP-18-0057)

Mr. Brooks reported the Planning and Zoning Commission recommended the site be developed with curb and gutter along Indian Drive. Staff recommended approval.

Action:

Councilmember Chuck Beatty moved to approve a request by Chris Acker, Acker Construction, for a Preliminary Plat of Dental Place Addition for 2 lots, being 2.081 acres situated in the John Gooch Survey, Abstract 393 (Property ID 184243) – Owner: INDIAN DRIVE HOLDINGS LLC (PP-18-0057) per staff comments. Councilmember Mary Lou Shipley seconded, All Ayes.

14. Consider Landscape Plan for Dental Place Addition as a companion to PP-18-0057– Owner: INDIAN DRIVE HOLDINGS LLC

Mr. Brooks reported the case accompanies the Preliminary Plat in Item 13. Staff recommended approval.

Mr. Chris Acker, 5100 Honeysuckle Road, Midlothian, reported after reviewing the site, there is no curb and gutter on the southern side of Indian Drive noting if he cuts a curb and installs gutter, per the Planning and Zoning Commission, it will stand alone.

Councilmember Mary Lou Shipley asked if Mr. Acker plans to put in a sidewalk. Mr. Acker stated he proposes a sidewalk and landscaping.

Mr. Scott stated the curb and gutter is not a necessity.

(60)

Action:

Councilmember Chuck Beatty moved to resend his motion on Item 13. Mary Lou Shipley seconded, All Ayes.

Action:

Councilmember Chuck Beatty moved to approve a request by Chris Acker, Acker Construction, for a Preliminary Plat of Dental Place Addition for 2 lots, being 2.081 acres situated in the John Gooch Survey, Abstract 393 (Property ID 184243) – Owner: INDIAN DRIVE HOLDINGS LLC (PP-18-0057) without curb and gutter. Councilmember Mary Lou Shipley seconded, All Ayes.

Action:

Councilmember Mary Lou Shipley moved to approve a Landscape Plan for Dental Place Addition as a companion to PP-18-0057– Owner: INDIAN DRIVE HOLDINGS LLC. Councilmember Chuck Beatty seconded, All Ayes.

- 15. Consider request by Cole Morgan, Americase Fabrication and Construction, for a Preliminary Plat of Americase Business Park for 4 lots, being 21.09 acres situated in the John Estes Survey, Abstract 335, and the WC Moody Survey, Abstract 747 (Property ID 209253) – Owner: R&R AMERICASE HOLDINGS LTD (PP-18-0052)**

Mr. Brooks reported the property is in the ETJ noting the staff report references several concerns from the City Engineer relating to floodplain zone, how lots will get water service, plat needs to depict lots will be served by septic system, drainage capacity, and right of way dedication. Staff recommended approval subject to the City Engineering concerns being addressed.

Action:

Councilmember Chuck Beatty moved to approve a request by Cole Morgan, Americase Fabrication and Construction, for a Preliminary Plat of Americase Business Park for 4 lots, being 21.09 acres situated in the John Estes Survey, Abstract 335, and the WC Moody Survey, Abstract 747 (Property ID 209253) – Owner: R&R AMERICASE HOLDINGS LTD (PP-18-0052) subject to staff comments. Councilmember Mary Lou Shipley seconded, All Ayes.

- 16. Consider request by Cole Morgan, Americase Fabrication and Construction, for a Final Plat of Americase Business Park for 4 lots, being 21.09 acres in the John Estes Survey, Abstract 335, and the WC Moody Survey, Abstract 747 (Property ID 209253) – Owner: R&R AMERICASE HOLDINGS LTD (FP-18-0053)**

Mr. Brooks reported the Final Plat is in the ETJ and recommended approval per City Engineering comments listed in the staff report.

Action:

Councilmember Mary Lou moved to approve a request by Cole Morgan, Americase Fabrication and Construction, for a Final Plat of Americase Business Park for 4 lots, being 21.09 acres in the John Estes Survey, Abstract 335, and the WC Moody Survey, Abstract 747 (Property ID 209253) – Owner: R&RAMERICASE HOLDINGS LTD (FP-18-0053) subject to staff comments. Councilmember Chuck Beatty seconded, All Ayes.

(6a)

17. Consider request by Cody Cockerham for a Preliminary Plat of Laguna Vista Place Phase 2 for 1 lot, being 2.18 acres situated in the W. Stewart Survey, Abstract 956 (Property ID 190519) – Owner: CODY L COCKERHAM and A. GARRETT REAL ESTATE VENTURES, LLC (PP-18-0046)

Mr. Brooks reported staff has concern with right-of-way dedication and location of the dedication. He stated there is acreage discrepancy on the tax certificates and basic cleanup of the Plat. He recommended approval per staff comments.

Action:

Councilmember Mary Lou Shipley moved to approve a request by Cody Cockerham for a Preliminary Plat of Laguna Vista Place Phase 2 for 1 lot, being 2.18 acres situated in the W. Stewart Survey, Abstract 956 (Property ID 190519) – Owner: CODY L COCKERHAM and A. GARRETT REAL ESTATE VENTURES, LLC (PP-18-0046) subject to staff comments. Councilmember Chuck Beatty seconded, All Ayes.

18. Consider request by Cody Cockerham for a Final Plat of Laguna Vista Place Phase 2 for 1 lot, being 2.18 acres situated in the W. Stewart Survey, Abstract 956 (Property ID 190519) – Owner: CODY L COCKERHAM and A. GARRETT REAL ESTATE VENTURES, LLC (FP-18-0047)

Mr. Brooks reported the Final Plat cannot be filed until all staff comments are met. He recommended approval per staff comments.

Action:

Councilmember Mary Lou Shipley moved to approve a request by Cody Cockerham for a Final Plat of Laguna Vista Place Phase 2 for 1 lot, being 2.18 acres situated in the W. Stewart Survey, Abstract 956 (Property ID 190519)– Owner: CODY L COCKERHAM and A. GARRETT REAL ESTATE VENTURES, LLC (FP-18-0047) subject to staff comments. Councilmember Melissa Olson seconded, All Ayes.

19. Public Hearing on a request by Richard Kampen, LRE Group, Inc. for a Zoning Change from a Light Industrial-1 and Light Industrial-2 zoning district to Light Industrial-2, located at 201 Cardinal Road, being LOT PT 1 BLK A CARDINAL IG ADDN 29.0 AC and LOT PT 1 BLK A CARDINAL IG ADDN 19.721 AC (Property ID 226867 and 209418) - Owner: CARDINAL IG COMPANY (ZC-18-0041)

Mayor Pro Tem Hill opened the Public Hearing.

Mr. Brooks reported the property owner is seeking to clean up the zoning on this property to ensure that there is one (1) zoning district for all the land.

There being no others to speak for or against ZC-18-0041, Mayor Pro Tem Hill closed the Public Hearing.

20. Consider proposed Ordinance approving Zoning Change No. ZC-18-0041

(wa)

ORDINANCE NO. 3028

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM LIGHT INDUSTRIAL-1 AND LIGHT INDUSTRIAL-2 (LI1 AND LI2) TO LIGHT INDUSTRIAL-2 (LI2) LOCATED AT 201 CARDINAL ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 48.721 ACRES KNOWN AS LOT PT 1 BLK A OF THE CARDINAL IG ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Melissa Olson moved to approve Ordinance No. 3028. Councilmember Chuck Beatty seconded, All Ayes.

- 21. Public Hearing on a request by the City of Waxahachie for a Specific Use Permit (SUP) to allow a Home for Aged, Residence (Assisted Living) use within a General Retail (GR) zoning district, located at 401 Solon Road, being 1 COVENANT ADDN 4.43 ACRES (Property ID 204441) Owner: TEXAS HCP AL LP (SU-18-0070)**

Mayor Pro Tem Hill opened the Public Hearing.

Mr. Brooks reported this is a clean-up from the previously approved Zoning Ordinance. He explained it is currently zoned Skilled Nursing and owner request it be allowed Assisted Living. Staff recommended approval.

There being no others to speak for or against SU-18-0070, Mayor Pro Tem Hill closed the Public Hearing.

- 22. Consider proposed Ordinance approving Zoning Change No. SU-18-0070**

ORDINANCE NO. 3029

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A HOME FOR AGED, RESIDENCE (ASSISTED LIVING) USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED AT 401 SOLON RD, BEING PROPERTY ID 204441, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1 OF THE COVENANT ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Mary Lou Shipley moved to approve Ordinance No. 3029. Councilmember Chuck Beatty seconded, All Ayes.

- 23. Public Hearing on a request by Aaron Duncan, MESA, for a Zoning Change from a Future Development zoning district to Commercial, Single Family-3, and Light Industrial-2, located at 604 FM 879, being 557 J JOHNSON 298.296 ACRES, 5 JB & A ADAMS, 557 J JOHNSON, 1249 SC WHITE 65.746 ACRES, and 5 JB & A ADAMS 134.9 ACRES (Property ID 209774, 179013, and 178975) - Owner: KAREN S ANDERSON IRREVOCABLE TRUST (ZC-18-0042)**

(lea)

Mayor Pro Tem Hill opened the Public Hearing.

Mr. Brooks reviewed the zoning exhibit noting the property is approximately 500 acres. He stated the diagram depicts Light Industrial-2 abutting Single Family-3 noting a creek plus flood plain provides quite a bit of natural buffer between the two zones. Mr. Brook reported at the Planning and Zoning Commission meeting it was determined while Commercial is proposed on the highway frontage it would be amendable to change that to General Retail making it a little bit less harsh of a district classification. Staff recommended approval.

Mr. Aaron Duncan, MESA, 2001 N. Lamar St., Dallas, reviewed the history on the property and was available for questions.

Mr. Kevin Ivy, 1980 East Highland Road, Waxahachie, stated he travels that area every day and asked staff to consider access into the property for better flow of traffic.

There being no others to speak for or against ZC-18-0042, Mayor Pro Tem Hill closed the Public Hearing.

24. Consider proposed Ordinance approving Zoning Change No. ZC-18-0042

ORDINANCE NO. 3030

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM FUTURE DEVELOPMENT (FD) TO GENERAL RETAIL, SINGLE FAMILY-3 AND LIGHT INDUSTRIAL-2 (GR, SF3 AND LI2) LOCATED AT 604 FM 879 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, IN THE J JOHNSON SURVEY, ABSTRACT NO. 557; JB & A ADAMS SURVEY, ABSTRACT NO. 5; AND SC WHITE SURVEY, ABSTRACT NO. 1249; BEING PROPERTY IDS 209774, 179013, AND 178975, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Mary Lou Shipley moved to approve Ordinance No. 3030 subject to staff comments and changing Commercial to General Retail. Councilmember Chuck Beatty seconded, All Ayes.

25. Public Hearing on a request by Joseph Willrich, BEFCO Engineering Inc, for a Zoning Change from a Commercial zoning district to Light Industrial-1, located at 100 W Sterrett, 6820 N Interstate 35, and 6800 N Interstate 35, being 821 LB OUTLAW 2.354 ACRES, 821 LB OUTLAW 2.324 ACRES, and 821 LB OUTLAW 4.98 ACRES (Property ID 203820, 194221, and 188699) - Owner: M & M INVESTMENTS (ZC-18-0044)

Mayor Pro Tem Hill opened the Public Hearing.

Mr. Brooks reported the applicant proposes to partially redevelop the old Magnablend site for a new tenant. He stated the property is being rezoned to account for the industrial nature of its use. Mr. Brooks said the property has a billboard on site and the applicant has requested to keep it in

(60)

addition to the establishment of the pole sign. He stated the request changes the entire zoning tracts to LI-1.

There being no others to speak for or against ZC-18-0044, Mayor Pro Tem Hill closed the Public Hearing.

26. Consider proposed Ordinance approving Zoning Change No. ZC-18-0044

ORDINANCE NO. 3031

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM COMMERCIAL (C) TO LIGHT INDUSTRIAL-1 (LI1) LOCATED AT 100 W STERRETT, 6820 N INTERSTATE 35 E AND 6800 N INTERSTATE 35 E IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, KNOWN AS PROPERTY IDS 203820, 194221, AND 188699 OF THE LB OUTLAW SURVEY, ABSTRACT NO. 821 AND WM HAYNES SURVEY, ABSTRACT NO. 486, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3031, subject to increasing landscape along Interstate 35 and along Sterrett Road. Councilmember Mary Lou Shipley seconded, All Ayes.

- 27. Public Hearing on a request by Joseph Willrich, BEFCO Engineering Inc, for a Specific Use Permit (SUP) for HEAVY MACHINERY SALES OR STORAGE, TRAILER AND HEAVY LOAD VEHICLE REPAIR, EQUIPMENT SALES (NEW OR USED), EQUIPMENT RENTAL (HEAVY), OPEN OR OUTSIDE STORAGE, DISPLAY, OR WORK AREAS FOR MERCHANDISE OR MACHINERY) uses within a Light Industrial-1 zoning district, located at 100 W Sterrett, 6820 N Interstate 35, and 6800 N Interstate 35, being 821 LB OUTLAW 2.354 ACRES, 821 LB OUTLAW 2.324 ACRES, and 821 LB OUTLAW 4.98 ACRES (Property ID 203820, 194221, and 188699) - Owner: M & M INVESTMENTS (SU-18-0045)**

Mayor Pro Tem Hill opened the Public Hearing.

Mr. Brooks reported the SUP accompanies the previous zoning case. He stated the Planning and Zoning Commission preferred the site be paved and the applicant explained heavy equipment will tear up the pavement. Mr. Brooks stated landscape will be received with the SUP and applicant proposed to install a wash bay. Staff recommended approval.

Mr. Joseph Willrich, BEFCO Engineering, Inc., asked for clarification to the landscape requirements.

Mr. Scott stated Staff discussed tree scape because you can see the site from Interstate 35 frontage. He reviewed species of trees in the landscape plan. Discussion was held and it was determined to continue the Public Hearing.

(100)

28. Consider proposed Ordinance approving Zoning Change No. SU-18-0045

Action:

Councilmember Mary Lou Shipley moved to continue SU-18-0045 to the City Council meeting of June 18, 2018. Councilmember Chuck Beatty seconded, All Ayes.

29. Public Hearing on a request by Grant Robinson, CPG Homes LLC, for a Zoning Change from a Multi-Family-2 zoning district to Planned Development-Multi-Family-2, with Concept Plan, located East of new Waxahachie High School, being 1080 WMC TUNNELL 6.536 ACRES (Property ID 264879) - Owner: THE MARK ON 287 OWNER LLC (PD-18-0048)

Mayor Pro Tem Hill opened the Public Hearing.

Mr. Brooks announced the applicant requested a continuance to the City Council meeting of June 18, 2018.

30. Consider proposed Ordinance approving Zoning Change No. PD-18-0048

Action:

Councilmember Mary Lou Shipley moved to continue PD-18-0048 to the City Council meeting of June 18, 2018. Councilmember Chuck Beatty seconded, All Ayes.

31. Public Hearing on a request by Barb Hall, Ervin USA, for a Specific Use Permit (SUP) for Trailer, Truck Sales or Rental use within a Light Industrial-2 and Future Development zoning district, located at 4675 N Interstate 35, being 790 EC NEWTON 29.74 ACRES (Property ID 188460) - Owner: LUIS ESTRADA (SU-18-0054)

Mayor Pro Tem Hill opened the Public Hearing.

Mr. Brooks announced the request was continued at the Planning and Zoning Commission meeting and therefore requested it be continued to the City Council meeting of June 18, 2018.

32. Consider proposed Ordinance approving Zoning Change No. SU-18-0054

Action:

Councilmember Mary Lou Shipley moved to continue SU-18-0054 to the City Council meeting of June 18, 2018. Councilmember Melissa Olson seconded, All Ayes.

33. Public Hearing on a request by Blain Vinson, Aspen Community Development, for a Zoning Change from a Single Family-3 zoning district to Planned Development-SF-3, with Concept Plan, located East of 865 Cantrell Street, being 6 JC ARMSTRONG 17.521 ACRES (Property ID 244351) - Owner: WALKER L GORDON ETAL (PD-18-0059)

Mayor Pro Tem Hill opened the Public Hearing.

(la)

Mr. Brooks announced the request was continued at the Planning and Zoning Commission meeting and therefore requested it be continued to the City Council meeting of June 18, 2018.

34. Consider proposed Ordinance approving Zoning Change No. PD-18-0059

Action:

Councilmember Chuck Beatty moved to continue PD-18-0059 to the City Council meeting of June 18, 2018. Councilmember Mary Lou Shipley seconded, All Ayes.

35. Public Hearing on a request by Sam Hix, Air Evac EMS, for a Specific Use Permit (SUP) for Heliport use within a Light Industrial-1 zoning district, located at 103 Industrial Drive, being 2R C N WAXAHACHIE IND PARK1 ACRES (Property ID 203244) - Owner: WESLEY E & F JUNE SAUNDERS (SU-18-0072)

Mayor Pro Tem Hill opened the Public Hearing.

Mr. Brooks reported the applicant seeks to establish a temporary helipad for an air ambulance station. He stated the applicant also received a Certificate of Occupancy across the street for the pilots. Mr. Brooks reported there was opposition from the adjacent mini warehouse owner and received two notices of approval. Staff recommended approval noting the applicant applied for an FAA application.

There being no others to speak for or against SU-18-0072, Mayor Pro Tem Hill closed the Public Hearing.

36. Consider proposed Ordinance approving Zoning Change No. SU-18-0072

ORDINANCE NO. 3032

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A HELIPORT USE WITHIN A LIGHT INDUSTRIAL-1 (LI1) ZONING DISTRICT, LOCATED AT 103 INDUSTRIAL DRIVE, BEING PROPERTY ID 203244, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 2R, BLOCK C IN THE N WAXAHACHIE INDUSTRIAL PARK SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Mary Lou Shipley moved to approve Ordinance No. 3032. Councilmember Chuck Beatty seconded, All Ayes.

37. Consider proposed Ordinance amending Section 21-94, "Definitions," of Article IX, "Sexually Oriented Businesses," to Chapter 21, "Offenses and Miscellaneous Provisions," of the Waxahachie City Code

Mr. Brooks reported the revision moves the definitions previously listed in the Zoning Ordinance to Chapter 21 of the City Code.

(60)

ORDINANCE NO. 3033

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING SECTION 21-94, "DEFINITIONS," OF ARTICLE IX, "SEXUALLY ORIENTED BUSINESSES," TO CHAPTER 21, "OFFENSES AND MISCELLANEOUS PROVISIONS," OF THE WAXAHACHIE CITY CODE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Action:

Councilmember Mary Lou Shipley moved to approve Ordinance No. 3033. Councilmember Chuck Beatty seconded, All Ayes.

38. Consider award of a bid to McMahon Contracting, L.P. for the corridor rehabilitation of North Hawkins Street

Mr. Tommy Ludwig, Executive Director of Development Services, reported bids were recently received for the North Hawkins Street corridor rehabilitation and McMahon Contracting, L.P. was the lowest bidder with a bid in the amount of \$1,019,437.41. Mr. Ludwig stated the project will provide new curbs, gutters, sidewalks, streetlights, utilities and pavement along North Hawkins Street, from West Parks Avenue to McMillan Street.

Action:

Councilmember Mary Lou Shipley moved to award a bid to McMahon Contracting, L.P. in the amount of \$1,019,437.41 for the corridor rehabilitation of North Hawkins Street. Councilmember Chuck Beatty seconded, All Ayes.

39. Consider a resolution authorizing the reimbursement of Working Capital from the proceeds of future debt for the rehabilitation of North Hawkins Street

Mr. Ludwig reported the North Hawkins Street project will be funded with Certificate of Obligation bonds, which are anticipated to be sold prior to the end of this fiscal year. He stated certain project costs may be incurred in advance of the bond proceeds and presented Resolution No. 1245 authorizing a reimbursement to the Utilities Department operating fund from future bond sales.

RESOLUTION NO. 1245

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF PERFORMING A CORRIDOR REHABILITATION OF NORTH HAWKINS STREET

Action:

Councilmember Mary Lou Shipley moved to approve Resolution No. 1245 as presented. Councilmember Chuck Beatty seconded, All Ayes.

40. Consider a contract with Kimley Horn to provide professional engineering services for the design of erosion controls associated with the Matthews Street Bridge

(60)

Mr. Ludwig reported erosion from the Waxahachie Creek has caused a washout of the supporting embankment, which will ultimately weaken the drive approach and has exposed the wastewater line. He presented a professional services contract with Kimley Horn for the design of erosion control measures associated with Matthews Street Bridge improvements in the amount of \$160,100.

Action:

Councilmember Mary Lou Shipley moved to approve a contract with Kimley Horn to provide professional engineering services for the design of erosion controls associated with the Matthews Street Bridge. Councilmember Melissa Olson seconded, All Ayes.

- 41. Consider a resolution authorizing the reimbursement of Working Capital from the proceeds of future debt for professional engineering services for the design of erosion controls associated with the Matthews Street Bridge**

Mr. Ludwig reported portions of the Matthews Street Bridge will be funded through Certificate of Obligation bonds and explained certain project costs may be incurred in advance of the availability of the bond proceeds. He presented Resolution No. 1246 authorizing a reimbursement to the Utilities Department operating fund from future bond sales.

RESOLUTION NO. 1246

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF PERFORMING PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF EROSIONS CONTROLS ASSOCIATED WITH THE MATTHEWS STREET BRIDGE

Action:

Councilmember Chuck Beatty moved to approve Resolution No. 1246 as presented. Councilmember Mary Lou Shipley seconded, All Ayes.

- 42. Consider Developer's Agreement with Tilson Homes associated with the installation of a 12-inch water line along Interstate 35 East between Compton Road and FM 1446**

Mr. James Gaertner, City Engineer, reported the City agreed to install the 12-inch water line across I-35E and Tilson Homes agreed to install the 12-inch water line along the west side of I-35E from Compton Road to FM 1446. He stated the City's installation of the water line across I-35E will be reimbursed by TxDOT due to a conflict with the interstate construction. Mr. Gaertner reported the developer's agreement includes a 10-year pro-rata agreement for reimbursement of \$264,433.50 to Tilson Homes for the off-site 12-inch water line installation along the west side of I-35E.

Action:

Councilmember Chuck Beatty moved to approve a Developer's Agreement with Tilson Homes associated with the installation of a 12-inch water line along Interstate 35 East between Compton Road and FM 1446 as presented. Councilmember Mary Lou Shipley seconded, All Ayes.

(leaf)

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

Councilmember Olson thanked Ms. Borders on the new website and livestreaming. She congratulated Honorary Councilmember Jonah Taylor on his accomplishments.

Councilmember Chuck Beatty announced Penn Park will be busy with several celebrations including a special kickoff on June 7, NAACP celebration on June 16 and another celebration on June 19. He welcomed Honorary Councilmember Jonah Taylor.

Mr. Scott announced Penn Park Phase 2 will soon be before City Council for consideration. He thanked Ms. Borders for her work on the website. He stated there is a lot going on in the City and staff is working on the CIP program. Mr. Scott stated he is proud of city staff and their professionalism they bring to work every day. He stated he is on the home stretch of hiring an HR Director.

Mayor Pro Tem Hill welcomed Honorary Councilmember Jonah Taylor. He noted how special city staff is and thanked them for their work.

Councilmember Shipley complimented Mr. Brooks for keeping up with all the developments that are coming in. She thanked Mr. Jeff Chambers, Director of Public Works for repairing the street at the end of the bridge. She stated all is going well and it is largely attributed to the staff.

City Attorney Robert Brown echoed the compliments to the Planning Department.

44. Adjourn

There being no further business, the meeting adjourned at 9:03 p.m.

Respectfully submitted,

Lori Cartwright
City Secretary

(b)



Memorandum

To: City Council Members

From: Amy Borders

Thru: Michael Scott, City Manager

Date: June 4, 2018

Re: Downtown Improvements/Public Art

This memo serves as a request to the City Council for formal approval of funding for two improvements and public art enhancements to the Downtown area. These improvements were approved at the TIRZ Meeting on May 21, 2018. A total of \$43,000 for both items was approved. Below is an overview of the improvements.

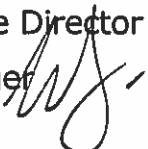
The first is a replacement retaining wall that separates the Doves Nest and Lake Companies parking lots. The new wall (drawing attached) would replace the current failing wall, and also serve as an interactive public art installation. The request for the wall is \$21,576 for the wall, and an additional \$870 for the heart locks. The total request is \$23,000 to allow for contingencies.

The second is a request for ten fiberglass hearts to be installed at various locations in the historic overlay district. The hearts would be sponsored by local businesses, individuals or groups, to have the structures painted by an approved list of local artists. The total request for this portion is \$20,000. This allows for \$18,230 for the hearts, and the remainder for installation costs.

(6c)



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Executive Director of Development Services
Thru: Michael Scott, City Manager 
Date: June 15, 2018
Re: Interlocal Agreement for Road and Right of Way Maintenance

On Monday June 18, 2018 an interlocal agreement with Ellis County will appear before City Council for consideration. This agreement will allow the City of Waxahachie to contract with Ellis County to perform road and right of way maintenance within the City limits, if and when needed. This agreement does not commit funds to the County and has no cost consideration to the City.

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

Tommy Ludwig

(UC)

**INTERLOCAL COOPERATION CONTRACT
BETWEEN
COUNTY OF ELLIS AND CITY OF WAXAHACHIE**

WHEREAS, the hereinafter below described government entities desire to increase their efficiency and effectiveness by entering into this contract one with the other; and

WHEREAS, such contracts are authorized under Chapter 791 of the Government Code of the State of Texas, said law cited as the Interlocal Cooperation Act of the State of Texas; and

WHEREAS, the function or service contracted for and to be provided by this agreement is with the definition of “Governmental function and services” as defined by Section 791.003 of the Government Code; and

WHEREAS, the function or service contracted to be provided is a function or service that each party to the contract is authorized to perform individually;

NOW, THEREFORE, the parties agree and covenant one with the other as follows:

- A) The County of Ellis (hereinafter COUNTY) shall be the party providing the function or service which shall include the maintenance, repair and / or construction of streets, roads, alleys, bridges, and parking areas, as well as the maintenance and construction of waterways and ditches. The COUNTY shall be further authorized to sell to the CITY OF WAXAHACHIE goods and services.
- B) The City of Waxahachie (hereinafter CITY) shall be the party receiving the function, goods, or service and providing payment for such function, goods and / or services.
- C) CITY, as paying party, acknowledges and certifies, as required by the Interlocal Cooperation Act, that all payments shall be made from current revenues available to CITY.
- D) The term of this agreement shall be from June 1, 2018 to December 31, 2018.

(cc)

E) Both parties acknowledge and understand, in reference to any project undertaken under this contract involving the construction, improvement, or the repair of a road, building or other facility, the following:

- 1) That prior to beginning said project, a work order in the form similar to Exhibit A attached hereto shall be adopted describing the project to be undertaken and identifying the project's location, and
- 2) That the payment and penalty provisions set out in Section 791.014 (c) and (d) of the Government Code Interlocal Cooperation Act shall apply to this contract.

F) CITY agrees to pay to COUNTY within thirty (30) days of billing by COUNTY for the goods, governmental function, and / or services provided in an amount that fairly compensates COUNTY for service or functions performed by COUNTY under this Contract.

EXECUTED in duplicate this the _____ day of _____, 20____.

 COUNTY JUDGE
 ELLIS COUNTY, TEXAS

Attest:

 Ellis County Clerk

 MAYOR
 City of Waxahachie

Attest:

 City Secretary

(6c)

WORK ORDER UNDER INTERLOCAL AGREEMENT

Service Provider: Ellis County, Texas

Department to Provide Service: _____

Basis of Authority to Provide Service: *Interlocal Agreement dated:* _____

per Commissioners Count Minute Order _____

Local Government Requesting Service: _____

Description of Project to be Undertaken: _____

Location of Project to be Undertaken: _____

Requested by: _____

Kyle Butler

Department: Ellis County Commissioner, Pct. 4

APPROVED in Open Commissioners Court per Minute Order No. _____ on the _____ day of _____, 20____.

Carol Bush

County Judge, Ellis County, Texas

ACCEPTED AND AGREED TO this ____ day of _____, 20____.

Signature: _____

Title: _____

On Behalf of: _____

(led)



Memorandum

To: City Councilmembers

From: Mayor Kevin Strength

Date: June 13, 2018

Re: Appoint of member to the Cemetery Board

Please consider the following appoint to the Cemetery Board to fill a vacancy.

- Perry Giles (June 2018 – September 2019)

(6e)

RECEIVED IN
CITY SECRETARY'S OFFICE
10/5/18
CITY OF WAXAHACHIE, TEXAS



Application for a Festival or Event Permit

Event Name and Description: Block Party
Clydesdale Street

Applicant Information

Name: Stephanie David
Address: 225 Clydesdale St
City, State, Zip: Waxahachie 75165 Phone: 254-431-1218
E-mail Address: ~~sadavid~~ sadavid.1018@gmail.com

Organization Information

Organization Name: N/A
Address: _____
Authorized Head of Organization: _____
Phone: _____ E-mail Address: _____

Event Chairperson/Contact

Name: _____
Address: same
City, State, Zip: _____ Phone: _____
E-mail Address: _____

Event Information

Event Location/Address: Neighborhood Block Party
Purpose: Socialization
Event Start Date and Time: ~~6/25~~ 4pm 7/21/18

Event End Date and Time: (lee) 7/21/18 4pm-10pm

Approximate Number of Persons Attending Event Per Day: 5090

Site Preparation and Set-Up Date and Time: 7/21/18 - 8am-4pm

Clean-Up Completion Date and Time: 7/21/18 10-12midnight

List all activities that will be conducted as a part of this event including street closures, traffic control, vendor booths, etc. Include any requests for city services.

just food from families + get together

* 200 Block of Clydesdale - close from Arabian to Pony Ct.

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

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

If yes, will the event be in the Historic Overlay District? YES/NO YES

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

Will dumpsters be needed? No

Will an Unmanned Aircraft Systems Unit (drone) be used? YES/NO YES If so, provide a copy of the current FAA License.

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

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

[Signature]
Signature of Applicant

10/4/18
Date

* Please note that approval of this permit does not replace/modify compliance with all applicable state laws as specified by the Texas Alcoholic Beverage Commission (TABC).

(lee)

Villarreal, Amber

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Tuesday, June 05, 2018 1:26 PM
To: Villarreal, Amber
Subject: RE: Event Application

I have no concerns with this request.

Ricky Boyd, Fire Chief
Waxahachie Fire-Rescue
214-463-9335

From: Villarreal, Amber [mailto:avillarreal@waxahachie.com]
Sent: Tuesday, June 5, 2018 12:39 PM
To: Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Chambers, Jeff <jchambers@waxahachie.com>; Ojeda, Eneida <Eojeda@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>
Subject: Event Application

For your review/comments.

Thank you,

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

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Villarreal, Amber

(le)

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Wednesday, June 06, 2018 9:35 AM
To: Villarreal, Amber
Subject: RE: Event Application

Amber,

I'm ok with it, but it would be my recommendation that they only close Clydesdale from Gallop Ct to Pony Ct. That would allow the residents on Gallop Ct. to get in and out if needed and would minimize the number of people with limited access to their homes.

From: Villarreal, Amber [mailto:avillarreal@waxahachie.com]
Sent: Tuesday, June 05, 2018 12:39 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Jeff Chambers <jchambers@waxahachie.com>; Eneida Ojeda <ejeda@waxahachie.com>
Cc: Michael Scott <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>
Subject: Event Application

For your review/comments.

Thank you,

Amber Villarreal, TRMC
Assistant City Secretary
City of Waxahachie
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www.waxahachie.com

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Villarreal, Amber

(102)

From: Scott, Michael
Sent: Thursday, June 07, 2018 8:28 AM
To: Villarreal, Amber; Ricky Boyd; Wade Goolsbey; Chambers, Jeff; Ojeda, Eneida
Cc: Cartwright, Lori
Subject: RE: Event Application

I assume they are just requesting barricades for the street to be blocked??

I don't see any other request from the City.

Since there is a simple alt route, I don't see this being a concern.

Michael

From: Villarreal, Amber
Sent: Tuesday, June 5, 2018 12:39 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoalsby@waxahachiepd.org>; Chambers, Jeff <jchambers@waxahachie.com>; Ojeda, Eneida <Eojeda@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>
Subject: Event Application

For your review/comments.

Thank you,

Amber Villarreal, TRMC
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Villarreal, Amber

(be)

From: Chambers, Jeff
Sent: Thursday, June 07, 2018 9:30 AM
To: Scott, Michael; Villarreal, Amber; Ricky Boyd; Wade Goolsbey; Ojeda, Eneida
Cc: Cartwright, Lori
Subject: RE: Event Application

Amber:

I offer no objection. With Michael's approval I will schedule the barricade delivery. If anything changes please let me know.

Jeff

From: Scott, Michael
Sent: Thursday, June 07, 2018 8:28 AM
To: Villarreal, Amber; Ricky Boyd; Wade Goolsbey; Chambers, Jeff; Ojeda, Eneida
Cc: Cartwright, Lori
Subject: RE: Event Application

I assume they are just requesting barricades for the street to be blocked??

I don't see any other request from the City.

Since there is a simple alt route, I don't see this being a concern.

Michael

From: Villarreal, Amber
Sent: Tuesday, June 5, 2018 12:39 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoalsby@waxahachiepd.org>; Chambers, Jeff <jchambers@waxahachie.com>; Ojeda, Eneida <Eojeda@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Cartwright, Lori <lcartwright@waxahachie.com>
Subject: Event Application

For your review/comments.

Thank you,

Amber Villarreal, TRMC
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Villarreal, Amber

(ve)

From: Chambers, Jeff
Sent: Thursday, June 07, 2018 9:31 AM
To: Ojeda, Eneida
Cc: Yrlas, Tim; Massey, Matt; Ludwig, Tommy; Villarreal, Amber
Subject: FW: Event Application
Attachments: Event Application-Clydesdale Block Party.pdf

Eneida:

Please prepare a work request for the delivery of barricades for this event application.

Thanks,

Jeff

From: Villarreal, Amber
Sent: Tuesday, June 05, 2018 12:39 PM
To: Ricky Boyd; Wade Goolsbey; Chambers, Jeff; Ojeda, Eneida
Cc: Scott, Michael; Cartwright, Lori
Subject: Event Application

For your review/comments.

Thank you,

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

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(LP)

Planning & Zoning Department

Plat Staff Report



Case: FP-18-0058

MEETING DATE(S)

Planning & Zoning Commission: June 12, 2018

City Council: June 18, 2018

CAPTION

Consider request by Chris Acker, Acker Construction, for a Final Plat of Dental Place Addition for 2 lots, being 2.081 acres situated in the John Gooch Survey, Abstract 393 (Property ID 184243) – Owner: INDIAN DRIVE HOLDINGS LLC (FP-18-0058)

CASE INFORMATION

Applicant: Chris Acker, Acker Construction

Property Owner(s): Indian Drive Holdings LLC

Site Acreage: 2.081 acres

Number of Lots: 2 lots

Number of Dwelling Units: 0 units

Park Land Dedication: The cash in lieu of park land dedication for this case is estimated at **\$1,249.20** (2.082 acres at \$600.00 per acre).

Adequate Public Facilities: City water and wastewater facilities are available.

SUBJECT PROPERTY

General Location: Southwest corner of Indian Drive at Brown Street

Parcel ID Number(s): 184243

Current Zoning: GR

Existing Use: Currently undeveloped

Platting History: The Preliminary Plat for this development was approved by City Council on June 4, 2018.

(left)

Site Aerial:



STAFF CONCERNS

CITY ENGINEER – James Gaertner (469) 309-4293; jgaertner@waxahachie.com

1. Based on the last civil plan submitted, the sewer line was going to be public. Please verify and update the label accordingly.

APPLICANT RESPONSE TO CONCERNS

1. Applicant responded to initial comments. The above comment remains outstanding.

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. Verify whether the sewer line along the southern border is to be public of private and ensure the plat drawing reflects that.

ATTACHED EXHIBITS

1. Plat drawing
2. Pedestrian easement detail

APPLICANT REQUIREMENTS

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

(10f)

STAFF CONTACT INFORMATION

Prepared by:

Kelly Dent, MPA

Planner

kdent@waxahachie.com

Reviewed by:

Shon Brooks, AICP

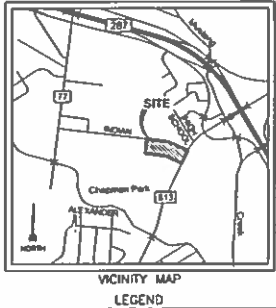
Director of Planning

sbrooks@waxahachie.com

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held June 12, 2018, the Commission voted 6-0 to recommend approval of plat no. FP-18-0058, subject to staff comments. During the meeting, the applicant agreed to curb and gutter the property. Since the last meeting, the applicant has submitted a revised plat drawing clarifies that the sanitary sewer easement is public, however, the plat drawing does not include the curb and guttering. As a result, the Planning Department's recommendation has remained, Approval, per staff comments, with the outstanding comments being

1. Curb and gutter



- O.P.R.E.C.T. OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS
 D.R.E.C.T. DEED RECORDS, ELLIS COUNTY, TEXAS
 P.R.E.C.T. PLAT RECORDS, ELLIS COUNTY, TEXAS
 ◊ CONTROL MONUMENT
 ○ SRC 1/2" IRON ROD SET WITH YELLOW CAP STAMPED "TP15 5674"
 □ IRON ROD FOUND
 □ PSES PUBLIC SANITARY SEWER EASEMENT
 □ UE UTILITY EASEMENT
 □ DE DRAINAGE EASEMENT
 □ PE PEDESTRIAN EASEMENT
 □ WE WATER EASEMENT
 □ BL BUILDING LINE
 □ FL FIRE LINE (BY THIS PLAT)
 □ BTP BY THIS PLAT
 □ VCL VEHICLE
 □ PC PACE

CURVE TABLE

CHORD	BEGINNING BEARING	END BEARING	CHORD BEARING	CHORD LENGTH
C1	S89°52'32"	S88°01'	S88°47'50"	38.89'
C2	S89°52'32"	S88°01'	S88°47'50"	38.89'
C3	S89°52'32"	S88°01'	S88°47'50"	38.89'
C4	S89°52'32"	S88°01'	S88°47'50"	38.89'
C5	S89°52'32"	S88°01'	S88°47'50"	38.89'
C6	S89°52'32"	S88°01'	S88°47'50"	38.89'
C7	S89°52'32"	S88°01'	S88°47'50"	38.89'
C8	S89°52'32"	S88°01'	S88°47'50"	38.89'
C9	S89°52'32"	S88°01'	S88°47'50"	38.89'
C10	S89°52'32"	S88°01'	S88°47'50"	38.89'
C11	S89°52'32"	S88°01'	S88°47'50"	38.89'
C12	S89°52'32"	S88°01'	S88°47'50"	38.89'
C13	S89°52'32"	S88°01'	S88°47'50"	38.89'
C14	S89°52'32"	S88°01'	S88°47'50"	38.89'

LINE TABLE

NUMBER	BEARING	DISTANCE
L1	S89°18'36"E	51.20'
L2	S89°18'36"E	138.50'
L3	S89°18'36"E	48.40'
L4	S89°18'36"E	38.25'
L5	S89°18'36"E	243.20'
L6	S89°18'36"E	111.84'
L7	S89°18'36"E	37.20'
L8	S89°18'36"E	8.04'
L9	S89°18'36"E	138.60'
L10	S89°18'36"E	138.60'
L11	S89°18'36"E	27.20'
L12	S89°18'36"E	113.72'
L13	S89°18'36"E	247.43'
L14	S89°18'36"E	38.25'
L15	S89°18'36"E	51.89'
L16	S89°18'36"E	38.89'

NOTES:

1. BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83, NORTH CENTRAL ZONE 4202 AS DERIVED FROM THE TRIMBLE VLS NETWORK.
2. ALL LOT CORNERS SET ARE MONUMENTED WITH A 1/2" IRON ROD WITH A YELLOW CAP STAMPED "TP15 5674" UNLESS OTHERWISE NOTED.

FLOOD STATEMENT

THE SUBJECT TRACT LIES WITHIN ZONE X (UNSHADED), DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM) AS SHOWN ON COMMUNITY PANEL NO. 48158C0100P DATED JUNE 3, 2013 FOR ELLIS COUNTY, TEXAS AND INCORPORATED AREAS.

OWNER'S CERTIFICATE AND DEDICATION
 STATE OF TEXAS
 COUNTY OF ELLIS

WHEREAS, INDIAN DRIVE HOLDINGS, LLC IS THE OWNER OF A TRACT OF LAND LOCATED BY THE JOHN GOOCH SURVEY, ABSTRACT NO. 393, WAXAHACHIE, ELLIS COUNTY, TEXAS AND BEING ALL OF A TRACT OF LAND DESCRIBED IN DEED TO INDIAN DRIVE HOLDINGS, LLC, RECORDED IN INSTRUMENT NO. 1621148, OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3" CUT SET AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF BROWN STREET (FARM-TO-MARKET ROAD NO. 813), AN 80' RIGHT-OF-WAY, WITH THE SOUTHWESTERLY LINE OF INDIAN DRIVE, A 50' RIGHT-OF-WAY AT THIS POINT, SAME BEING THE EAST CORNER OF SAID INDIAN DRIVE HOLDINGS TRACT;

THENCE SOUTH 28°12'30" WEST, ALONG SAID NORTHWEST RIGHT-OF-WAY LINE, A DISTANCE OF 176.17 FEET TO A 1/2" IRON ROD FOUND AT THE EAST COMMON CORNER OF SAID INDIAN DRIVE HOLDINGS TRACT AND LOT 1, BLOCK 1 OF CHAPMAN CORNER, AN ADDITION TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET N, SLIDE 559, PLAT RECORDS, ELLIS COUNTY, TEXAS (P.R.E.C.T.);

THENCE NORTH 83°47'01" WEST, ALONG THE COMMON LINE OF SAID INDIAN DRIVE HOLDINGS TRACT AND SAID LOT 1, A DISTANCE OF 316.69 FEET TO A 5/8" IRON ROD FOUND FOR CORNER;

THENCE NORTH 62°18'13" WEST, CONTINUING ALONG THE COMMON LINE OF SAID INDIAN DRIVE HOLDINGS TRACT AND SAID LOT 1, A DISTANCE OF 173.08 FEET TO A 5/8" IRON ROD WITH A CAP STAMPED "NMA" FOUND IN THE SOUTHWEST CORNER OF LOT 1, BLOCK 1 OF NINTH GRADE CENTER, AN ADDITION TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET F, SLIDE 75, P.R.E.C.T., AT THE WEST COMMON CORNER OF SAID INDIAN DRIVE HOLDINGS TRACT AND SAID LOT 1;

THENCE NORTH 07°40'32" EAST, ALONG THE COMMON LINE OF SAID INDIAN DRIVE HOLDINGS TRACT AND SAID NINTH GRADE CENTER ADDITION, A DISTANCE OF 173.18 FEET TO A 1/2" IRON ROD FOUND IN SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF INDIAN DRIVE, AN 80' RIGHT-OF-WAY AT THIS POINT, AT THE NORTH COMMON CORNER OF SAID INDIAN DRIVE HOLDINGS TRACT AND SAID NINTH GRADE CENTER ADDITION;

THENCE SOUTH 82°18'48" EAST, ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 205.48 FEET TO A 1/2" IRON ROD WITH A CAP STAMPED "TP15 5674" SET FOR CORNER;

THENCE SOUTH 84°10'00" EAST, CONTINUING ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 242.89 FEET TO THE POINT OF BEGINNING AND CONTAINING 90,679 SQUARE FEET OR 2.082 ACRES OF LAND, MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT INDIAN DRIVE HOLDINGS, LLC ACTING HEREIN BY AND THROUGH ITS DULY AUTHORIZED OFFICERS, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS DENTAL PLACE ADDITION, AN ADDITION TO THE CITY OF WAXAHACHIE, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO 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 GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY OF WAXAHACHIE, IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR LEASE THE SAME, UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC'S AND CITY OF WAXAHACHIE'S USE THEREOF. THE CITY OF WAXAHACHIE AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF WAXAHACHIE AND PUBLIC UTILITY ENTITIES SHALL, AT ALL TIMES HAVE THE FULL RIGHT OF ACCESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY THE OBTAINING PERMISSION FROM ANYONE.

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

WITNESS MY HAND, THIS THE ____ DAY OF _____ 2018.

BY: _____

AUTHORIZED SIGNATURE OF OWNER

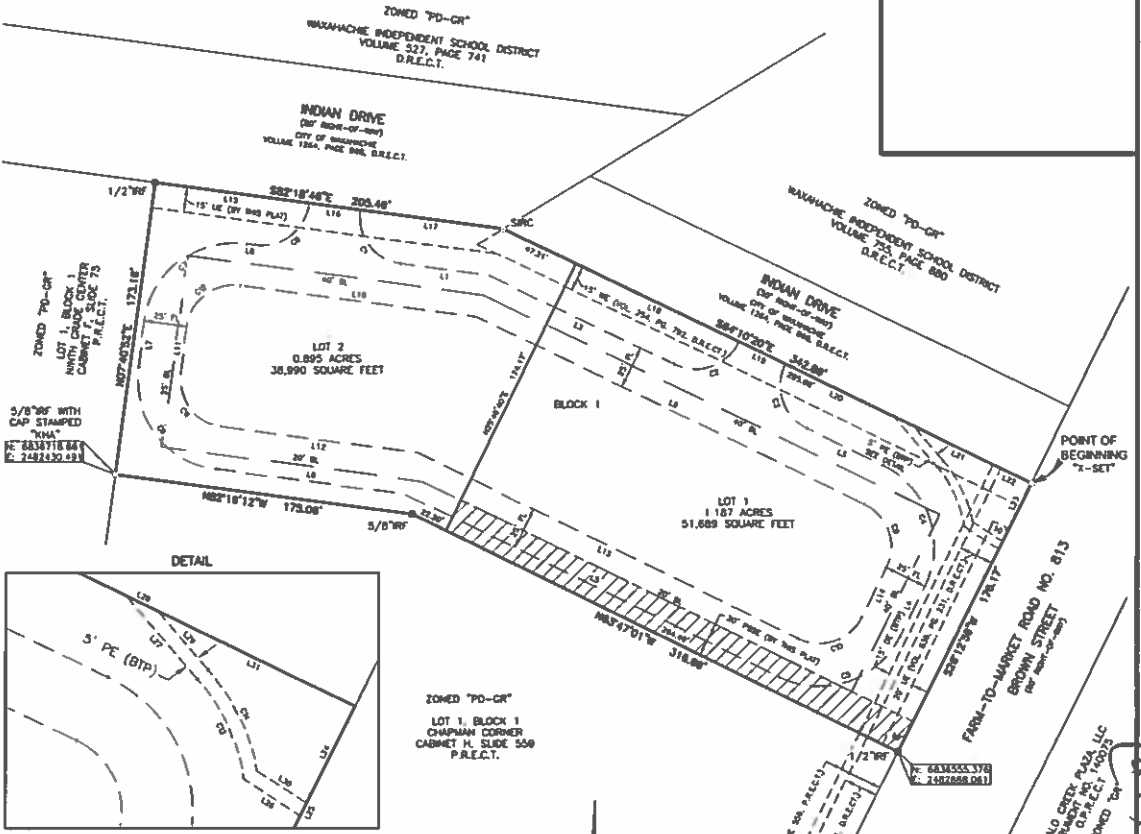
PRINTED NAME AND TITLE _____

STATE OF TEXAS
 COUNTY OF ELLIS

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY 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 PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF _____ 2018.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



KNOW ALL MEN BY THESE PRESENTS:

THAT I, SEAN SHROPSHIRE, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS SET WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF WAXAHACHIE.

PRELIMINARY
 THIS DOCUMENT IS NOT TO BE
 RECORDED FOR ANY PURPOSES

SEAN SHROPSHIRE
 REGISTERED PROFESSIONAL LAND SURVEYOR
 NO. 5674

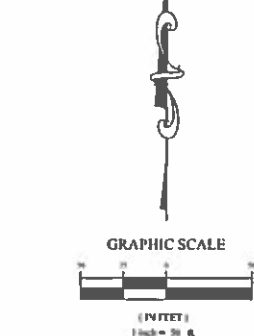
APPROVED BY: PLANNING AND ZONING COMMISSION CITY OF WAXAHACHIE

CHAIR PERSON _____ DATE _____

APPROVED BY: CITY COUNCIL CITY OF WAXAHACHIE _____ DATE _____

MAYOR _____ DATE _____

ATTEST _____ DATE _____



APPLICANT
 ACKER CONSTRUCTION
 130 CHIEFTAIN, STE. 103,
 WAXAHACHIE, TX 75165 (469) 383-5939

FINAL PLAT
DENTAL PLACE ADDITION
 2 COMMERCIAL LOTS
 2.082 ACRES - ZONED "CR" GENERAL RETAIL
 AN ADDITION TO THE CITY OF WAXAHACHIE
 JOHN GOOCH SURVEY - ABSTRACT NO. 393
 ELLIS COUNTY, TEXAS

APRIL, 2018 SCALE: 1"=50'

OWNERS
 INDIAN DRIVE HOLDINGS, LLC
 200 N. ELM STREET
 WAXAHACHIE, TX 75165 (214) 808-7721

ENGINEER
 GATEWAY ENGINEERING, INC.
 6012 REEF POINT LANE, STE. J,
 FORT WORTH, TX 76135 (817) 439-9444

P.O. Box 573 | Waxahachie, Texas 75168
 214.923.8200 | TRPLS Firm No. 10194387
 info@axis-survey.com

AXIS SURVEYING, LLC

DENTAL PLACE ADDITION

S89°10'20"E 342.80'
293.88'

40' BUILDING SETBACK

• BLOCK 1
ACRES
SQUARE FEET
R¹ GENERAL RETAIL

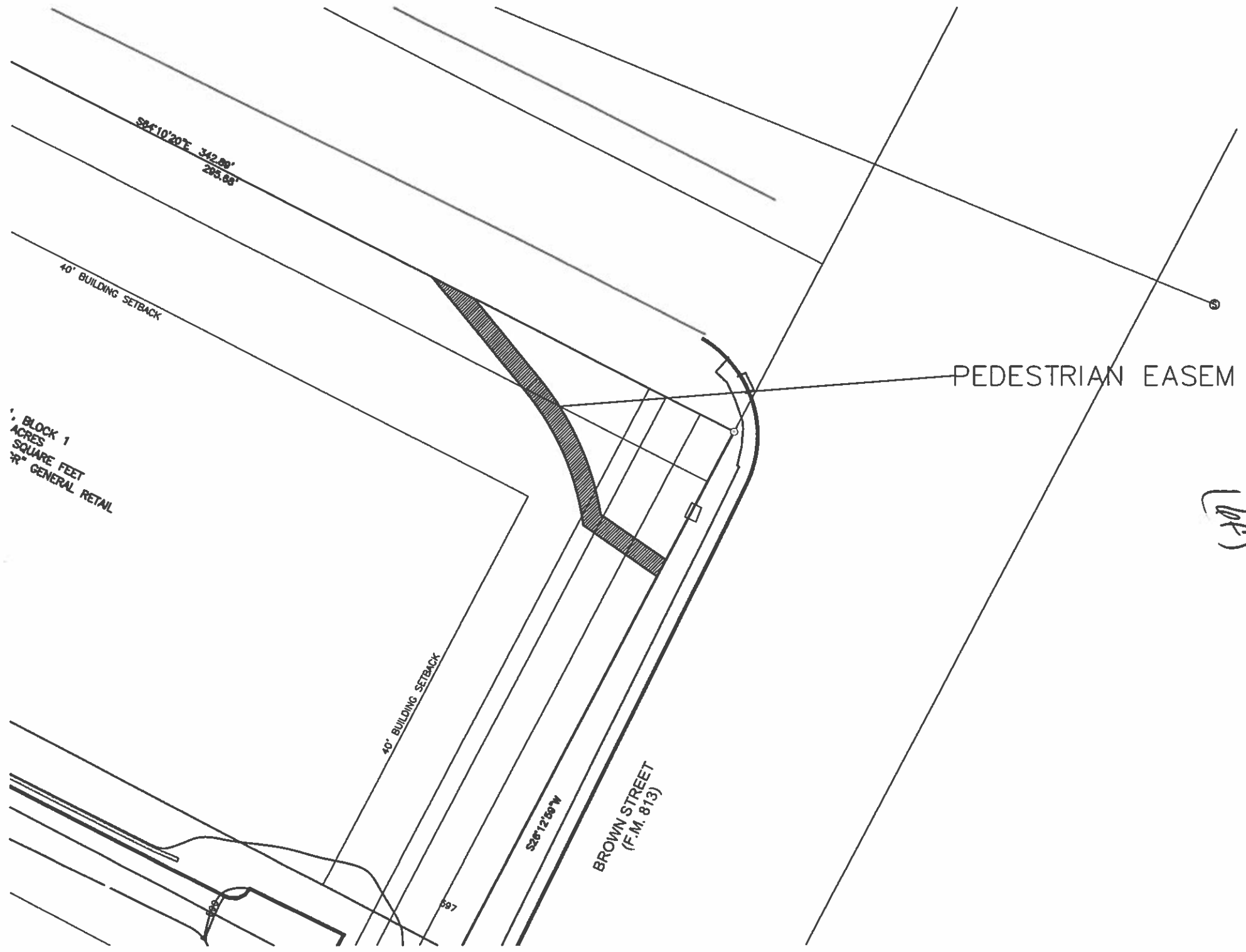
40' BUILDING SETBACK

S28°12'59"W

BROWN STREET
(F.M. 813)

PEDESTRIAN EASEM

(b)(2)



(8)

PROCLAMATION

WHEREAS, Lori Cartwright has served the City of Waxahachie since 1999 and was appointed as City Secretary in 2007; and

WHEREAS, she has stepped up to the challenge to serve as the Texas Municipal Clerks Association Yellow Rose Chapter President for the second time since its inception in 2012; and

WHEREAS, in her role as President, she continually promotes training and encourages fellow chapter members to apply for scholarships to assist in their certification or recertification journey. Lori has challenged members to begin and continue their TMCA certification and to volunteer to serve the Yellow Rose Chapter as well as the TMCA organization; and

WHEREAS, Lori has demonstrated great leadership by working with various chapter committees to ensure the Yellow Rose Chapter members are prepared to host the TMCA booth at the 2018 TML Conference; and

WHEREAS, after some trying times in her life, she has emerged even stronger and we are confident she is ready to take on more leadership roles in the TMCA organization; and

WHEREAS, Lori was selected as the 2018 Yellow Rose Chapter Municipal Clerk of the Year on June 7, 2018; and

WHEREAS, Lori will represent the Yellow Rose Chapter as a nominee for the 2018 Texas Municipal Clerk of the Year at The Texas Municipal Clerks Association, Inc. Annual Business Meeting on October 25th in South Padre Island; and

NOW THEREFORE, I, Kevin Strength, Mayor of the City of Waxahachie, along with the entire City Council, do hereby proclaim Monday, June 18, 2018 as

“LORI CARTWRIGHT DAY”

and encourage all citizens to congratulate Lori for her outstanding leadership and representation of our city.

Proclaimed this 18th day of June, 2018.

Mayor

ATTEST:

Assistant City Secretary

(19)

**Planning & Zoning Department
Plat Staff Report**

Case: PP-18-0075



MEETING DATE(S)

Planning & Zoning Commission: June 12, 2018

City Council: June 18, 2018

CAPTION

Consider request by Donnie Tucker, Tucker Surveyors, for a **Preliminary Plat** of Baker 1 for 1 lot, being 4.00 acres in the T.D. Mason Survey, Abstract 1227 (Property ID 271351) – Owner: BAKER DONNA G (PP-18-0075)

CASE INFORMATION

Applicant: Donnie Tucker, Tucker Surveyors

Property Owner(s): Donna G Baker

Site Acreage: 4.00 acres

Number of Lots: 1 lot

Number of Dwelling Units: 1 units

Adequate Public Facilities: Buena Vista-Bethel has indicated that their existing system can furnish the requested service in conformity with the Texas Commission on Environmental Quality standards for water distribution and the ISO fire flow requirements. The site will have septic installed.

SUBJECT PROPERTY

General Location: Angus Road at Hoyt Road

Parcel ID Number(s): 271351

Current Zoning: Future Development

Existing Use: Currently undeveloped

Platting History: T.D. Mason Survey, Abstract 1227

(9)

Site Aerial:



STAFF CONCERNS

1. Remove all references to County signatures on the Preliminary Plat.

APPLICANT RESPONSE TO CONCERNS

1. Applicant has made revisions. The above comment remains outstanding.

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. Remove all references to County signatures on the Preliminary Plat.

ATTACHED EXHIBITS

1. Plat drawing

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
 Kelly Dent, MPA
 Planner
kdent@waxahachie.com

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

(9)

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held June 12, 2018, the Commission voted 6-0 to recommend approval of plat no. PP -18-0075, subject to staff comments.

(10)

**Planning & Zoning Department
Plat Staff Report**

Case: FP-18-0076



MEETING DATE(S)

Planning & Zoning Commission: June 12, 2018
City Council: June 18, 2018

CAPTION

Consider request by Donnie Tucker, Tucker Surveyors, for a Final Plat of Baker 1 for 1 lot, being 4.00 acres in the T.D. Mason Survey, Abstract 1227 (Property ID 271351) – Owner: BAKER DONNA G (FP-18-0076)

CASE INFORMATION

Applicant: Donnie Tucker, Tucker Surveyors
Property Owner(s): Donna G Baker
Site Acreage: 4.00 acres
Number of Lots: 1 lot
Number of Dwelling Units: 1 unit
Adequate Public Facilities: Buena Vista-Bethel has indicated that their existing system can furnish the requested service in conformity with the Texas Commission on Environmental Quality standards for water distribution and the ISO fire flow requirements. The site will have septic installed.

SUBJECT PROPERTY

General Location: Angus Road at Hoyt Road
Parcel ID Number(s): 271351
Current Zoning: Future Development
Existing Use: Currently undeveloped
Platting History: T.D. Mason Survey, Abstract 1227

(10)

Site Aerial:



STAFF CONCERNS

1. This should be titled as a Final Plat for the City and a Simplified Plat for the County.

APPLICANT RESPONSE TO CONCERNS

1. Applicant has submitted revisions. The above comment remains outstanding.

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. This should be titled as a Final Plat for the City and a Simplified Plat for the County.

ATTACHED EXHIBITS

1. Plat drawing

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
 Kelly Dent, MPA
 Planner
kdent@waxahachie.com

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

(110)

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held June 12, 2018, the Commission voted 6-0 to recommend approval of plat no. FP-18-0076, subject to staff comments.

(11)

Planning & Zoning Department Plat Staff Report

Case: RP-18-0086



MEETING DATE(S)

Planning & Zoning Commission: June 12, 2018

City Council: June 18, 2018

CAPTION

Consider request by Vayne Thomas, P.O.M. Contracting LLC, for a Replat of Lot 5 and 6, Block 13, Harriet I. Nowlin Addition, to create Lot 5R, Block 13 0.619 acres (Property ID 175065) – Owner: SUTTON WAYNE (RP-18-0086)

CASE INFORMATION

Applicant: Vayne Thomas, P.O.M. Contracting LLC

Property Owner(s): Wayne Sutton

Site Acreage: 0.619 acres

Number of Lots: 1 lot

Number of Dwelling Units: 1 unit

Adequate Public Facilities: The site is on City water and wastewater.

SUBJECT PROPERTY

General Location: 909 Dr. Martin Luther King Jr. Drive

Parcel ID Number(s): 175065

Current Zoning: Single Family-3

Existing Use: Single family residence

Platting History: The Harriet I Nowlin Addition was approved by City Council on July 6, 1987.

(11)

Site Aerial:



STAFF CONCERNS

PLANNING, CASE MANAGER – Kelly L. Dent (469) 309-4294; kdent@waxahachie.com

1. Please include the deed information in the text.
2. Please remove the building lines from the plat.
3. Include the zoning for this property and all contiguous properties.

CITY ENGINEER – James Gaertner (469) 309-4293; jgaertner@waxahachie.com

1. Indicate the ROW width
2. Need 15-foot easement along street frontage.

APPLICANT RESPONSE TO CONCERNS

1. Awaiting applicant response.

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. Please include the deed information in the text.
 2. Please remove the building lines from the plat.
 3. Include the zoning for this property and all contiguous properties.
 4. Indicate the ROW width.
 5. Need 15-foot easement along street frontage.

ATTACHED EXHIBITS

1. Plat drawing

(11)

APPLICANT REQUIREMENTS

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

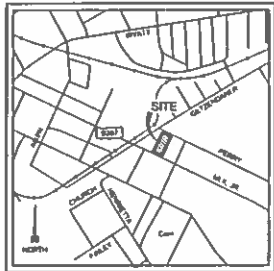
STAFF CONTACT INFORMATION

Prepared by:
Kelly Dent, MPA
Planner
kdent@waxahachie.com

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

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held June 12, 2018, the Commission voted 6-0 to recommend approval of plat no. RP -18-0086, subject to staff comments.



LEGEND

- O.P.R.E.C.T. OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS
- D.R.E.C.T. DEED RECORDS, ELLIS COUNTY, TEXAS
- P.R.E.C.T. PLAT RECORDS, ELLIS COUNTY, TEXAS
- <CM> CONTROL MONUMENT
- IRF IRON ROD FOUND

OWNER'S CERTIFICATE AND DEDICATION

STATE OF TEXAS §
COUNTY OF ELLIS §

WHEREAS, WAYNE SUTTON IS THE OWNER OF A TRACT OF LAND SITUATED IN THE S.M. DURRETT SURVEY, ABSTRACT NO. 272, WAXAHACHE, ELLIS COUNTY, TEXAS AND BEING ALL OF LOTS 5 AND 6, BLOCK 13 OF LOTS 1, 5 AND 6, BLOCK 13, HARRIET L. NOWLIN ADDITION, AN ADDITION TO THE CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET B, SLIDE 530 OF THE PLAT RECORDS OF ELLIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1" SQUARE IRON BAR FOUND IN THE NORTHEASTERLY RIGHT-OF-WAY LINE OF MARTIN LUTHER KING, JR. BOULEVARD, ALSO KNOWN AS U.S. BUSINESS HIGHWAY 287, AT THE WEST CORNER OF SAID LOT 5;

THENCE NORTH 25 DEGREES 52 MINUTES 00 SECONDS EAST, LEAVING SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 203.24 FEET TO A 1" IRON ROD FOUND IN THE SOUTHWESTERLY LINE OF A 30' ALLEY RIGHT-OF-WAY AT THE NORTH CORNER OF SAID LOT 5;

THENCE SOUTH 82 DEGREES 30 MINUTES 00 SECONDS EAST, ALONG SAID ALLEY RIGHT-OF-WAY, A DISTANCE OF 132.87 FEET TO A 5/8" IRON ROD FOUND AT THE EAST CORNER OF SAID LOT 6;

THENCE SOUTH 25 DEGREES 50 MINUTES 00 SECONDS WEST, LEAVING SAID ALLEY RIGHT-OF-WAY, A DISTANCE OF 203.24 FEET TO A 5/8" IRON ROD FOUND IN SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID MARTIN LUTHER KING, JR. BOULEVARD AT THE SOUTH CORNER OF SAID LOT 8.

THENCE NORTH 82 DEGREES 30 MINUTES 00 SECONDS WEST, ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 132.79 FEET TO THE POINT OF BEGINNING AND CONTAINING 28,965 SQUARE FEET OR 0.619 ACRES OF LAND, MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT WAYNE SUTTON DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS LOT 5R, BLOCK 13 HARRIET L. NOWLIN ADDITION, AN ADDITION TO THE CITY OF WAXAHACHE, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO 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 GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY OF WAXAHACHE. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC'S AND CITY OF 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 GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF WAXAHACHE AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF ACCESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME OBTAINING 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 THE ____ DAY OF _____, 2018.

BY:

AUTHORIZED SIGNATURE OF OWNER

PRINTED NAME

STATE OF TEXAS §
COUNTY OF ELLIS §

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY 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 PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE ____ DAY OF _____, 2018.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

REPLAT
LOT 5R, BLOCK 13
HARRIET I. NOWLIN ADDITION

1 RESIDENTIAL LOT
0.619 ACRES - ZONED SF3

AN ADDITION TO THE CITY OF WAXAHACHE
S. M. DURRETT SURVEY -- ABSTRACT NO. 272
ELLIS COUNTY, TEXAS
APRIL, 2018 SCALE: 1"=50'

OWNER

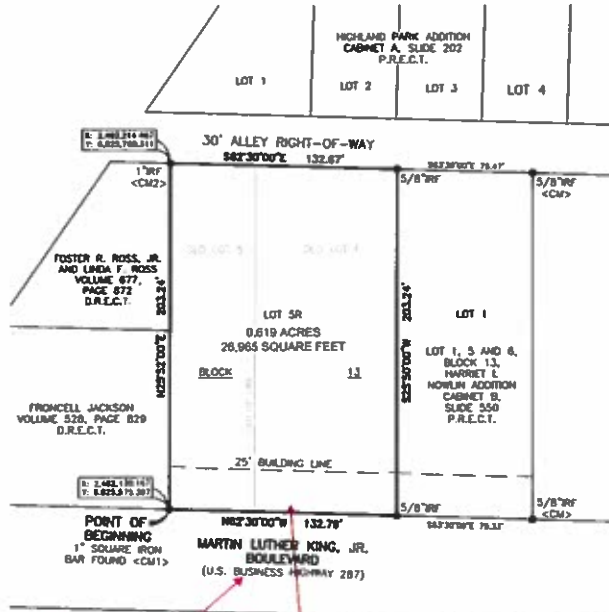
WAYNE SUTTON
909 MARTIN LUTHER KING, JR BOULEVARD
WAXAHACHE, TX 75165 (214) 399-0895

SURVEYOR



P.O. Box 575 | Waxahatche, Texas 75168
214.903.8200 | T&P L.S. Firm No. 10194387
info@axis-survey.com

CAB. _____ SLIDE _____



ROW width?

Need 15-foot easement along the street frontage

KNOW ALL MEN BY THESE PRESENTS:

THAT I, SEAN SHROPSHIRE, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS SET WERE PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF WAXAHACHE.

SEAN SHROPSHIRE
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 5674

APPROVED BY: CITY COUNCIL CITY OF WAXAHACHE

MAYOR

ATTEST

DATE

DATE

DATE

NOTES:

1. BASIS OF BEARINGS IS DERIVED FROM THE PLAT OF LOTS 1, 5 AND 6, BLOCK 13, HARRIET L. NOWLIN ADDITION, RECORDED IN CABINET B, SLIDE 530, PLAT RECORDS, ELLIS COUNTY, TEXAS. LINE FOR DIRECTIONAL CONTROL ESTABLISHED BETWEEN <CM1> AND <CM2>.

FLOOD STATEMENT:

THE SUBJECT TRACT LIES WITHIN ZONE X (UNSHADED), DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA). FLOOD INSURANCE RATE MAP (FIRM) AS SHOWN ON COMMUNITY PANEL NO. 48139C0190F, DATED JUNE 3, 2013 FOR ELLIS COUNTY, TEXAS AND INCORPORATED AREAS.

CASE NO. _____

(11)

Planning and Zoning: June 12, 2018
City Council: June 18, 2018

CASE RP-18-0086

***SUPPORT* 1**

***OPPOSE* 0**

Request by Vayne Thomas, P.O.M. Contracting LLC, for a Replat of Lot 5 and 6, Block 13, Harriet I. Nowlin Addition, to create Lot 5R, Block 13 0.619 acres (Property ID 175065) – Owner: WAYNE SUTTON (RP-18-0086)

SUPPORT

1. Bertrand Maxwell, 910 W. Dr. Martin Luther King Jr. Blvd, Waxahachie, TX 75165
-



(11)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: RP-18-0086

RECEIVED
6/18/18

SCANNED



The Waxahachie City Council will hold a Public Hearing on Monday, June 18, 2018 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Vayne Thomas, P.O.M. Contracting LLC, for a Replat of Lot 5 and 6, Block 13, Harriet I. Nowlin Addition, to create Lot 5R, Block 13 0.619 acres (Property ID 175065) – Owner: SUTTON WAYNE (RP-18-0086)

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: planningandzoning@waxahachie.com for additional information on this request.

Case Number: RP-18-0086 SUPPORT OPPOSE

Comments: It changes the front Ave look.
The area will be well kept will be good for road & side

For this form to be valid, the date and time you signed must be provided. To be counted, this form must be received by 5:00 P.M. on the business day before the Planning and Zoning Commission hearing date and/or City Council hearing date.

Bertando Maxwell
Signature

6/18/18 1:50
Date and time (both must be provided)

Bertando Maxwell
Printed Name and Title

9115 S. Main Blvd
Address

(13)

Planning & Zoning Department Zoning Staff Report



Case: SU-18-0085

MEETING DATE(S)

Planning & Zoning Commission: June 12, 2018
City Council: June 18, 2018

CAPTION

Public Hearing on a request by Terry Gyde, Born 2 B A Blessing Birth Services, for a Specific Use Permit (SUP) for **Medical Facilities** use within a Commercial zoning district, located at 612 S. Rogers Street, being 2 20 BULLARD 0.454 ACRES (Property ID 172376) - Owner: HODGE JACK & LAURA (SU-18-0085)

CASE INFORMATION

Applicant: Terry Gyde, Born 2 B A Blessing
Property Owner(s): Jack & Laura Hodge
Site Acreage: .454 acres
Current Zoning: Commercial
Requested Zoning: Commercial with SUP

SUBJECT PROPERTY

General Location: 612 S. Rogers
Parcel ID Number(s): 172376
Existing Use: Residential structure

Development History:

Case No.	Direction from Site	Request	Result
SUP2012-07	East	MF in C	Approved, Ord. No. 2651

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	C	Currently undeveloped
East	C	Single family residence
South	SF3	Single family residence
West	SF3	Single family residence

(13)

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.

Thoroughfare Plan:

The site is located along Dunaway, Turner, and Rogers streets, with access off Turner. Rogers Street is a Secondary Thoroughfare D (80' ROW), while Dunaway and Turner and local streets.



Site Image:

PLANNING ANALYSIS

The applicant seeks to establish a birthing center at the site, which falls under our Medical Facilities definition. A medical facility is permitted within the Commercial (C) zoning district, but it first requires a Specific Use Permit to operate. The applicant is requesting relief from the need to provide eight (8) paved parking spaces. The site currently has gravel parking and enough stacking for seven (7) vehicles.

SUP DEVELOPMENT STANDARDS

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

Base Zoning Requirement	Proposed Development Standard
Paved parking	Retain existing gravel parking, sprayed weekly with water to reduce dust, raked regularly, with brick borders to ensure the gravel does not spread.
Eight (8) parking spaces	Seven (7)

(13)

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 Daily Light and a sign was visibly posted at the property on 05/25/2018.

STAFF CONCERNS

- 1. None outstanding.

APPLICANT RESPONSE TO CONCERNS

- 1. Applicant submitted revised drawings, a petition to retain the present parking, and a breakdown of square footages within the building.

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. Building map
- 2. Square footages
- 3. Petition to retain parking

APPLICANT REQUIREMENTS

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

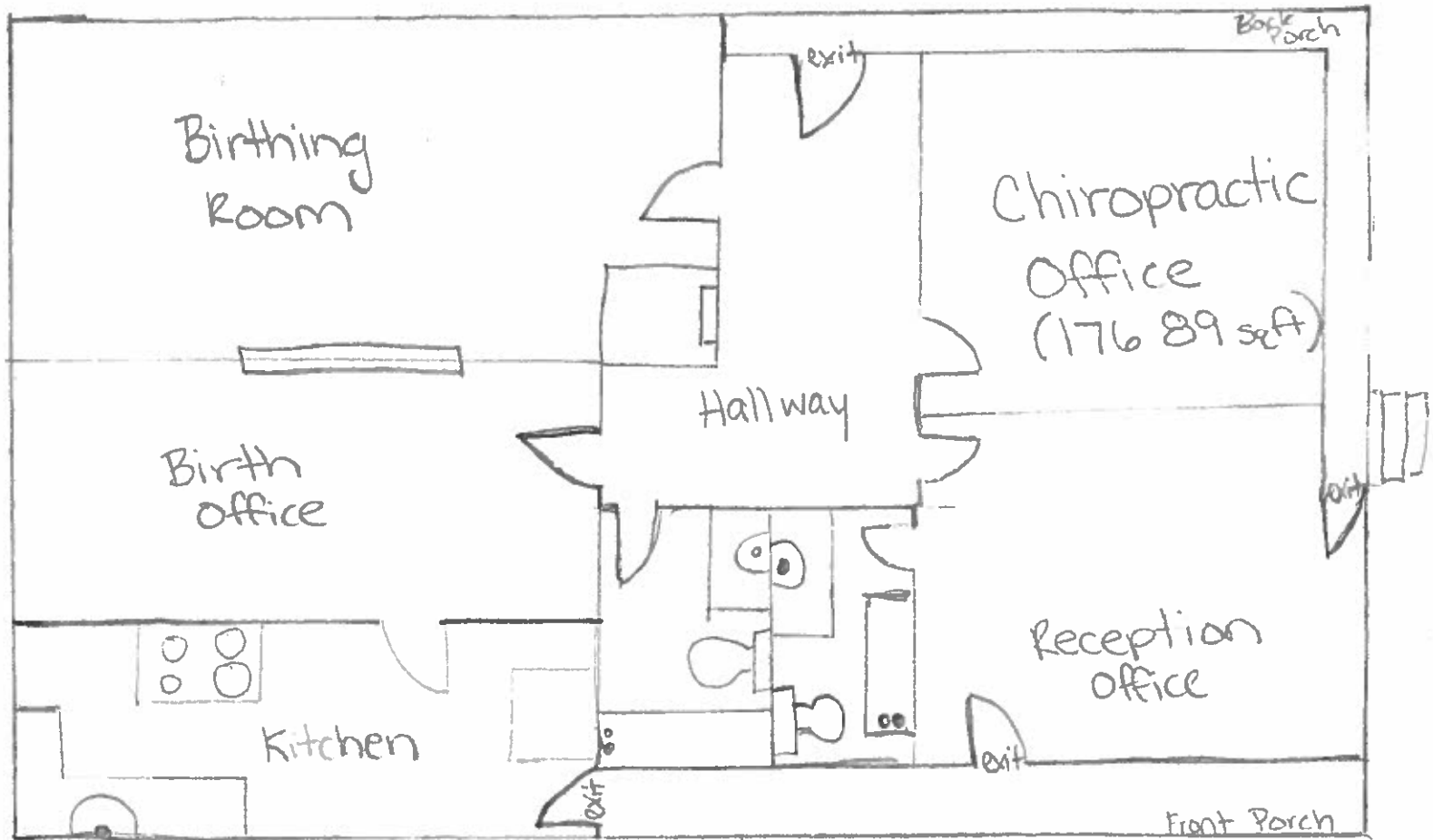
STAFF CONTACT INFORMATION

Prepared by:
Kelly Dent, MPA
Planner
kdent@waxahachie.com

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

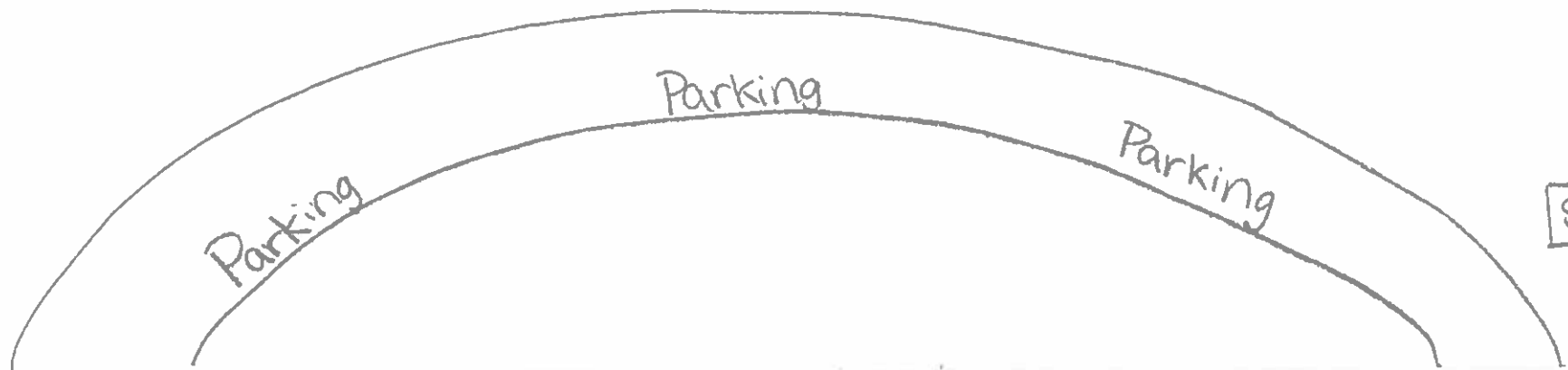
ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held June 12, 2018, the Commission voted 6-0 to recommend approval of zoning change SU -18-0085, subject to staff comments.



(19)

Sign



(13)

Office square footages:

Chiropractic Office: 176.89 sq. ft.

Shared areas:

- Reception area: 341 sq ft.
- Hallway: 154.36 sq. ft.
- Bathrooms: 103.25 sq. ft.
- Total Shared Area: 775.5 sq. ft.

Birth office only areas: 641.5 sq. ft.

- Birth Office
- Birthing Room
- Kitchen

(13)

To whom it may concern,

We are Born 2 B A Blessing Birth Services and we are writing for the permission to allow our business to keep the current gravel parking, and to reduce the amount of needed parking spaces to 7, instead of the standard 8.

We are currently renting out this beautiful, historic building, that we set up for our business, and the property owner absolutely does not want to pave the parking area. By the standard parking space of 9ft by 18 ft, we have exactly 7 spaces available for our business. The amount of building square footage for our building is 1417, necessitating 8 technical parking spaces, but we are asking for the reduction of that to permit 7 standard parking spaces. The way our business works is that we see most clients in 1-2-hour increments and most families come in just one car, very rarely will they come in two cars. There are two spaces that are always needed from the birth office staff, then one day a week, the chiropractor is here with her clients necessitating at least one parking space. By the time that the next clients are due to come in, our current clients are leaving which opens the parking more before the next clients are here. So, at the very most we need two spots for the birth office staff, two spots for the chiropractic office, and then that leaves 3 spots for the clients who are here and who are coming after.

We are now aware of the city's rule stating that our parking should be paved, however under the circumstances, we would like to be an exception to that rule. The pebble gravel is kept well by the landlord and his landscaping crew. To help reduce any dust, we will spray down the gravel every week with water and we will help rake and pack any outliers back into the main section of parking. There are also brick borders for the gravel so that it does not spread out into the grass areas.

Our clients are loving our new location and we are proud to now be a part of the City of Waxahachie. This historic home has proven to be a well-balanced and peaceful area to help bring beautiful babies into this world and to help support mothers in their pregnancy journey. Please consider our requests, and many blessings.

Thank you,

Terry Gyde CPM, LM

Owner of Born 2 B A Blessing Birth Services

(14)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A MEDICAL FACILITY USE WITHIN A COMMERCIAL (C) ZONING DISTRICT, LOCATED AT 612 S. ROGERS STREET, BEING PROPERTY ID 172376, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 2, BLOCK 20 IN THE BULLARD SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as 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 SU-18-0085. 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 2, Block 20 of the Bullard subdivision, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B, and Square Footages, attached as Exhibit C. It should be noted that this SUP only covers the Birth Office and Shared areas.

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

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

PASSED, APPROVED AND ADOPTED on this _____ day of _____, 2018.

MAYOR

ATTEST:

City Secretary



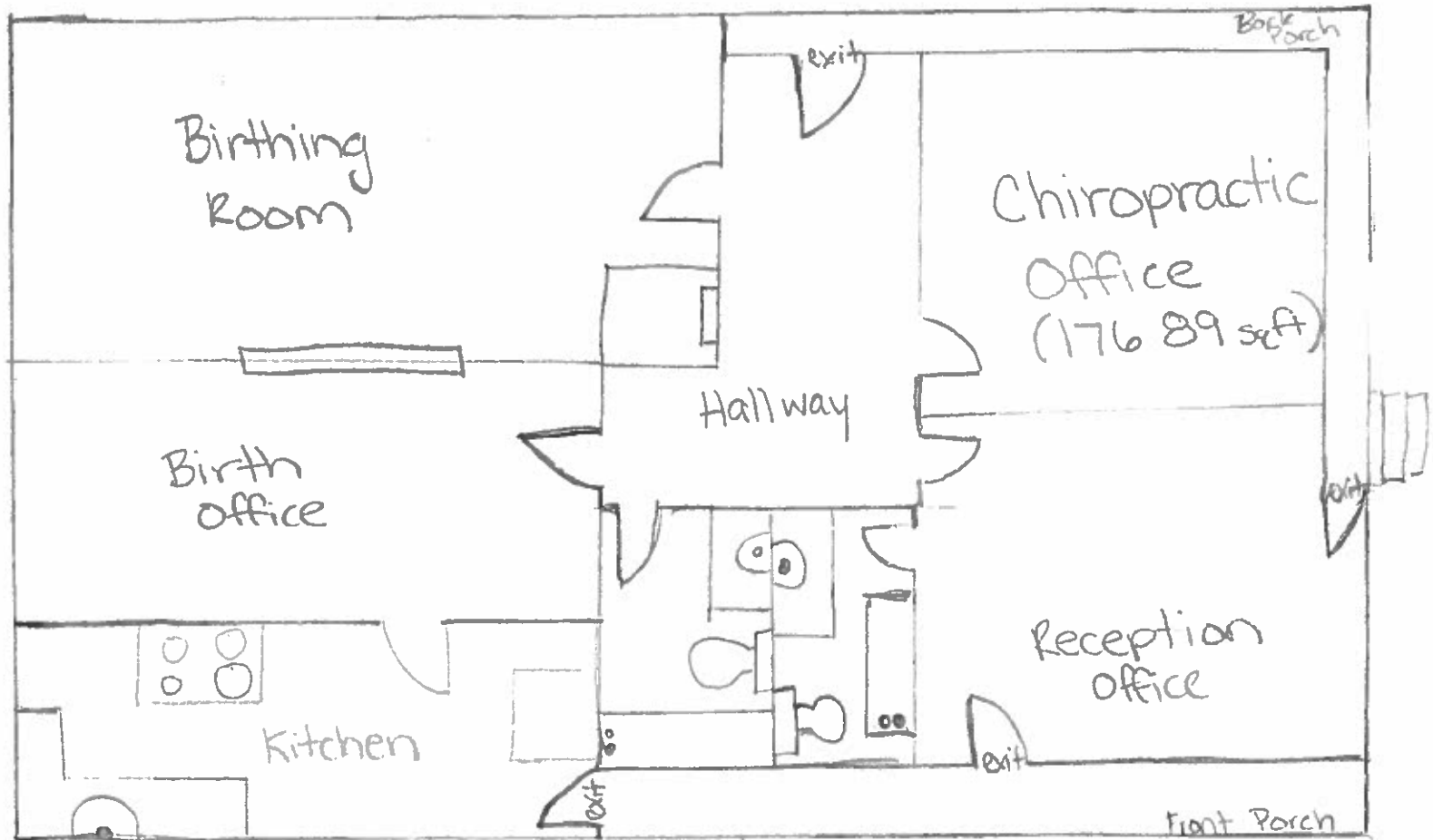
**SU-18-0085 Bullard-Medical Facility
Location Exhibit**

 SU-18-0085

EXHIBIT A

0 100 200 400 Feet





(17)

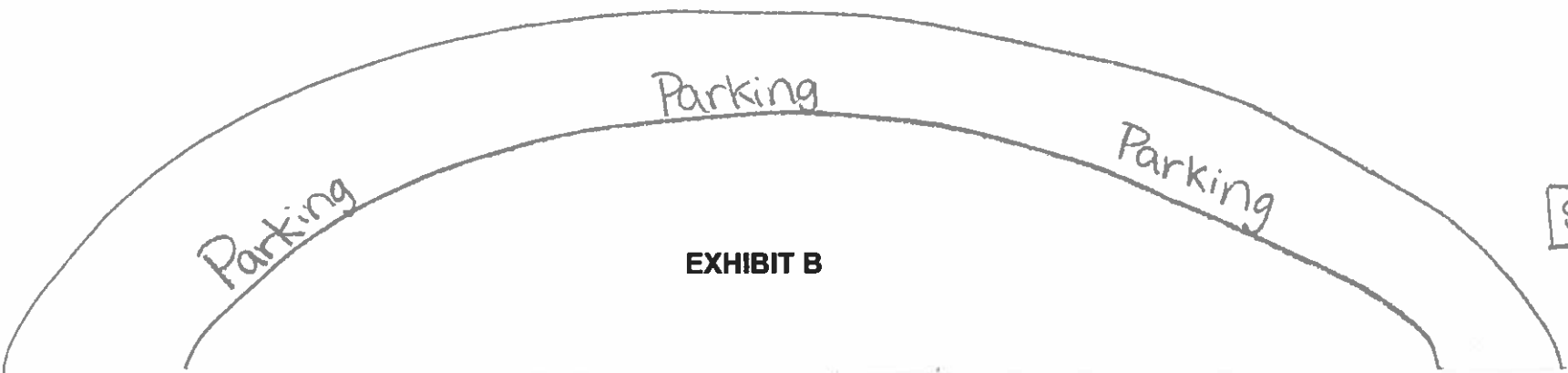


EXHIBIT B

Sign

(14)

EXHIBIT C

Office square footages:

Chiropractic Office: 176.89 sq. ft.

Shared areas:

- Reception area: 341 sq ft.
- Hallway: 154.36 sq. ft.
- Bathrooms: 103.25 sq. ft.
- Total Shared Area: 775.5 sq. ft.

Birth office only areas: 641.5 sq. ft.

- Birth Office
- Birthing Room
- Kitchen

(15)

**Planning & Zoning Department
Plat Staff Report**

Case: PP-18-0068



MEETING DATE(S)

Planning & Zoning Commission: June 12, 2018

City Council: June 18, 2018

CAPTION

Consider request by Joe Wilson, for a Preliminary Plat of Wilson Family Farm for 1 lot, being 12.273 acres in the T. Mason Survey, Abstract 127 (Property ID 266860) – Owner: WILSON JOSEPH D & MISTY L WILSON (PP-18-0068)

CASE INFORMATION

Applicant: Joe Wilson

Property Owner(s): Joseph Wilson & Misty L Wilson

Site Acreage: 12.273 acres

Number of Lots: 1 lot

Number of Dwelling Units: 1 unit

Park Land Dedication: The cash in lieu of park land dedication is set at \$400.00.

Adequate Public Facilities: Buena Vista-Bethel has indicated that their existing system can furnish the requested service in conformity with the Texas Commission on Environmental Quality standards for water distribution and the ISO fire flow requirements.

SUBJECT PROPERTY

General Location: 1089 Hoyt Road

Parcel ID Number(s): 266860

Current Zoning: Portion Future Development/Portion ETJ

Existing Use: Currently undeveloped

Platting History: T. Mason Survey, Abstract 127

115)

Site Aerial:



STAFF CONCERNS

CITY ENGINEER – James Gaertner (469) 309-4293; jgaertner@waxahachie.com

1. Label the 30' foot ROW dedication.
2. This utility easement within the City limits is not necessary since it is not along the street.

ELLIS COUNTY DEPARTMENT OF DEVELOPMENT - Lisa Yates (972) 825-5200; lisa.yates@co.ellis.tx.us

1. Title block: Final/City, Simplified/County.
2. This plat approved subject to all platting...City of Waxahachie, Texas, and Ellis County, Texas.

APPLICANT RESPONSE TO CONCERNS

1. Revisions to plat to be completed.

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. Right of way dedication to be indicated.
 2. Utility easement to be removed where not against the street.

ATTACHED EXHIBITS

Identify the exhibits that will be included as agenda backup material.

1. Plat Drawing

APPLICANT REQUIREMENTS

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

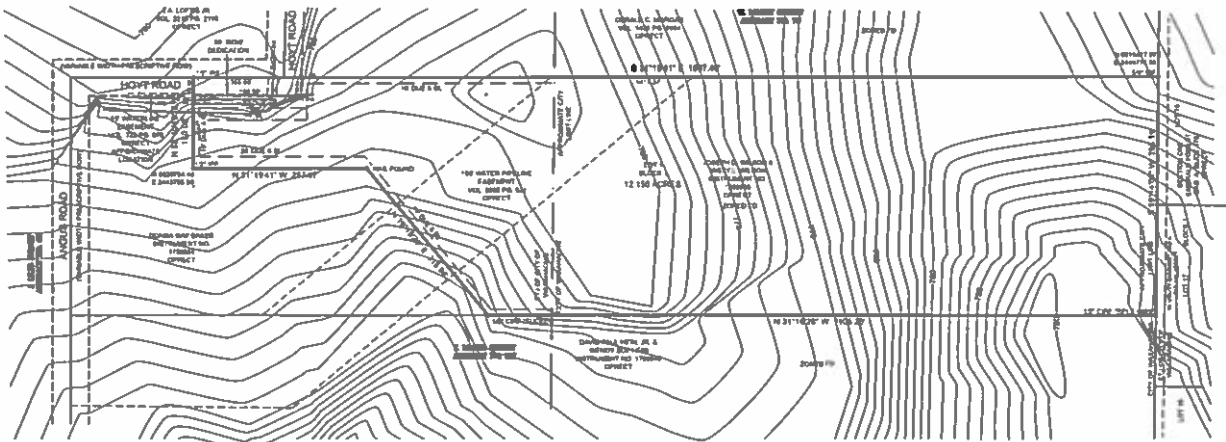
STAFF CONTACT INFORMATION

Prepared by:
Kelly Dent, MPA
Planner
kdent@waxahachie.com

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

ACTION SINCE INITIAL STAFF REPORT

On June 11, 2018, applicant submitted revised drawings that cleared all outstanding comments. As a result, the Planning Department's recommendation has changed to Approval, as presented. At the Planning & Zoning Commission meeting, held June 12, 2018, the Commission voted 6-0 to recommend approval of plat no. PP -18-0068, as presented.



STATE OF TEXAS
COUNTY OF ELLIS

BEFORE ME, the undersigned authority, on this _____ day of _____, 2018, 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.

My commission expires _____.

BY: _____
 T. MASON SURVEY, INC.
 SURVEYOR

BY: _____
 JOSEPH B. WILSON
 OWNER

CITY APPROVAL OF PRELIMINARY PLAT

APPROVED FOR PREPARATION OF THE FINAL PLAT

APPROVED BY THE PLANNING AND ZONING COMMISSION

APPROVED BY CITY COUNCIL, CITY OF WAXAHACHE

WE HEREBY ACKNOWLEDGE THIS DOCUMENT AS THE OFFICIAL APPROVED PRELIMINARY PLAT

JOSEPH B. WILSON

GAYLE L. WILSON

FINDINGS

CONFORMS WITH THE CITY OF WAXAHACHE PLANNING AND ZONING DEPARTMENT'S FINDINGS FOR THE PROPOSED PLAT.

CONFORMS WITH THE CITY OF WAXAHACHE PLANNING AND ZONING DEPARTMENT'S FINDINGS FOR THE PROPOSED PLAT.

CONFORMS WITH THE CITY OF WAXAHACHE PLANNING AND ZONING DEPARTMENT'S FINDINGS FOR THE PROPOSED PLAT.

OWNER:
 JOSEPH B. WILSON
 2625 SANDSTONE LANE
 MIDWORTH, TEXAS 76865
 817 395 5485

SURVEYOR:
 T. MASON SURVEY, INC.
 P.O. BOX 292
 WAXAHACHE, TEXAS 75165
 409 918 8200
 TPLS FIRM NO 19194398
 JOB NO 1138

PRELIMINARY PLAT
WILSON FAMILY FARM
 12.273 ACRES
 AS SHOWN ON THE
 T. MASON SURVEY
 ABSTRACT NO 127
 CITY OF WAXAHACHE, TEXAS
 ELLIS COUNTY, TEXAS
 APRIL 2018 PAGE 1 OF 1

(15)

(1/6)

**Planning & Zoning Department
Plat Staff Report**

Case: FP-18-0091



MEETING DATE(S)

Planning & Zoning Commission: June 12, 2018

City Council: June 18, 2018

CAPTION

Consider request by Joe Wilson, for a Final Plat of Wilson Family Farm for 1 lot, being 12.273 acres in the T. Mason Survey, Abstract 127 (Property ID 266860) – Owner: WILSON JOSEPH D & MISTY L WILSON (FP-18-0091)

CASE INFORMATION

Applicant: Joe Wilson

Property Owner(s): Joseph Wilson & Misty L Wilson

Site Acreage: 12.273 acres

Number of Lots: 1 lot

Number of Dwelling Units: 1 units

Park Land Dedication: The cash in lieu of park land dedication is \$400.00.

Adequate Public Facilities: Buena Vista-Bethel has indicated that their existing system can furnish the requested service in conformity with the Texas Commission on Environmental Quality standards for water distribution and the ISO fire flow requirements.

SUBJECT PROPERTY

General Location: 1089 Hoyt Road

Parcel ID Number(s): 266860

Current Zoning: Portion Future Development/Portion ETJ

Existing Use: Currently undeveloped

Platting History: T. Mason Survey, Abstract 127

(HLP)

Site Aerial:



STAFF CONCERNS

CITY ENGINEER – James Gaertner (469) 309-4293; jgaertner@waxahachie.com

- 1. Label the 30’ foot ROW dedication.
- 2. This utility easement within the City limits is not necessary since it is not along the street.

ELLIS COUNTY DEPARTMENT OF DEVELOPMENT - Lisa Yates (972) 825-5200; lisa.yates@co.ellis.tx.us

- 1. Title block: Final/City, Simplified/County.
- 2. This plat approved subject to all platting...City of Waxahachie, Texas, and Ellis County, Texas.

APPLICANT RESPONSE TO CONCERNS

- 1. Revisions to plat to be completed.

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. Refer to the outstanding concerns listed above.

ATTACHED EXHIBITS

- 1. Plat drawing

APPLICANT REQUIREMENTS

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

(16)

STAFF CONTACT INFORMATION

Prepared by:

Kelly Dent, MPA

Planner

kdent@waxahachie.com

Reviewed by:

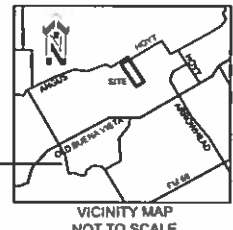
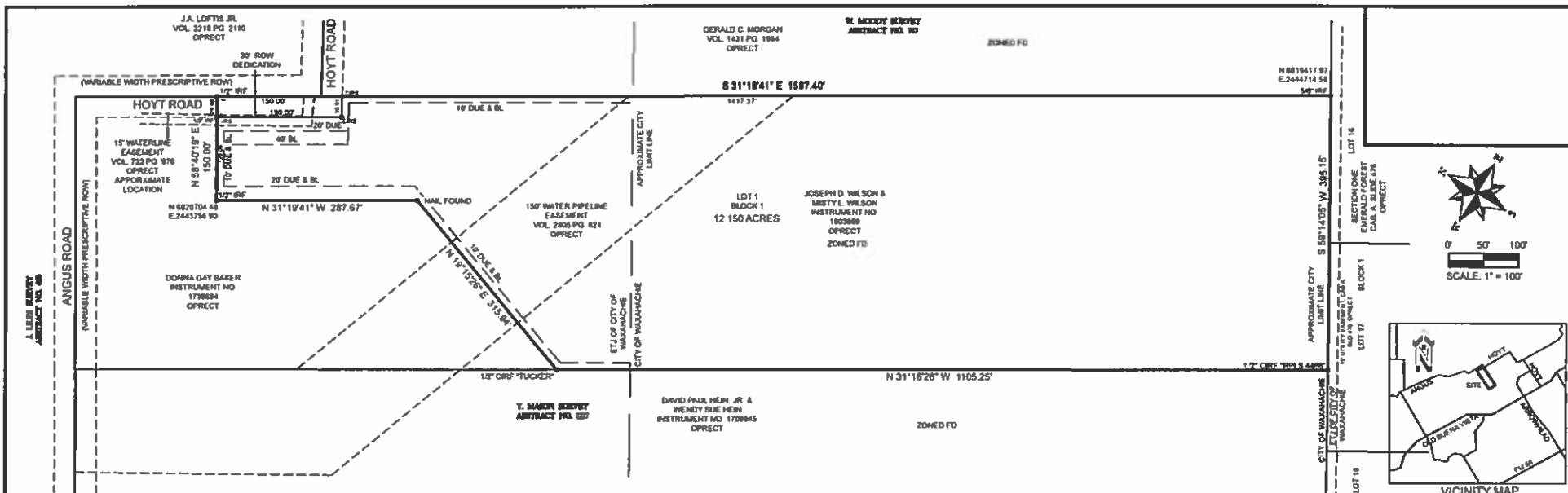
Shon Brooks, AICP

Director of Planning

sbrooks@waxahachie.com

ACTION SINCE INITIAL STAFF REPORT

On June 11, 2018, the applicant submitted revised drawings that cleared all outstanding comments. As a result, the Planning Department's recommendation has changed to Approval, as presented. At the Planning & Zoning Commission meeting, held June 12, 2018, the Commission voted 6-0 to recommend approval of plat no. FP-18-0091, subject to staff comments.



STATE OF TEXAS
COUNTY OF ELLIS

KNOW ALL MEN BY THESE PRESENTS,

WHEREAS, JOSEPH D. WILSON AND MISTY L. WILSON ARE THE SOLE OWNERS OF THAT TRACT OF LAND SITUATED IN THE T. MASON SURVEY ABSTRACT NO. 127 IN THE CITY OF WAXAHACHIE AND THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO JOSEPH D. WILSON AND MISTY L. WILSON, RECORDED IN INSTRUMENT NO. 180388, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT), AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINS AT A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID WILSON TRACT AND THE COMMON SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO DONNA GAY BAKER, RECORDED IN INSTRUMENT NO. 173884, OPRECT AND BEING IN THE COMMON WEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO J.A. LOFTIS, JR. RECORDED IN VOLUME 2218, PAGE 2118, OPRECT, AND BEING IN THE APPROXIMATE CENTERLINE OF HOYT ROAD (A VARIABLE WIDTH PRESCRIPTIVE ROW);

THENCE S 31°18'41" E, PASSING AT A DISTANCE OF 150.00 FEET THE SOUTHEAST CORNER OF SAID LOFTIS TRACT AND THE COMMON NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO GERALD C. MORGAN, RECORDED IN VOLUME 1431, PAGE 1984, OPRECT, AND A BEING IN SAID HOYT ROAD, A TOTAL DISTANCE OF 1597.40 FEET TO A 5/8" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID WILSON TRACT AND THE COMMON SOUTHWEST CORNER OF SAID MORGAN TRACT IN THE NORTH LINE OF SECTION ONE, EMERALD FOREST, AN ADDITION TO ELLIS COUNTY TEXAS, RECORDED IN CABINET A, SLIDE 478, OPRECT;

THENCE S 59°47'03" W, ALONG THE SOUTH LINE OF SAID WILSON TRACT AND THE COMMON NORTH LINE OF SAID EMERALD FOREST ADDITION, A DISTANCE OF 305.15 FEET TO A 1/2" IRON ROD WITH CAP STAMPED 7078 4887 FOUND FOR THE SOUTHWEST CORNER OF SAID WILSON TRACT AND THE COMMON SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO DAVID PAUL HEIN, JR. AND WENDY SUE HEIN, RECORDED IN INSTRUMENT NUMBER 170845, OPRECT;

THENCE N 31°18'28" E, ALONG THE WEST LINE OF SAID WILSON TRACT AND THE COMMON EAST LINE OF SAID HEIN TRACT, A DISTANCE OF 1105.25 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "TUCKER" FOUND FOR THE NORTHEAST CORNER OF SAID WILSON TRACT AND THE COMMON SOUTHEAST CORNER OF SAID BAKER TRACT;

THENCE, ALONG THE NORTH LINE OF SAID WILSON TRACT AND THE COMMON SOUTH LINE OF SAID BAKER TRACT, THE FOLLOWING:

N 19°15'28" E, A DISTANCE OF 315.94 FEET TO A NAIL FOUND FOR AN ANGLE POINT,
N 31°18'41" W, A DISTANCE OF 287.67 FEET TO A 1/2" IRON ROD FOUND FOR AN ANGLE POINT,
N 58°40'18" E, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 12.273 ACRES OF LAND, MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT JOSEPH D. WILSON AND MISTY L. WILSON, DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS WILSON FAMILY FARM, AN ADDITION TO THE CITY OF WAXAHACHIE AND ELLIS COUNTY TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO ELLIS COUNTY AND THE CITY OF WAXAHACHIE, 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 CROPPINGS 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 ELLIS COUNTY AND THE CITY OF WAXAHACHIE. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNDER THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES, SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC AND CITY OF WAXAHACHIE'S USE THEREOF. ELLIS COUNTY AND THE CITY OF WAXAHACHIE AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR CROPPINGS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. ELLIS COUNTY AND THE CITY OF WAXAHACHIE 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 DOING 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 WAXAHACHIE, TEXAS.

WITNESS MY HAND, THIS THE _____ DAY OF _____, 2018.

JOSEPH D. WILSON

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 JOSEPH D. WILSON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSE HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL THIS, THE _____ DAY OF _____, 2018.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

WITNESS MY HAND THIS THE _____ DAY OF _____, 2018

MISTY L. WILSON

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 MISTY L. WILSON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSE HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL THIS, THE _____ DAY OF _____, 2018.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

LEGEND

CRS= 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TARCS" SET FWD+ FOUND
IR= IRON ROD FOUND
OPRECT = OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS
D & U = DRAINAGE AND UTILITY EASEMENT
BL = BUILDING LINE

T. MASON SURVEY ABSTRACT NO. 127

JOSEPH D. WILSON & MISTY L. WILSON INSTRUMENT NO. 180388 OPRECT ZONED FD

DAVID PAUL HEIN, JR. & WENDY SUE HEIN INSTRUMENT NO. 170845 OPRECT

LOT 1 BLOCK 1 12 150 ACRES

JOSEPH D. WILSON & MISTY L. WILSON INSTRUMENT NO. 180388 OPRECT ZONED FD

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 TIMOTHY L. JACKSON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSE HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL THIS, THE _____ DAY OF _____, 2018.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

APPROVED BY PLANNING AND ZONING COMMISSION CITY OF WAXAHACHIE

BY _____ DATE _____

APPROVED BY CITY COUNCIL CITY OF WAXAHACHIE

BY _____ DATE _____

ATTEST _____ DATE _____

NOTES

BEARING BASIS FOR THIS SURVEY IS TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, MAD 83 PER GPS OBSERVATIONS

A PORTION OF THE SUBJECT PROPERTY LIES WITHIN ZONE "C" - DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48130C0325F, DATED JUNE 3, 2015, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

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

JOB NO. 1138

STATE OF TEXAS
COUNTY OF ELLIS

CERTIFICATE OF APPROVAL BY THE COMMISSIONERS COURT OF ELLIS COUNTY TEXAS

APPROVED THIS, THE _____ DAY OF _____, 2018

CAROL BUSH
COUNTY JUDGE

ATTEST _____

CINDY POLLEY
COUNTY CLERK

THIS PLAT HAS BEEN APPROVED BY THE DEPARTMENT OF DEVELOPMENT FOR AN ON-SITE SEWAGE FACILITY SYSTEM PERMISSORY AND ALL INFORMATION AS MAY BE REQUIRED BY THE ELLIS COUNTY DEPARTMENT OF DEVELOPMENT

ELLIS COUNTY DEPARTMENT OF DEVELOPMENT DIRECTOR

DATED _____

OWNERS:
JOSEPH & MISTY WILSON
2625 SANDSTONE LANE
MIDDLOTHIAN, TEXAS 76065
214.395.5685

SURVEYOR:
TEXAS REALITY CAPTURE & SURVEYING, LLC
P.O. BOX 252
WAXAHACHIE, TEXAS 75168
469.518.0338
TBPLS FRM NO 10194359

FINAL PLAT - CITY OF WAXAHACHIE
SIMPLIFIED PLAT - ELLIS COUNTY

WILSON FAMILY FARM

12.273 ACRES
SITUATED IN THE

T. MASON SURVEY
ABSTRACT NO. 127
CITY OF WAXAHACHIE, TEXAS
ETJ - CITY OF WAXAHACHIE, TEXAS
ELLIS COUNTY, TEXAS

APRIL 2018 PAGE 1 OF 1

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(17)

**Planning & Zoning Department
Plat Staff Report**

Case: RP-18-0073



MEETING DATE(S)

Planning & Zoning Commission: June 12, 2018

City Council: June 18, 2018

CAPTION

Consider request by Mickey Williams, Straightway Church, for a Replat of Lots 37 and 38, Highland Park Addition, to create Lot 37A, Highland Park Addition, 0.241 acre (Property ID 174037) – Owner: STRAIGHTWAY NONDENOMINATIONAL (RP-18-0073)

CASE INFORMATION

Applicant: Mickey Williams

Property Owner(s): Straightway Nondenominational

Site Acreage: 0.241 acres

Number of Lots: 1 lot

Number of Dwelling Units: 1 unit

Adequate Public Facilities: The development is on City water and wastewater.

SUBJECT PROPERTY

General Location: 716 Perry

Parcel ID Number(s): 174037

Current Zoning: Single Family-3

Existing Use: Driveway, but no structure.

Platting History: The Highland Park Addition plat was filed with Ellis County on January 7, 1948.

(17)

Site Aerial:



STAFF CONCERNS

1. Applicant has submitted a petition for relief with regards to the twelve (12) foot right-of-way dedication required along Perry Avenue.

APPLICANT RESPONSE TO CONCERNS

1. Applicant has submitted a petition for relief pursuant to the Subdivision Ordinance, Section 1.12.

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 Subdivision Ordinance, Section 1.12, approval of this subdivision application by the Planning and Zoning Commission shall include a condition that the approval is subject to the Council's decision on the petition for relief that he not be required to dedicate twelve (12) feet for right-of-way (ROW).

ATTACHED EXHIBITS

1. Applicant's petition for relief
2. Plat drawing

117)

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
Kelly Dent, MPA
Planner
kdent@waxahachie.com

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

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held June 12, 2018, the Commission voted 6-0 to recommend approval of plat no. RP-18-0073, subject to staff comments.

(17)

May 30, 2018

To whom it may concern:

I am Mickey Williams, the Pastor of Straightway Non Denominational Church. We are located at 1500 Martin Luther King Blvd. The church will be building a church Parsonage on 716 Perry Street.

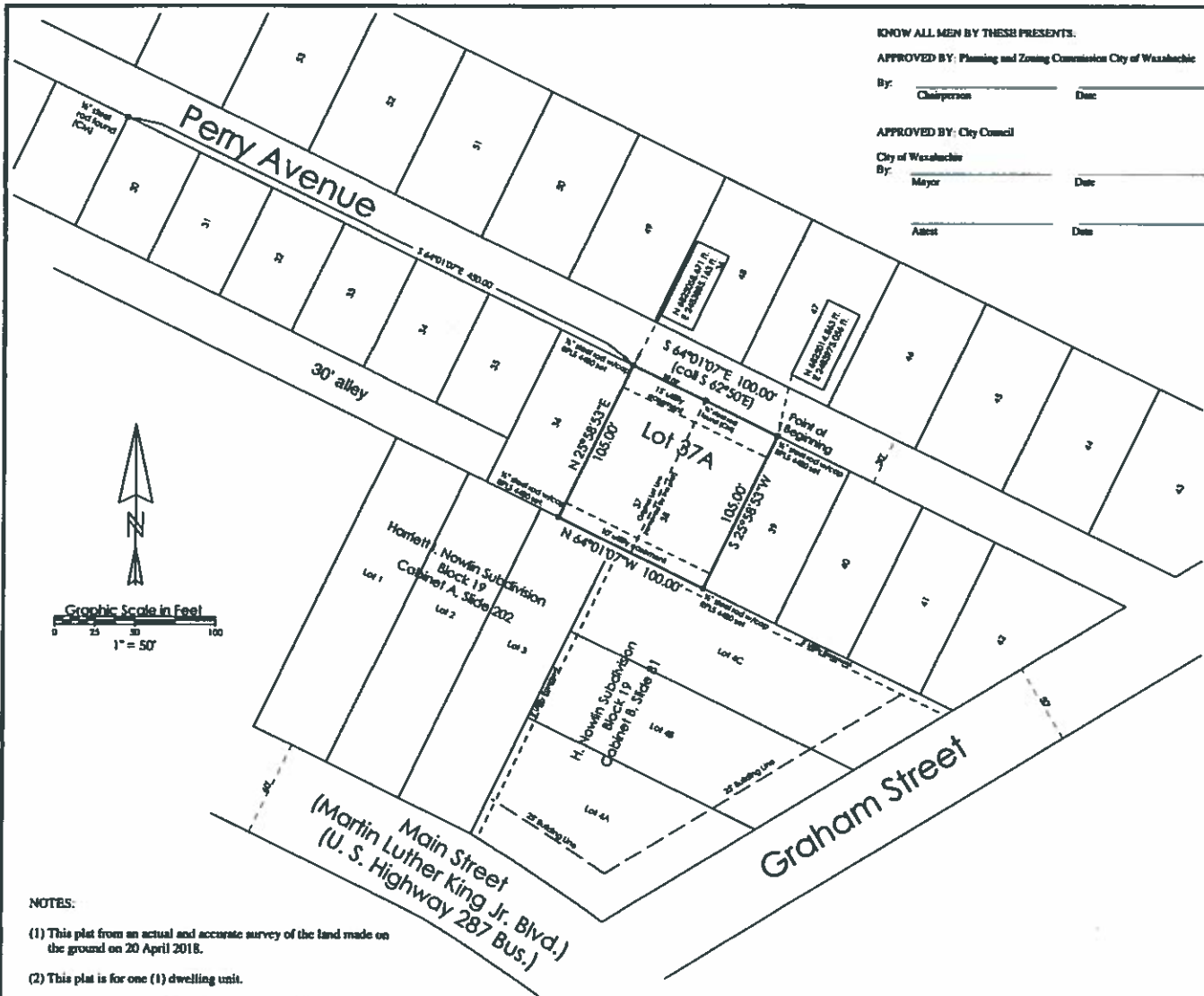
We are requesting that we have the same rights as other new builders on Perry Street. The city of Waxahachie is asking that we give a 12 foot right of way dedication and then twenty five feet from street. There are new homes on Perry Street that are only 15 to 20 feet from the street. The home addresses are 508,605, 702, 703, and 704. There are also homes near our potential site that are 25 feet from the street. These homes are 714, 715, 717, and 720.

I am asking that we are not made to do what others were not required to.

Thank you,

Mickey Williams

Straightway N. D. C.



KNOW ALL MEN BY THESE PRESENTS:
 APPROVED BY: Planning and Zoning Commission City of Wazahachie
 By: _____ Date: _____
 Chairperson _____

 APPROVED BY: City Council
 City of Wazahachie
 By: _____ Date: _____
 Mayor _____

 Attest _____ Date: _____

STATE OF TEXAS §
 COUNTY OF ELLIS §
 WHEREAS, Straightway Non-Denominational Church is the owner of a tract of land situated in the City of Wazahachie:

BEING Lots 37 and 38, Highland Park Addition, an addition to the City of Wazahachie, Ellis County, Texas according to the plat thereof recorded in Cabinet A, Slide 202, Plat Records, Ellis County, Texas, (P.R.E.C.T.) and being Lot 38, Highland Park Addition, described in deed from Harold Johnson to Straightway Non-Denominational Church recorded in Volume 1809, Page 1533, Official Public Records, Ellis County, Texas, (O.P.R.E.C.T.) and being Lot 37, Highland Park Addition, described in deed from Harold Johnson to Straightway Non-Denominational Church recorded in Volume 1809, Page 1549, O.P.R.E.C.T., and being more particularly described by its acres and bounds as follows:

BEGINNING at a 1/4 inch steel rod with plastic cap stamped "RPLS 4480" set on the southwest line of Perry Avenue, at the common north corner of Lots 38 and 39 of said Addition;

THENCE S 25°58'33" W, with the common line of said Lots 38 and 39 for 105.00 feet to a 1/4 inch steel rod with plastic cap stamped "RPLS 4480" set at their common south corner on the common line of said Addition and Lot 4C, Block 19, H. Nowlin Subdivision according to the plat thereof recorded in Cabinet B, Slide 81, P.R.E.C.T.;

THENCE N 64°01'07" W, with the southwest line of said Lots 37 and 38 and with the common line of said Highland Park Addition and said Block 19, H. Nowlin Subdivision and Lot 3, Block 19 Harvest L. Nowlin Subdivision in said Highland Park Addition recorded in Cabinet A, Slide 202, P.R.E.C.T., 100.00 feet to a 1/4 inch steel rod with plastic cap stamped "RPLS 4480" set at the common south corner of Lots 36 and 37 of said Highland Park Addition;

THENCE N 25°58'33" E, with the common line of said Lots 36 and 37 for 105.00 feet to a 1/4 inch steel rod with plastic cap stamped "RPLS 4480" set at their common north corner on said Perry Avenue southwest line;

THENCE S 64°01'07" E, with the common line of said Lot 37 and 38 and said Perry Avenue southwest line, 100.00 feet to the point of beginning and containing approximately 10500 square feet or 0.241 acre of land.

STATE OF TEXAS §
 COUNTY OF ELLIS §
 NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Straightway Non-Denominational Church, by Mickey Williams, Pastor, doth hereby adopt this plat designating the herein above described property as REPLAT of Lot 37A, HIGHLAND PARK ADDITION, an addition to the City of Wazahachie, Texas, and does hereby dedicate, in fee simple, to 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 growths shall be constructed or placed upon, over or across the Easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Wazahachie. In addition, Utility Easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the consent herein the use to particular utilities; said use by public utilities being subordinate to the Public's and City of Wazahachie's use thereof. The City of Wazahachie and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way encroach or interfere with the construction, maintenance, or efficiency of their respective systems in said Easements. The City of Wazahachie and public utility entities shall at all times have the full right of ingress and egress to and from their respective systems for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time procuring permission from anyone.

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

WITNESS, my hand, this _____ day of _____, 20____

Straightway Non-Denominational Church
 By: Mickey Williams, Pastor
Mickey Williams

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

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

Notary Public in and for the State of Texas
 My Commission Expires On: _____

- NOTES:
- (1) This plat from an actual and accurate survey of the land made on the ground on 20 April 2018.
 - (2) This plat is for one (1) dwelling unit.
 - (3) Federal Emergency Management Agency has this site in Zone X. "Areas determined to be outside 500-year floodplain determined to be outside the 1% and 0.2% annual chance floodplains."
- The flood map for the selected area is number 48139CD190F, effective on 06/03/2013

KNOW ALL MEN BY THESE PRESENTS:
 That I, Stuart G. Hamilton, Registered Professional Land Surveyor, Number 4480, do hereby declare that I prepared this plat from an actual and accurate survey of the land made on the ground on 20 April 2018 and that the corner monuments shown hereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Wazahachie.



Stuart G. Hamilton
 Registered Professional
 Land Surveyor
 Number 4480
 Date Signed: **MAY 23 2018**

REPLAT Lot 37A, HIGHLAND PARK ADDITION

Being 0.241 acre and Lots 37 and 38, Highland Park Addition, an addition to the City of Wazahachie, Ellis County, Texas, according to the plat thereof recorded in Cabinet A, Slide 202, Plat Records, Ellis County, Texas

Owner: Straightway Non-Denominational Church Mickey Williams, Pastor P.O. Box 342, Wazahachie, Texas 75145 Telephone Number 469-658-5374	ELLIS ASSOCIATES SURVEYORS 212 North College Waxahachie, Texas 75145 Tel: 972-923-7474 RPLS License No. 00817003
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(17)

Planning and Zoning: June 12, 2018
City Council: June 18, 2018

CASE RP-18-0073

SUPPORT 1

OPPOSE

*Request by Mickey Williams, Straightway Church, for a **Replat** of Lots 37 and 38, Highland Park Addition, to create Lot 37A, Highland Park Addition, 0.241 acre (Property ID 174037) – Owner: STRAIGHTWAY NONDENOMINATIONAL (RP-18-0073)*

SUPPORT

1. Maggie Jones, 722 Perry Avenue, Waxahachie, TX 75165



(17)

SCANNED

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: RP-18-0073



The Waxahachie City Council will hold a Public Hearing on Monday, June 18, 2018 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Mickey Williams, Straightway Church, for a Replat of Lots 37 and 38, Highland Park Addition, to create Lot 37A, Highland Park Addition, 0.241 acre (Property ID 174037) – Owner: STRAIGHTWAY NONDENOMINATIONAL (RP-18-0073)

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: planningandzoning@waxahachie.com for additional information on this request.

Case Number: RP-18-0073 SUPPORT OPPOSE

Comments: _____

For this form to be valid, the date and time you signed must be provided. To be counted, this form must be received by 5:00 P.M. on the business day before the Planning and Zoning Commission hearing date and/or City Council hearing date.

Maggie Jones
Signature

Maggie Jones
Printed Name and Title

6-9-18 1:45
Date and time (both must be provided)

722 PERRY Ave Wax TX 76165
Address

(19+20)



Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager

Date: June 12, 2018


Re: PD-18-0059

The applicant has requested that this case be moved to the May 16th application cycle, with a Planning and Zoning Commission meeting date of June 26, 2018, and a City Council hearing date of July 2, 2018

(21 + 22)



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Director of Planning
Thru: Michael Scott, City Manager 
Date: June 7, 2018
Re: TA-18-0089

The City would like to move this case to the May 16th application cycle, with a Planning and Zoning Commission hearing date of June 26, 2018, and a City Council hearing date of July 2, 2018

(23)

Planning & Zoning Department

Plat Staff Report

Case: PP-18-0050



MEETING DATE(S)

Planning & Zoning Commission: June 12, 2018

City Council: June 18, 2018

CAPTION

Consider request by Jaison Stephen, Jacobs Engineering Group, Inc, for a Preliminary Plat of Harlan Village for 233 lots and 12 open space lots, being 77.70 acres in the Thomas Shelby Survey, Abstract 1002 (Property ID 191092) – Owner: HARLAN PROPERTIES INC (PP-18-0050)

CASE INFORMATION

Applicant: Jaison Stephen, Jacobs Engineering

Property Owner(s): Harlan Properties Inc

Site Acreage: 77.70 acres

Number of Lots: 230 lots, 12 open spaces

Number of Dwelling Units: 230 units

Park Land Dedication: The cash in lieu of park dedication is \$92,000.00.

Adequate Public Facilities: The development will be on City water and wastewater.

SUBJECT PROPERTY

General Location: US 77 and Butcher Road

Parcel ID Number(s): 191092

Current Zoning: Planned Development-Single Family-3 (Ordinance 2058)

Existing Use: Currently undeveloped

Platting History: Thomas Shelby Survey, Abstract 1002

(23)

Site Aerial:



REVIEW COMMENTS

PLANNING, CASE MANAGER – Kelly L. Dent (469) 309-4294; kdent@waxahachie.com

1. The landscape plan needs to be reformatted according to the standards set down by the City's Zoning Ordinance. Please revise and resubmit.
2. If there will be signage for the development, it will need to be presented with the landscape plan.
3. Applicant will need to submit a petition for relief to reduce the size of the North-South thoroughfare on the eastern side of the property.

CITY ENGINEER – James Gaertner (469) 309-4293; jgaertner@waxahachie.com

1. Preliminary Plat
 - a. Indicate the use of line work. Indicate if this is a Sanitary Sewer Easement.
2. Preliminary Sewer Plan
 - a. Need manhole at bends.
3. Utility Plan Storm
 - a. This storm line is taking the space for the parallel sewer line that will need to be installed along this creek with the growth to the west.
 - b. Indicate the impact if this cul-de-sac discharged to the creek?
 - c. Look at the original flow and proposed flow to the creek and it appears that a lot of it is being collected to the ponds.
4. Auto Turn
 - a. Appears that more space on this knuckle is necessary.

(23)

FEE EXPLANATIONS AND CALCULATIONS – Planning Department (469) 309-4290

- 1. Park Land Dedication
 - a. Per Subdivision Ordinance Sections 4.4.c and 4.4.d, prior to a plat being filed with the County Clerk of Ellis County for residential development within the City, the plat shall either contain a clear fee simple dedication at a pro rata rate of two acres of land for each proposed 100 dwelling units or a cash payment in lieu of park land dedication at a rate of \$400.00 per dwelling.
 - i. The cash in lieu of park land dedication for this case is estimated at **\$92,000.00** (230 residential dwellings at \$400.00 per dwelling).
 - 1. This payment shall be made prior to final plat approval.
 - ii. Should you desire to dedicate park land, the City Council shall determine the suitability of that land, upon the recommendation of the Parks Board.
- 2. Roadway Impact Fee = **\$631,001.28**, which is due at time of permitting.

APPLICANT RESPONSE TO COMMENTS

- 1. Applicant submitted revised drawings. The above comments remain outstanding or have changed with resubmittals and are being presented again.
- 2. Per the Subdivision Ordinance, Section 1.12, approval of this subdivision application by the Planning and Zoning Commission shall include a condition that the approval is subject to the Council's decision on the petition for relief.

RECOMMENDATION

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

- Denial
- Approval, as presented.
- Approval, per the following comments:
 - 1. If there will be signage for the development, it will need to be approved as an amended landscape plan. This can be done at a later date, but must be done before any sign is installed.

The following items can be addressed during the Construction Plan phase and cleared at that time.

- 2. Line work must be defined for the Sanitary Sewer Easement.
- 3. Need manhole at bends.
- 4. This storm line is taking the space for the parallel sewer line that will need to be installed along this creek with the growth to the west.
- 5. What is the impact if this cul-de-sac discharged to the creek?
- 6. Look at the original flow and proposed flow to the creek and it appears that a lot of it is being collected to the ponds.
- 7. Appears that more space on this knuckle is necessary.

(23)

ATTACHED EXHIBITS

1. Ord. No. 2058
2. Cover sheet
3. Preliminary plat
4. Preliminary water plan
5. Preliminary sewer plan
6. Preliminary storm water plan
7. Auto turn exhibit
8. Preliminary landscape plan
9. Petition for relief

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
Kelly Dent, MPA
Planner
kdent@waxahachie.com

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

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held June 12, 2018, the Commission voted 5-1 to recommend approval of plat no. PP-18-0050, subject to staff comments. On June 13, 2018, the applicant placed a call to City staff where the outstanding comments were discussed.

At the Planning & Zoning Commission meeting, held June 12, 2018, the Commission voted 6-0 to recommend approval of the Landscape Plan that accompanies plat no. PP-18-0050, subject to staff comments. During the meeting, the applicant agreed to install Crape Myrtle trees in addition to the shown landscaping. On June 13, 2018, the applicant placed a call to City staff where the outstanding comments were discussed.

The Planning Department's recommendation remains, Approval, per staff comments.

(23)

ORDINANCE NO. 2058

AN ORDINANCE CHANGING THE ZONING ON 77.7 ACRES LOCATED AT THE NORTH EAST QUADRANT OF U.S. HIGHWAY 77 AND F.M. 387 (BUTCHER RD.) IN THE THOMAS SELBY SURVEY, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND BEING FURTHER DESCRIBED ON EXHIBITS "A" AND "B", FROM FUTURE DEVELOPMENT (FD) TO PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF-2) (EASTERN 12.0 ACRES) AND PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF-3) (WESTERN 65.702 ACRES) AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, proper application for the change of zoning has been made in accordance with the zoning ordinances in the City of Waxahachie, and same having been referred to the Planning and Zoning Commission, and said Planning and Zoning Commission has recommended the rezoning thereto from Future Development (FD) to Planned Development-Single Family-2 (PD-SF-2) (eastern 12.0 acres) and Planned Development-Single Family-3 (PD-SF-3) (western 65.702 acres); and,

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

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said rezoning from Future Development (FD) to Planned Development-Single Family-2 (PD-SF-2) (eastern 12.0 acres) and Planned Development-Single Family-3 (PD-SF-3) (western 65.702 acres);

NOW, THEREFORE, the property shown in Exhibits "A" and "B" attached hereto is rezoned as follows:

- A. The eastern 12.0 acres of the property shown in Exhibit "A" is rezoned from Future Development (FD) to Planned Development Single-Family-2 (PD-SF-2), permitting single-family detached dwellings in accordance with site plan approval. All streets, utilities, drainage facilities, access drives, and open space area shall be provided in accordance with the approved site plan, and all dedications and improvements shall meet the development requirements of the City of Waxahachie, in accordance with Single-Family-2 zoning district and with the following restrictions:
 1. Minimum living area of 1,500 sq. ft.
 2. No garage to face street.
 3. 100% Masonry on one story homes (excluding box windows, covered patios), minimum 70% masonry on two story homes.
 4. Site built homes (no modular or trailer homes).
 5. All homes to be minimum 3-2-2.
 6. All roof slopes to be minimum 7/12.
 7. No homes to front Butcher Rd.

- B. The western 65.702 acres of the property shown in Exhibit "B" is rezoned from Future Development (FD) to Planned Development Single-Family-3 (PD-SF-3), permitting single-family detached dwellings in accordance with site plan approval. All streets, utilities, drainage facilities, access drives, and open space area shall be provided in accordance with the approved site plan, and all dedications and improvements shall meet the development requirements of the City of Waxahachie, in accordance with Single-Family-3 zoning district and with the following restrictions:
 1. Minimum 8.0 acres left open for natural preserve.

(23)

Ordinance No. 2058
October 16, 2000
Page 2

2. Minimum lot size of 6,000 sq. ft.
3. Minimum house size to be 1200 sq. ft. of living area.
4. All houses to be minimum 3-2-2..
5. All garages to be room finished..
6. 100% masonry on one story homes (excluding box windows, covered patios), minimum 70% masonry on two story homes.
7. No homes to front Butcher Road.
8. Site built homes (no modular or trailer homes).

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

PASSED, APPROVED AND ADOPTED on this 16th day of October, 2000.



MAYOR

ATTEST:



City Secretary

(23)

**LEGAL DESCRIPTION
65.702 ACRES
ELLIS COUNTY, TEXAS**

Being 65.702 acres of land situated in the Thomas Selby Survey, Abstract No. 1002, Ellis County, Texas and being part of that certain 82.600 acres described in a deed to William O. Stevens and Ruth Stevens as recorded in Volume 519, Page 902, of the Deed Records, Ellis County, Texas, (D.R.E.G.T.) and being more particularly described as follows;

COMMENCING at a 1/2-inch iron rod found in the north line of F.M. No. 387, the southeast corner of said Stevens tract and the southwest corner of Windchase Addition, an addition in Ellis County, Texas, according to the plat thereof recorded in Cabinet B, Side 528 of the Plat Records, Ellis County, Texas (P.R.E.C.T.);

THENCE North 89°43'57" West, along the north line of said F. M. 387 and the south line of said Stevens tract a distance of 559.46 feet to the POINT OF BEGINNING;

THENCE North 89°43'57" West, continuing along the north line of said F. M. 387 and the south line of said Stevens tract a distance of 1145.41 feet to a wooden right-of-way marker found at the beginning of a non-tangent curve to the right having a radius of 11,409.16 feet and a chord that bears North 88°54'18" West, a distance of 303.54 feet;

THENCE continuing along the north line of said F. M. 387 and the south line of said Stevens tract in a northwesterly direction along said curve to the right through a central angle of 01°31'28", an arc distance of 303.55 feet to a point for corner;

THENCE North 88°16'00" West, continuing along the north line of said F. M. 387 and the south line of said Stevens tract a distance of 343.38 feet to a point for corner, said point being the beginning of a non-tangent curve to the left having a radius of 11,509.16 feet and a chord that bears North 89°00'30" West, a distance of 296.29 feet;

THENCE continuing along the north line of said F. M. 387 and the south line of said Stevens tract in a northwesterly direction along said curve to the left through a central angle of 01°28'30", an arc distance of 296.30 feet to a wooden right-of-way marker found for corner;

THENCE North 89°45'00" West, continuing along the north line of said F. M. 387 and the south line of said Stevens tract a distance of 935.45 feet to 1/2-inch iron rod found for the southwest corner said Stevens tract and being the southeast corner of a 0.687 acre tract conveyed to H.L. Jenkins as recorded in Volume 780, Page 838 of said deed records;

THENCE North 05°42'26" East, leaving the north line of said F. M. 387 and the south line of said Stevens tract, along the east line of said Jenkins tract a distance of 148.10 feet to a 1/2-inch iron rod found for the northeast corner of said Jenkins tract;

THENCE North 89°46'11" West, along the north line of said Jenkins tract a distance of 205.89 feet to a 1/2-inch iron rod found for the northwest corner of said Jenkins tract, said point being in the west line of said Stevens tract and the east line of U.S. Highway No. 77, said point also being in a non-tangent curve to the right having a radius of 2814.79 feet and a chord that bears North 12°40'39" East, a distance of 418.27 feet;

THENCE in a northeasterly direction continuing along the west line of said Stevens tract and the east line of said highway, along said curve to the right through a central angle of 08°31'19", an arc distance of 418.66 feet to a 1/2-inch iron rod found for corner;

THENCE North 17°21'00" East continuing along the west line of said Stevens tract and the east line of said highway a distance of 370.12 feet to a 1/2-inch iron rod found for the northwest corner of said Stevens tract and the southwest corner of a 84.02 acre tract conveyed to Rockett Water Supply Corp. as recorded in Volume 840, Page 900 of said deed records;

THENCE South 89°52'43" East, along the north line of said Stevens tract and the south line of said Rockett tract a distance of 3009.16 feet to a point for corner;

THENCE South 00°13'23" East, leaving the north line of said Stevens tract and south line of said Rockett tract a distance of 933.65 to the POINT OF BEGINNING and containing 65.702 acres of land more or less.

(23)

**LEGAL DESCRIPTION
12.000 ACRES
ELLIS COUNTY, TEXAS**

Being 12.000 acres of land situated in the Thomas Selby Survey, Abstract No. 1002, Ellis County, Texas and being part of that certain 82,600 acres described in a deed to William O. Stevens and Ruth Stevens as recorded in Volume 519, Page 902, of the Deed Records, Ellis County, Texas, (D.R.E.C.T.) and being more particularly described as follows:

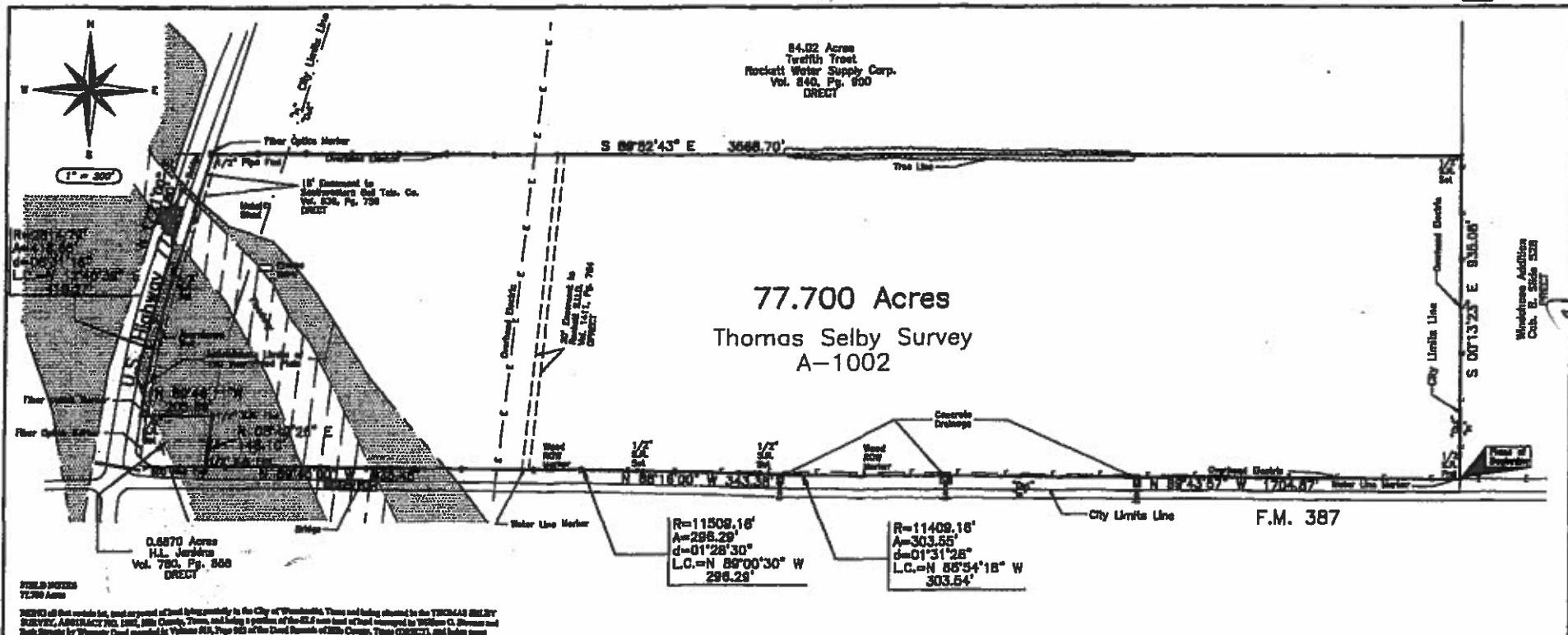
BEGINNING at a 1/2-inch iron rod found in the north line of F.M. No. 387, the southeast corner of said Stevens tract and the southwest corner of Windchase Addition, an addition in Ellis County, Texas, according to the plat thereof recorded in Cabinet B, Slide 528 of the Plat Records, Ellis County, Texas (P.R.E.C.T.);

THENCE North 89°43'57" West, along the north line of said F. M. 387 and the south line of said Stevens tract a distance of 559.46 feet to a point for corner;

THENCE North 00°13'23" West, leaving the north line of said F. M. 387 and the south line of said Stevens tract a distance of 933.65 feet to a point for corner, said point being in the north line of said Stevens tract and in the south line of a 84.02 acre tract conveyed to Rockett Water Supply Corp. as recorded in Volume 840, Page 900 of said deed records;

THENCE South 89°52'43" East, along the north line of said Stevens tract and the south line of said Rockett tract a distance of 559.45 feet to a point for the northeast corner of said Stevens Tract, the southeast corner of said Rockett tract and being in the west line of said Windchase Addition;

THENCE South 00°13'23" East, along the east line of said Stevens tract and the west line of said Windchase Addition a distance of 935.08 to the POINT OF BEGINNING and containing 12.000 acres of land more or less.



(16)

66

RECORD all the whole lot, and a portion of land (appropriately) in the City of Washburn, Texas and being situated in the THOMAS SELBY SURVEY, ANTI-CITY NO. 1002, with County, Texas, and being a portion of the H.L. Selby land of land conveyed to WALTER O. DREVER and Ruth DREVER by Warranty Deed recorded in Volume 618, Page 88 of the Deed Books of Ellis County, Texas (DRECT), and being more



S 89°52'43" E 3568.70'

77.700 Acres

S 00°13'23" E 935.08'

R=2814.79'
A=118.65°
d=08°31'18"
L.C.=N 12°40'39" E
418.27'

N 89°46'11" W
205.89'

N 05°42'26" E
148.10'

N 89°46'00" W 435.45'

N 88°16'00" W 343.38'

N 89°43'57" W 1704.87'

R=11509.16'
A=296.29°
d=01°28'30"
L.C.=N 89°00'30" W
296.29'

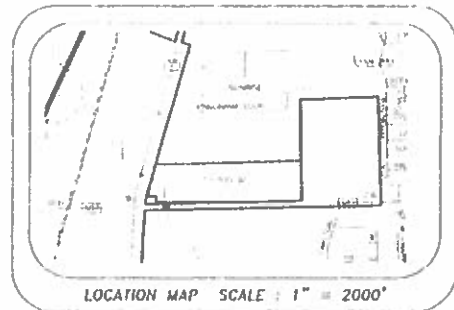
R=11409.16'
A=303.55°
d=01°31'28"
L.C.=N 88°54'18" W
303.54'

F.M. 387

THIS IS THAT PART OF THE SURVEY OF THE TRACT OF LAND...
BEFORE ME...
I HAVE EXAMINED THE ORIGINAL RECORDS...
AND THE INSTRUMENTS...
AND I HAVE FOUND THAT THE SAME ARE...
CORRECT AND ACCURATE...
AND I HAVE THEREFORE...
CERTIFIED THE SAME...
IN WITNESS WHEREOF...
I HAVE HEREUNTO...
SET MY HAND AND SEAL...
AT WAXAHACHIE, TEXAS...
THIS 10th DAY OF JANUARY...
A.D. 2000.

Walter K. Davis
Surveyor

McDill
Surveyor



LOCATION MAP SCALE: 1" = 2000'

Survey Plat
77.700 Acres

Thomas Selby Survey
Abstract No. 1002
City of Waxahachie, Texas

ENGINEERS
D & M
SURVEYORS

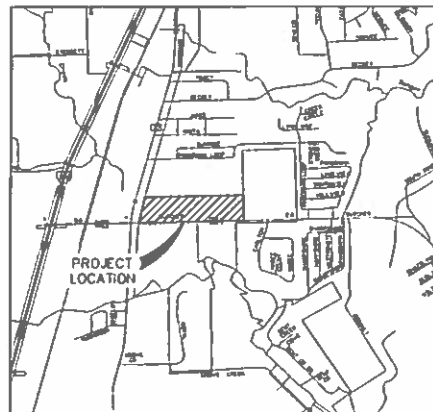
DAVIS & McDILL

P.O. BOX 428, Waxahachie, Texas 75168
Phone: Metro 972-938-1185 Fax: 972-937-0307
Resident 751-2266, Regular 972-938-1185

Drawn: Staff Date: January 31, 2000 Job: 991285

(CPL)

PRELIMINARY PLAT
FOR
HARLAN VILLAGE
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS
JUNE 2018



VICINITY MAP
1" = 2000'

SHEET INDEX

- 1 COVER SHEET
- 2 PRELIMINARY PLAT LAYOUT 1
- 3 PRELIMINARY PLAT LAYOUT 2
- 4 PRELIMINARY PLAT DATA
- 5 PRELIMINARY WATER PLAN LAYOUT 1
- 6 PRELIMINARY WATER PLAN LAYOUT 2
- 7 PRELIMINARY SEWER PLAN LAYOUT 1
- 8 PRELIMINARY SEWER PLAN LAYOUT 2
- 9 PRELIMINARY STORM WATER PLAN LAYOUT 1
- 10 PRELIMINARY STORM WATER PLAN LAYOUT 2
- 11 AUTO TURN
- 12 PRELIMINARY LANDSCAPE PLAN
- 13 PRELIMINARY LANDSCAPE PLAN

(68)

**PRELIMINARY PLAT
COVER SHEET**

OF

HARLAN VILLAGE

77.70 ACRES / 230 LOTS / 12 OPEN SPACES
OUT OF THE
THOMAS SHELBY SURVEY ~ ABSTRACT NO. 1002
IN THE
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS

OWNER/DEVELOPER

HARLAN PROPERTIES, INC.
2404 TEXAS DRIVE, SUITE 103
IRVING, TEXAS 75062
CONTACT: SURESH SHRIDHARAM
PHONE: (972) 659-0655

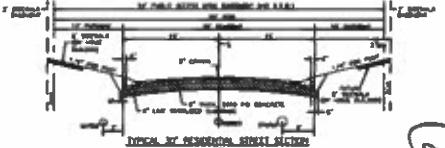
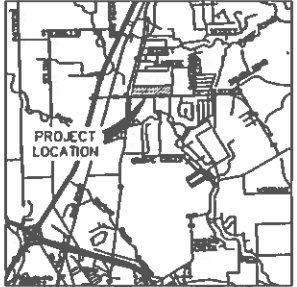
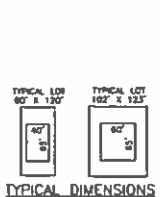
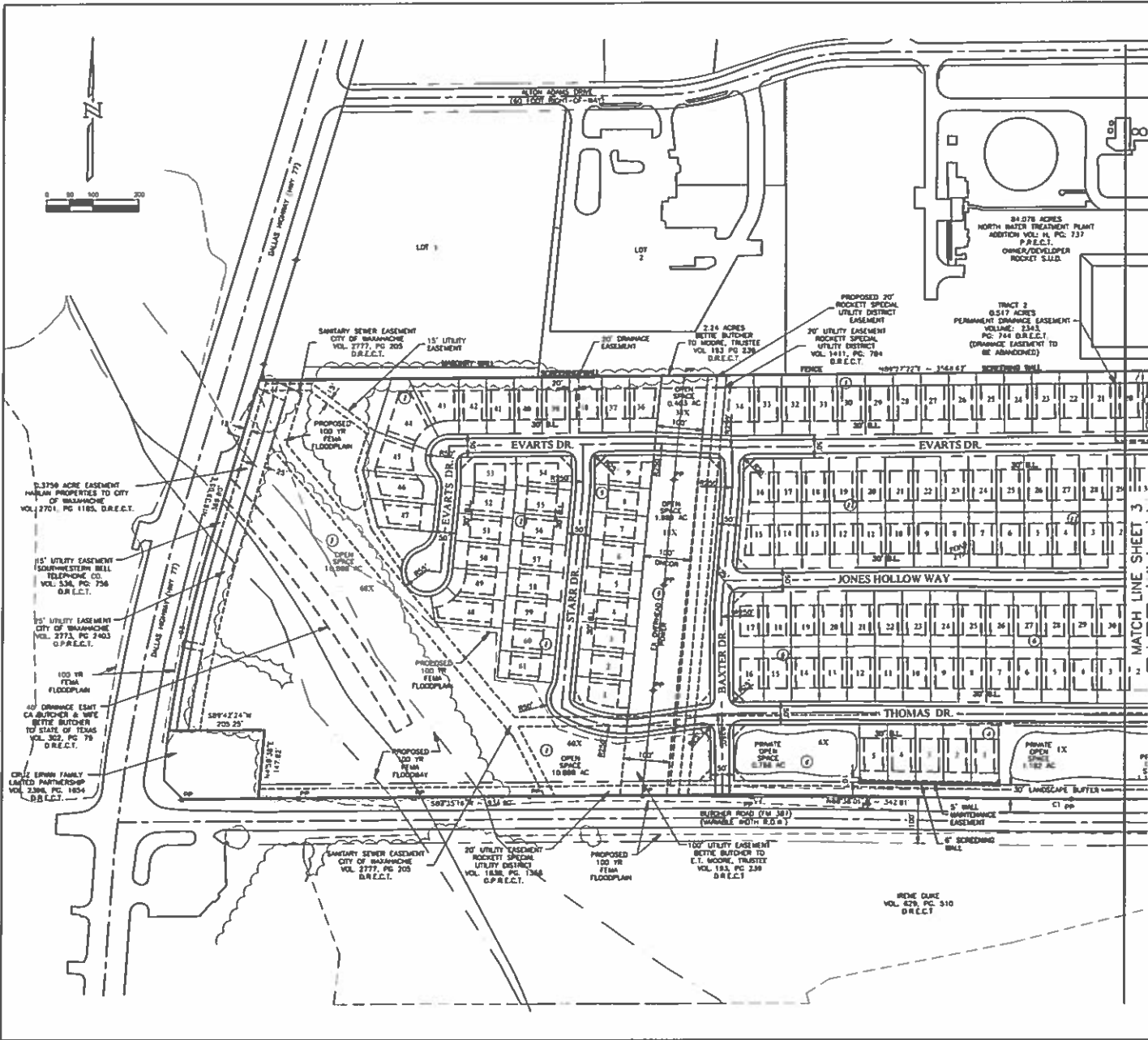
ENGINEER:

JACOBS

1998 BRYAN STREET, SUITE 1200
DALLAS, TX 75201-3136
PHONE: 214-638-0165
FAX: 214-638-0447

Jacobs Engineering Group Inc.
Texas Registration #: 20048

\\s01\project\2018\18062018\18062018.dwg, 6/7/2018 7:18 am, Suresh Shridharam, Suresh



**PRELIMINARY PLAT
OF
HARLAN VILLAGE**

77.70 ACRES / 230 LOTS / 12 OPEN SPACES
OUT OF THE
THOMAS SHELBY SURVEY - ABSTRACT NO. 1002
IN THE
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS

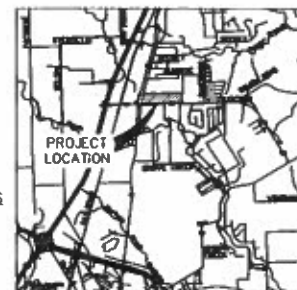
OWNER/DEVELOPER

HARLAN PROPERTIES, INC.
2404 TEXAS DRIVE, SUITE 103
IRVING, TEXAS 75062
CONTACT: SURESH SHRIDHARAM
PHONE: (972) 659-0655

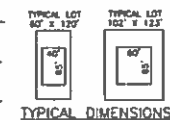
ENGINEER:

JACOBS

1899 BRYAN STREET, SUITE 1300
DALLAS, TX 75201-3138
PHONE: 214-638-0140
FAX: 214-638-0447
Jacobs Engineering Group Inc.
Texas Registration 1-2948



VICINITY MAP
SCALE: 1"=500'



TYPICAL DIMENSIONS



KEY MAP
SCALE: 1"=500'



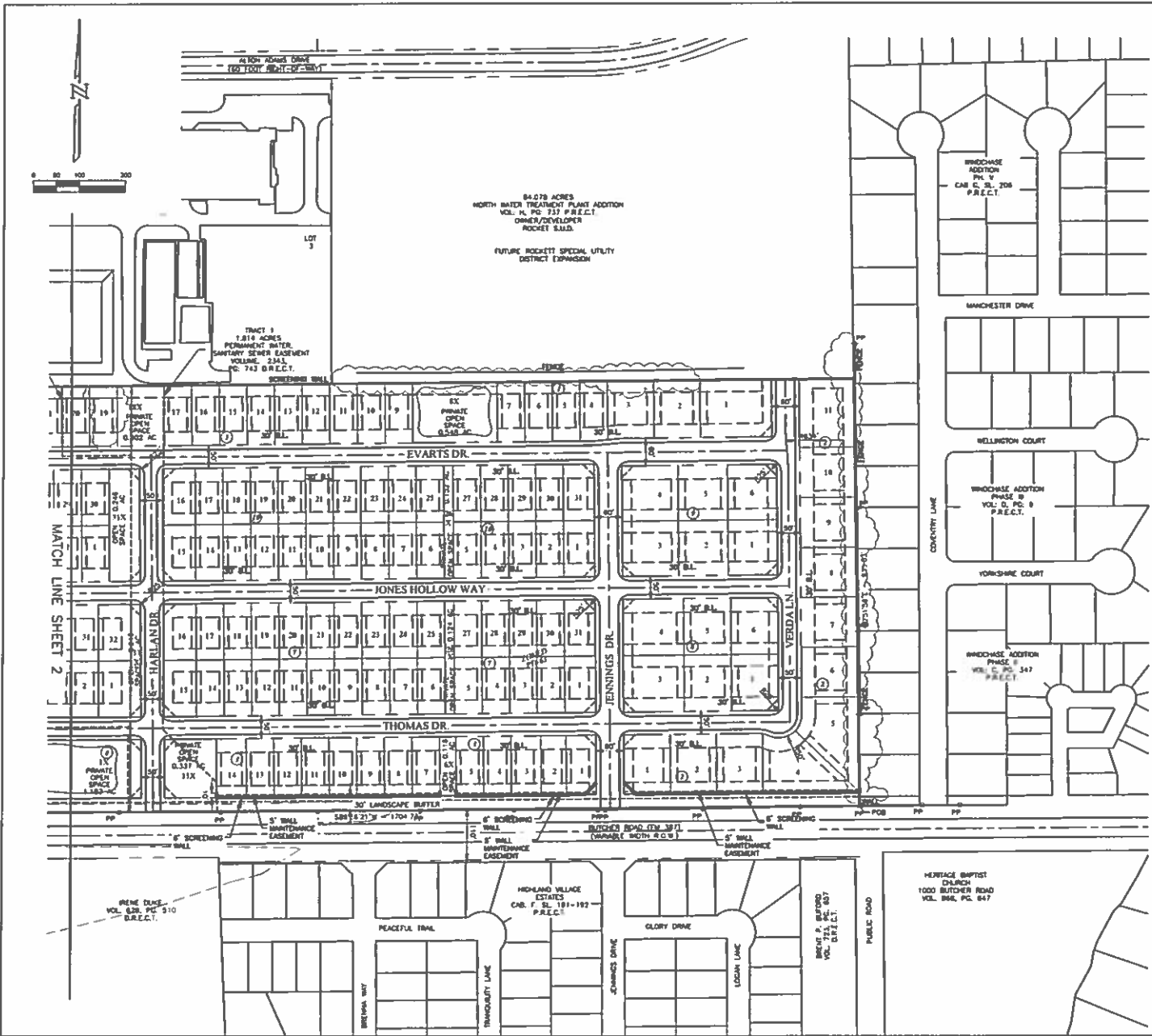
**PRELIMINARY PLAT
OF
HARLAN VILLAGE**

77.70 ACRES / 230 LOTS / 12 OPEN SPACES
OUT OF THE
THOMAS SHELBY SURVEY -- ABSTRACT NO. 1002
IN THE
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IRVING, TEXAS 75062
CONTACT: SURESH SHARDHARAM
PHONE: (972) 658-0655

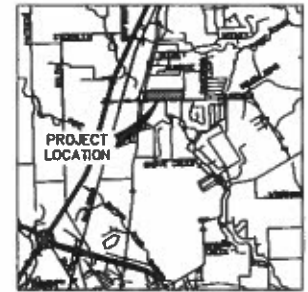
ENGINEER:
JACOBS

1099 BRYAN STREET, SUITE 1200
DALLAS, TX 75201-3136
PHONE: 214-838-0149
FAX: 214-838-0947
Jacobs Engineering Group Inc.
Texas Registration F-2366

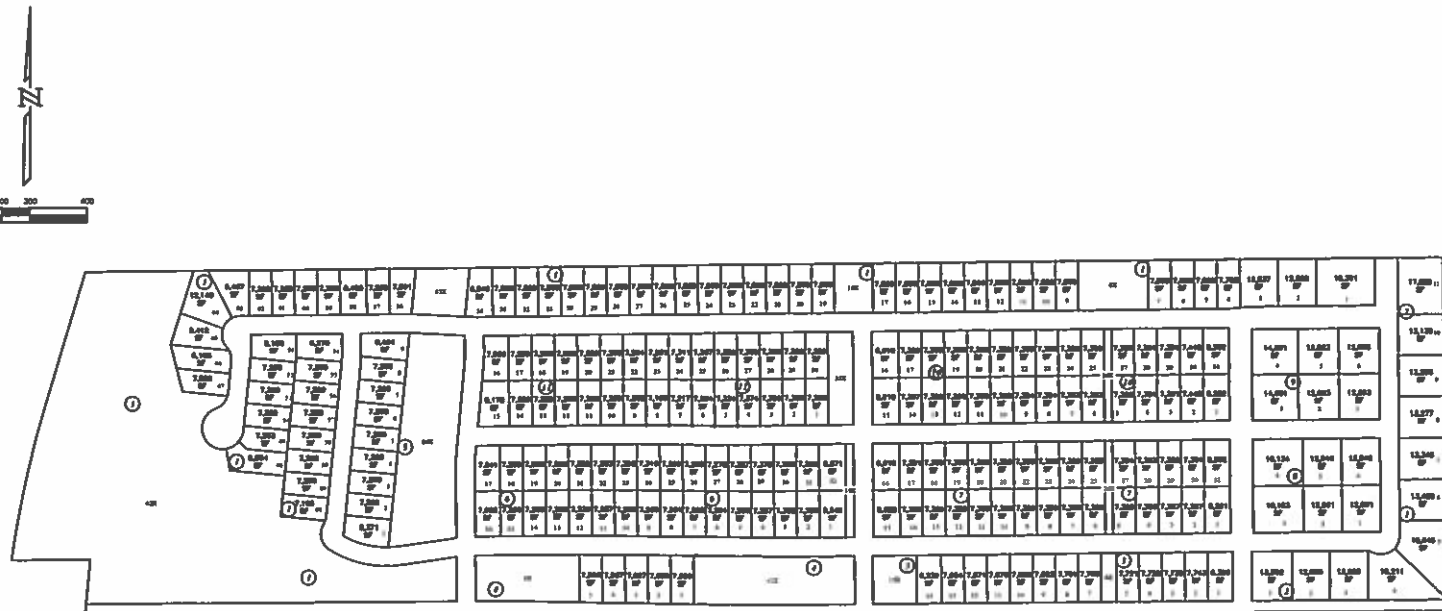


MATCH LINE SHEET 2

FILED: 11/09/2018 10:00 AM AT THE COUNTY CLERK'S OFFICE, WAXAHACHIE, TEXAS. BY: SURESH SHARDHARAM, ENGINEER.



VICINITY MAP
SCALE: 1"=5000'



CITY APPROVAL OF PRELIMINARY PLAT

APPROVED AND RECORDED BY THE FINAL PLAT	
SUBSCRIBED BY THE PLATTEE	DATE
APPROVED BY THE CITY	DATE
CITY'S APPROVAL	
CITY'S SIGNATURE	DATE
CITY'S ADDRESS	

NOT VALID UNTIL ALL DEEDS ARE FILED WITH THE COUNTY CLERK'S OFFICE. THIS IS A PRELIMINARY PLAT AND DOES NOT REPRESENT A FINAL PLAT. THE FINAL PLAT WILL BE FILED WITH THE COUNTY CLERK'S OFFICE.

LEGAL DESCRIPTION

BEING A 77.707 ACRE TRACT OF LAND, AND BEING ALL OF THIS TRACT OF LAND CONVEYED TO HARLAN PROPERTIES, INC., AS RECORDED IN VOLUME 1722, PAGE 844, OF THE OFFICIAL PUBLIC RECORDS, ELLIS COUNTY, TEXAS (2.P.R.E.C.1), BOUND IN THE THOMAS SHELBY SURVEY, ABSTRACT NO. 1002, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3/4" IRON ROD FOUND, SAID IRON ROD BEING IN THE NORTH RIGHT OF WAY (R.O.W.) OF BUTCHER ROAD, SAID IRON ROD ALSO BEING THE SOUTHWEST CORNER OF SUBDIVISION ADDITION PHASE B, AN ADDITION TO THE CITY OF WAXAHACHIE AS RECORDED IN CABINET D, SLIDE 8, P.R.E.C.1:

THENCE S 89°36'21" W ALONG THE NORTH R.O.W. OF SAID BUTCHER ROAD A DISTANCE OF 1704.75 FEET TO A FOUND HIGHWAY MONUMENT, SAID MONUMENT BEING THE BEGINNING OF A CURVE TO THE RIGHT WITH A RADIUS OF 11,408.18 FEET;

THENCE ALONG THE NORTH R.O.W. OF SAID BUTCHER ROAD AND ALONG SAID CURVE TO THE RIGHT WITH A CHORD BEARING OF N 88°57'58" W, WITH A CHORD LENGTH OF 204.28 FEET, WITH AN ARC LENGTH OF 204.28 FEET TO A 3/4" IRON ROD FOUND;

THENCE N 88°38'01" W ALONG NORTH R.O.W. OF SAID BUTCHER ROAD A DISTANCE OF 342.81 FEET TO A 3/4" IRON ROD SET WITH A YELLOW TINT NORTH SURVEYING CAP, SAID IRON ROD BEING THE BEGINNING OF A CURVE TO THE LEFT WITH A RADIUS OF 11,308.19 FEET;

THENCE ALONG THE NORTH R.O.W. OF SAID BUTCHER ROAD AND ALONG SAID CURVE TO THE LEFT WITH A CHORD BEARING OF S 88°28'58" W, WITH A CHORD LENGTH OF 298.28 FEET, WITH AN ARC LENGTH OF 298.28 FEET TO A FOUND HIGHWAY MONUMENT;

THENCE S 89°35'15" W ALONG NORTH R.O.W. OF SAID BUTCHER ROAD A DISTANCE OF 634.90 FEET TO A 3/4" IRON ROD FOUND;

THENCE N 0°25'48" E DEPARTING NORTH R.O.W. OF SAID BUTCHER ROAD A DISTANCE OF 1474.82 FEET TO 1" PIPE FOUND;

THENCE S 89°47'24" W A DISTANCE OF 205.25 FEET TO A 1/4" IRON ROD FOUND, SAID IRON ROD BEING IN THE EAST R.O.W. OF STATE HIGHWAY NO. 77, SAID IRON ROD ALSO BEING THE BEGINNING OF A CURVE TO THE RIGHT WITH A RADIUS OF 2,808.92 FEET;

THENCE ALONG THE EAST R.O.W. OF SAID STATE HIGHWAY NO. 77 AND ALONG SAID CURVE TO THE RIGHT WITH A CHORD BEARING OF N 1°27'33" E, WITH A CHORD LENGTH OF 418.00 FEET, WITH AN ARC LENGTH OF 418.26 FEET;

THENCE N 1°28'00" E ALONG EAST R.O.W. OF SAID STATE HIGHWAY NO. 77 A DISTANCE OF 289.80 FEET TO A 1/4" PIPE FOUND, SAID PIPE ALSO BEING THE SOUTHWEST CORNER OF LOT 1, BLOCK B, OF THE NORTH WATER TREATMENT PLANT ADDITION, AS RECORDED IN VOL. 840, PG. 800, OF P.R.E.C.12;

THENCE N 89°27'22" E DEPARTING THE EAST R.O.W. OF SAID STATE HIGHWAY NO. 77 AND ALONG THE SOUTH LINE OF SAID NORTH WATER TREATMENT PLANT ADDITION A DISTANCE OF 3088.82 FEET TO A 3/4" IRON ROD FOUND;

THENCE S 02°11'36" E ALONG THE WEST LINE OF SAID WOODCHASE ADDITION PHASE B A DISTANCE OF 835.63 FEET TO THE POINT OF BEGINNING, AND CONTAINING 77.707 ACRES OF LAND, MORE OR LESS.

LAND USE SUMMARY

ACRES - TOTAL	77.707
RESIDENT - SINGLE-FAMILY	60.000
RESIDENT - OTHER DEVELOPMENT	0.000
TOTAL, AS REPRESENTED HEREIN	60.000
OPEN SPACES LEFT	17.707
TOTAL LAND AREA	77.707

LOT LISTINGS

LOT #	AREA	AREA	LAND USE
LOT 1	64.924	64.924	RESIDENTIAL
LOT 2	1.658	1.658	OPEN SPACE
LOT 3	1.658	1.658	OPEN SPACE
LOT 4	1.658	1.658	OPEN SPACE
LOT 5	1.658	1.658	OPEN SPACE
LOT 6	1.658	1.658	OPEN SPACE
LOT 7	1.658	1.658	OPEN SPACE
LOT 8	1.658	1.658	OPEN SPACE
LOT 9	1.658	1.658	OPEN SPACE
LOT 10	1.658	1.658	OPEN SPACE
LOT 11	1.658	1.658	OPEN SPACE
LOT 12	1.658	1.658	OPEN SPACE

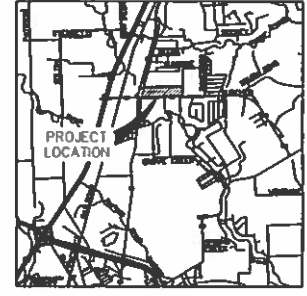
NOTES

- 1. ALL OPEN SPACES ARE TO BE INCORPORATED BY THE HOMEOWNERS ASSOCIATIONS (HOA).
- 2. THE HOA WILL BE REQUIRED TO PROVIDE ANY FUTURE ROW DESIGNATION ALONG BUTCHER ROAD (750 387) TO THE CITY OR TIER 2 WITHIN THE 30' LAWSUITE BUFFER. A DEVELOPER AGREEMENT WILL BE PROVIDED WITH FINAL PLAT.

PRELIMINARY PLAT
OF
HARLAN VILLAGE
77.70 ACRES / 230 LOTS / 12 OPEN SPACES
OUT OF THE
THOMAS SHELBY SURVEY ~ ABSTRACT NO. 1002
IN THE
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS

OWNER/DEVELOPER
HARLAN PROPERTIES, INC.
2404 TEXAS DRIVE, SUITE 1003
IRVING, TEXAS 75062
CONTACT: SURESH SURESHKUMAR
PHONE: (972) 656-0855

ENGINEER:
JACOBS
1800 BROWN STREET, SUITE 1300
DALLAS, TX 75201-3130
PHONE: 214-638-0180
FAX: 214-638-0442
Jacobs Engineering Group Inc.
Texas Headquarters P-2688



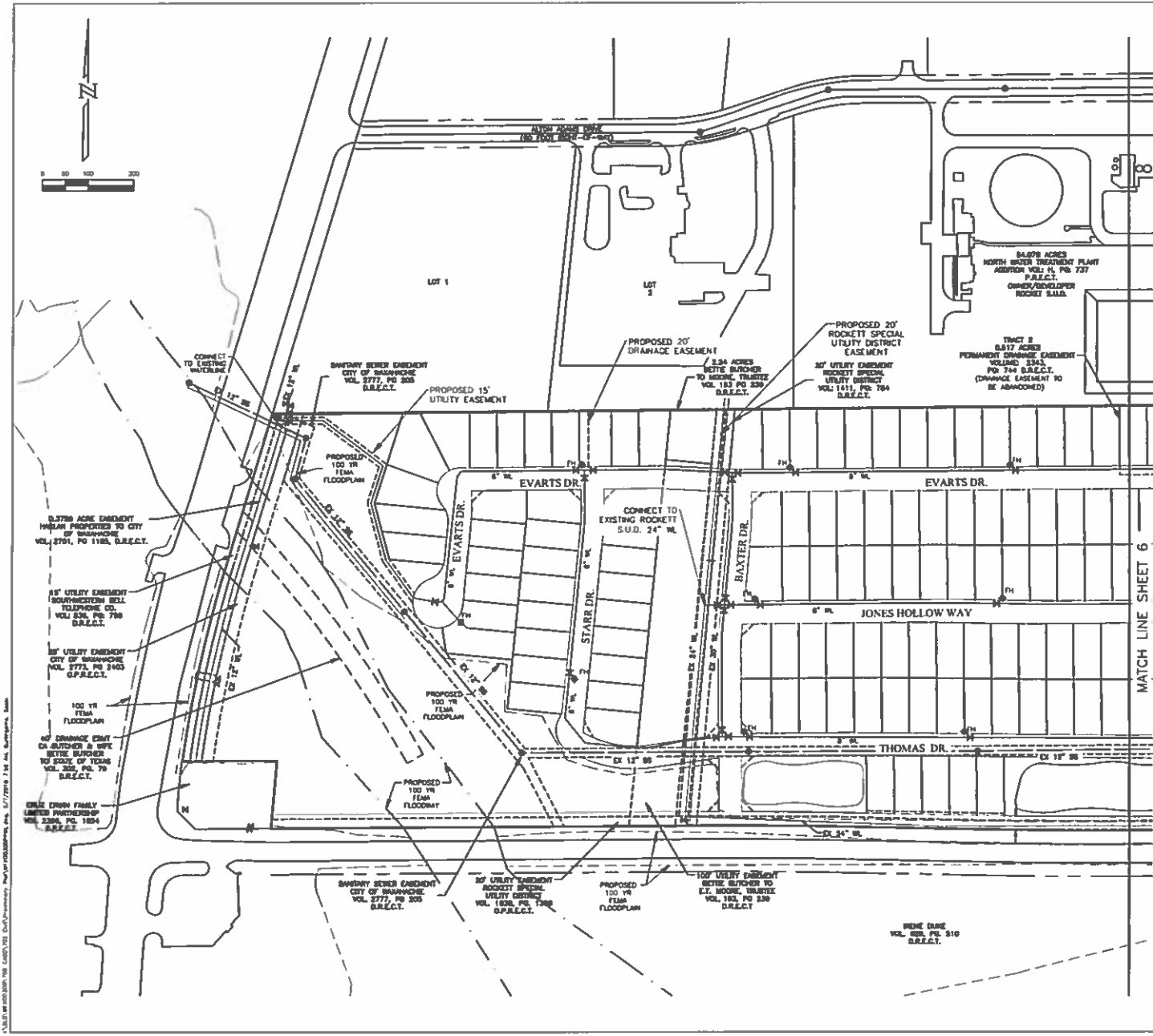
LEGEND

PROPOSED WATER LINE	
PROPOSED GATE VALVE	
PROPOSED FIRE HYDRANT	
EXISTING WATER LINE	
EXISTING GATE VALVE	
EXISTING FIRE HYDRANT	

PRELIMINARY WATER PLAN
OF
HARLAN VILLAGE
77.70 ACRES / 230 LOTS / 12 OPEN SPACES
OUT OF THE
THOMAS SHELBY SURVEY ~ ABSTRACT NO. 1002
IN THE
CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS

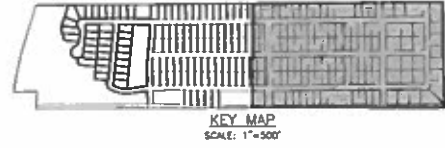
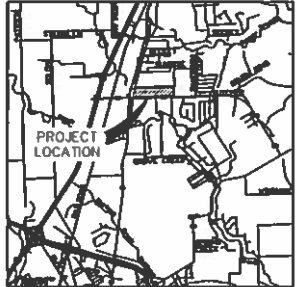
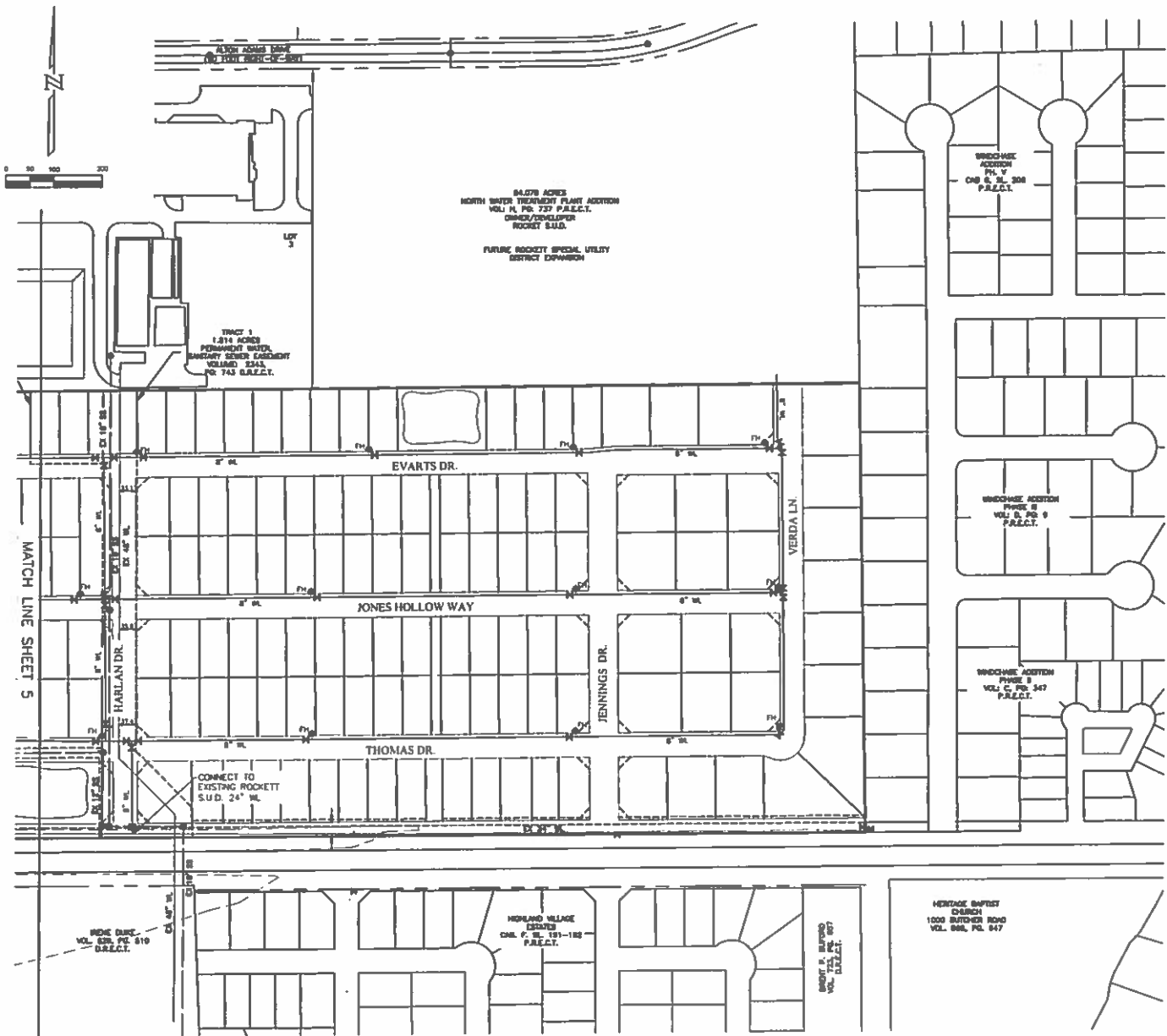
OWNER/DEVELOPER
HARLAN PROPERTIES, INC.
2404 TEXAS DRIVE, SUITE 103
IRVING, TEXAS 75062
CONTACT: SURESH SHRODHARAM
PHONE: (972) 659-0655

ENGINEER:
JACOBS
1899 BRYAN STREET, SUITE 1200
DALLAS, TX 75201-5136
PHONE: 214-638-0145
FAX: 214-638-0447
Jacobs Engineering Group Inc.
Texas Registration F-2966



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(62)



LEGEND	
PROPOSED WATER LINE	—
PROPOSED GATE VALVE	—G—
PROPOSED FIRE HYDRANT	⊕ FH
EXISTING WATER LINE	---
EXISTING GATE VALVE	—G—
EXISTING FIRE HYDRANT	⊕

(cgs)

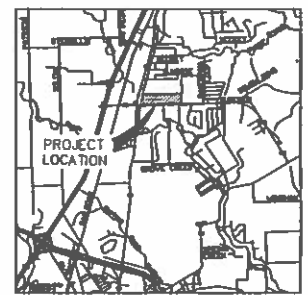
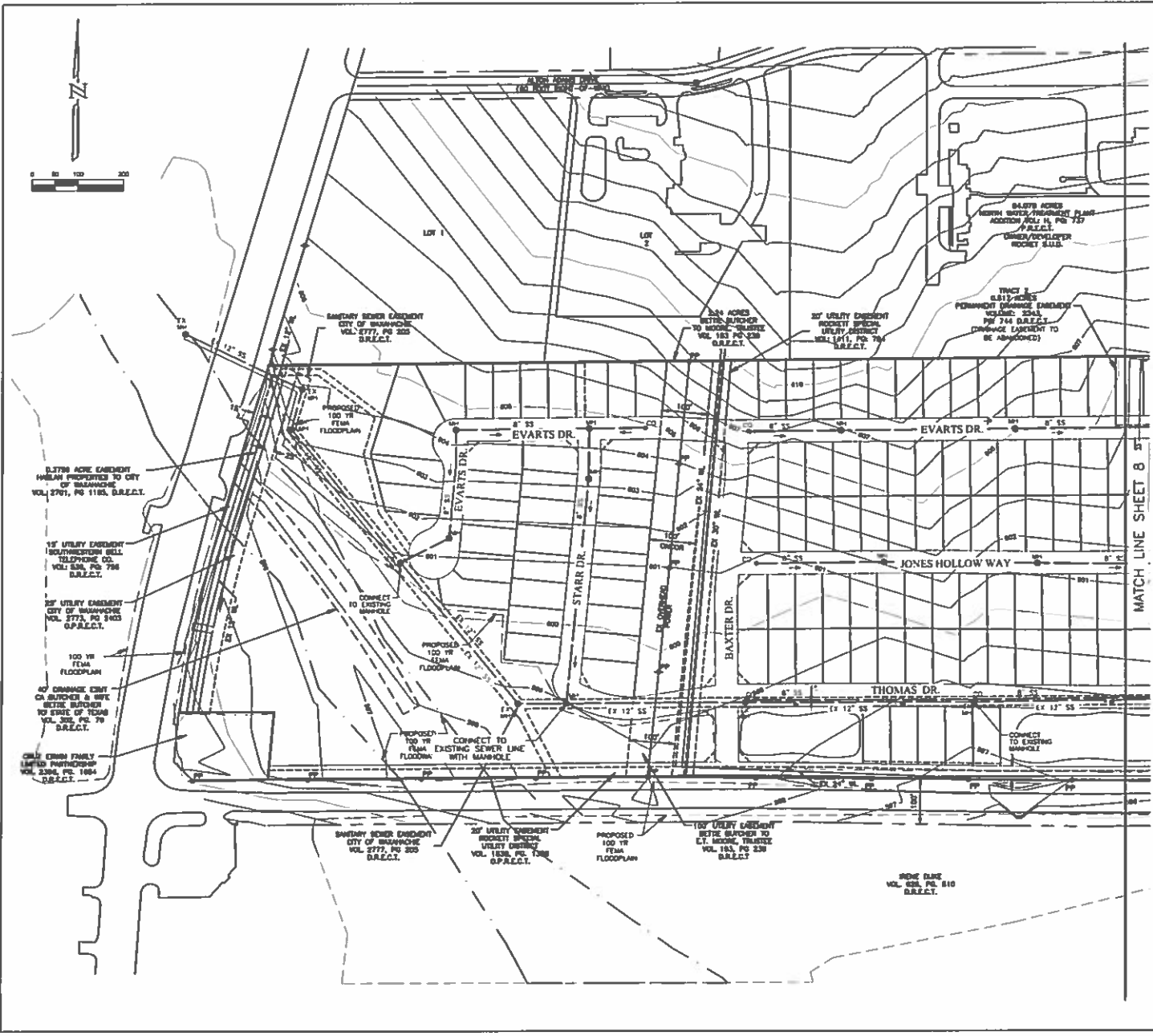
PRELIMINARY WATER PLAN
OF
HARLAN VILLAGE

77.70 ACRES / 230 LOTS / 12 OPEN SPACES
OUT OF THE
THOMAS SHELBY SURVEY ~ ABSTRACT NO. 1002
IN THE
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS

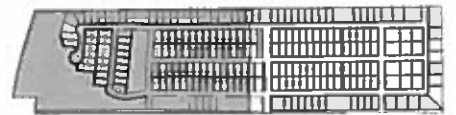
OWNER/DEVELOPER
HARLAN PROPERTIES, INC.
2404 TEXAS DRIVE, SUITE 103
IRVING, TEXAS 75062
CONTACT: SURESH SHROTHARAM
PHONE: (972) 638-0635

ENGINEER:
JACOBS
1999 BRYAN STREET, SUITE 1200
DALLAS, TX 75201-5136
PHONE 214-638-0145
FAX 214-638-0647
Jacobs Engineering Group Inc.
Texas Registration T-2988

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VICINITY MAP
SCALE: 1"=5000'



KEY MAP
SCALE: 1"=500'

LEGEND	
PROPOSED SANITARY SEWER LINE	—○—
PROPOSED SANITARY SEWER MANHOLE	●
PROPOSED SANITARY SEWER CLEANOUT	—○
EXISTING SANITARY SEWER LINE	—
EX. SANITARY SEWER MANHOLE	●

(42)

PRELIMINARY SEWER PLAN
OF
HARLAN VILLAGE

77.70 ACRES / 230 LOTS / 12 OPEN SPACES
OUT OF THE
THOMAS SHELBY SURVEY ~ ABSTRACT NO. 1002
IN THE
CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS

OWNER/DEVELOPER

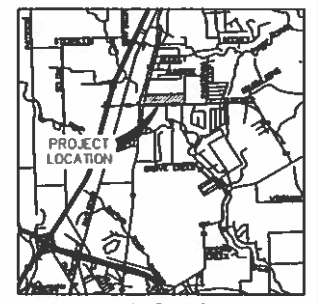
HARLAN PROPERTIES, INC.
2404 TEXAS DRIVE, SUITE 103
IRVING, TEXAS 75062
CONTACT: SURESH SHARDEHARAH
PHONE: (972) 659-0655

ENGINEER

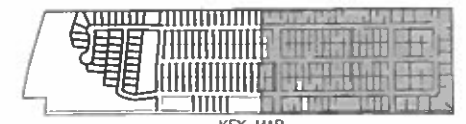
JACOBS

1900 BRYAN STREET, SUITE 1200
DALLAS, TX 75201-3136
PHONE 214-638-0143
FAX 214-638-0447
Jacobs Engineering Group Inc.
Texas Registration # 2868

DATE PLOTTED: 06/15/2018 10:45:00 AM. PLOTTER: HP DesignJet T1100. PLOT SCALE: 1"=100'. PLOT SHEET: 7 OF 13.



VICINITY MAP
SCALE: 1"=5000'



KEY MAP
SCALE: 1"=500'

LEGEND

PROPOSED SANITARY SEWER LINE	—●—
PROPOSED SANITARY SEWER MANHOLE	●
PROPOSED SANITARY SEWER CLEANOUT	—○—
EXISTING SANITARY SEWER LINE	—
EX SANITARY SEWER MANHOLE	●

PRELIMINARY SEWER PLAN
OF
HARLAN VILLAGE

77.70 ACRES / 230 LOTS / 12 OPEN SPACES
OUT OF THE
THOMAS SHELBY SURVEY ~ ABSTRACT NO. 1002
IN THE
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS

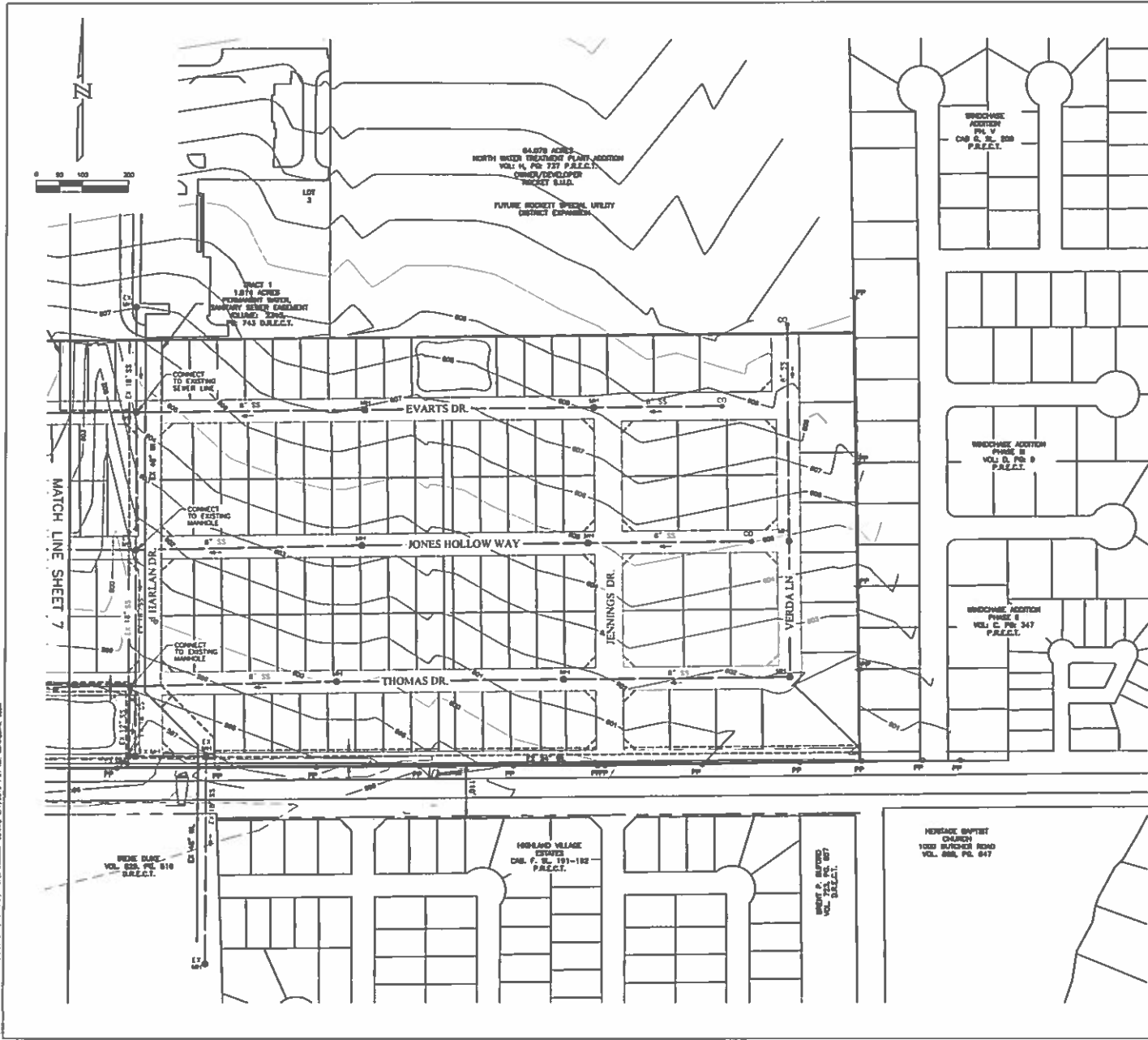
OWNER/DEVELOPER

HARLAN PROPERTIES, INC.
2404 TEXAS DRIVE, SUITE 103
IRVING, TEXAS 75062
CONTACT: SURUSH SHARDHARAM
PHONE: (972) 659-0655

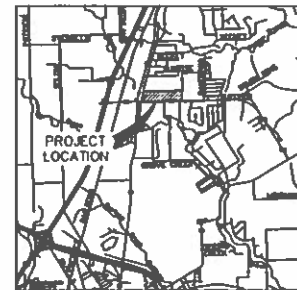
ENGINEER:

JACOBS

1999 BRYAN STREET, SUITE 1200
DALLAS, TX 75201-3138
PHONE: 214-638-0145
FAX: 214-638-0447
Jacobs Engineering Group Inc.
Texas Registration # 2948



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VICINITY MAP
SCALE: 1"=5000'

PROPOSED DRAINAGE AREA CALCULATIONS						
AREA	ACREAGE	RUNOFF COEFFICIENT	CA (ac-in)	Intensity (in/hr)	Q _{avg} (cfs)	Q _{pk} (cfs)
A1	1.72	0.6	0.724	3.0	0.20	4.67
A2	1.62	0.6	0.727	3.0	0.20	4.84
A3	1.71	0.6	0.723	3.0	0.20	5.11
A4	1.88	0.6	0.855	3.0	0.20	6.27
DA1	5.97	0.6	2.952	3.0	0.20	27.48
0.00000						
B1	1.72	0.6	0.724	3.0	0.20	4.67
B2	1.62	0.6	0.727	3.0	0.20	4.84
B3	1.71	0.6	0.723	3.0	0.20	5.11
B4	1.8	0.6	0.72	3.0	0.20	5.72
B5	1.85	0.6	0.807	3.0	0.20	6.79
B6	1.85	0.6	0.807	3.0	0.20	7.62
B7	2.22	0.6	0.829	3.0	0.20	11.68
B8	2.4	0.6	0.864	3.0	0.20	12.96
B9	1.89	0.6	0.714	3.0	0.20	7.88
B10	4.89	0.6	2.309	3.0	0.20	19.32
B11	4.89	0.6	2.309	3.0	0.20	19.32
B12	1.9	0.6	0.78	3.0	0.20	5.99
B13	1.83	0.6	0.696	3.0	0.20	4.68
B14	19.35	0.6	9.555	3.0	0.20	73.27
B15	27.48	0.6	13.392	3.0	0.20	105.29
0.00000						
T1	2.9	0.6	1.26	3.0	0.20	11.32
T2	1.17	0.6	0.531	3.0	0.20	5.31
T3	1.89	0.6	0.799	3.0	0.20	6.25
T4	2.13	0.6	0.858	3.0	0.20	6.99
T5	3.32	0.6	1.332	3.0	0.20	5.73
T6	3.77	0.6	1.502	3.0	0.20	22.32
0.00000						
D5	6.9	0.6	3.27	3.0	0.20	2.87
D10	11.5	0.6	5.055	3.0	0.20	41.33
D20	3.8	0.6	1.59	3.0	0.20	11.23
0.00000						

PRELIMINARY STORM WATER PLAN
OF
HARLAN VILLAGE

77.70 ACRES / 230 LOTS / 12 OPEN SPACES
OUT OF THE
THOMAS SHELBY SURVEY ~ ABSTRACT NO. 1002
IN THE
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS

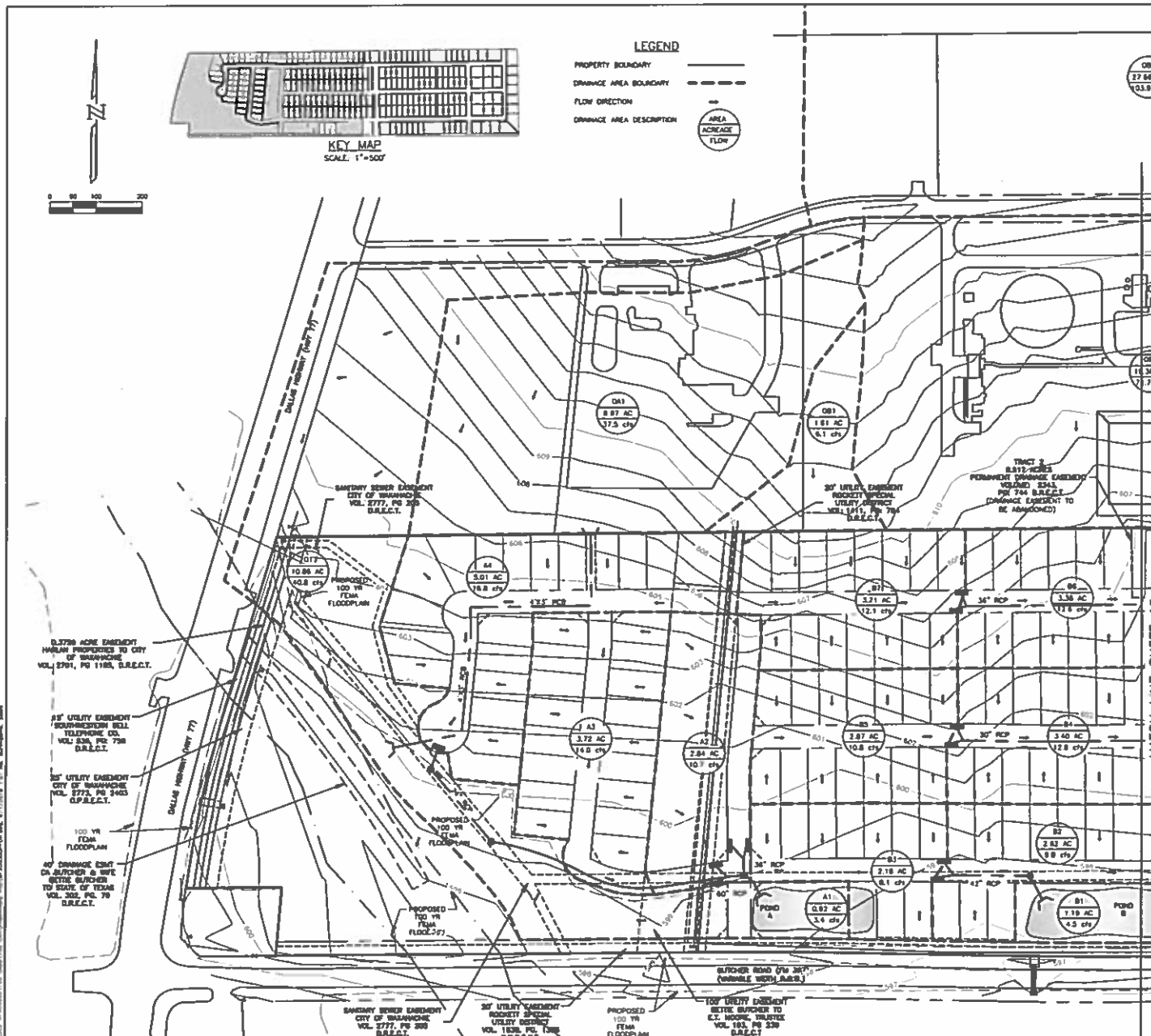
OWNER/DEVELOPER

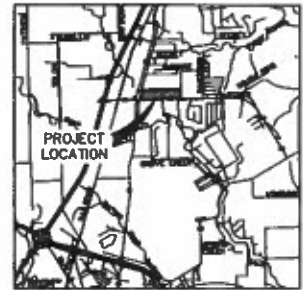
HARLAN PROPERTIES, INC.
2404 TEXAS DRIVE, SUITE 103
IRVING, TEXAS 75062
CONTACT: SURESH SHARADHARAN
PHONE: (972) 659-0655

ENGINEER:

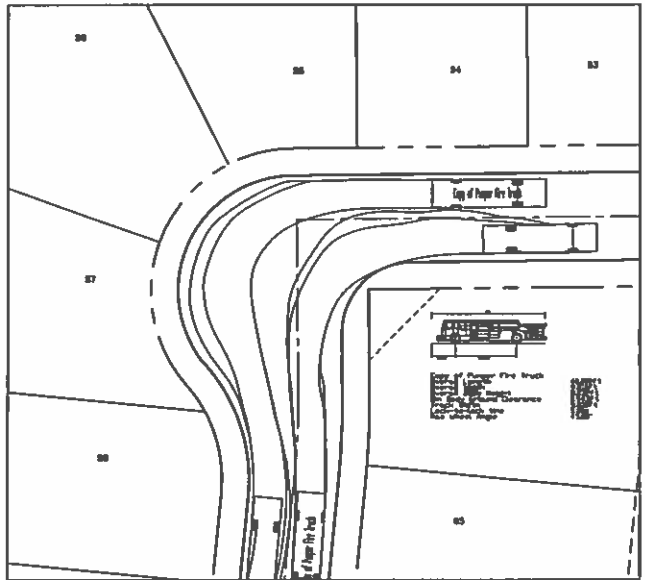
JACOBS

1008 BRYAN STREET, SUITE 1300
DALLAS, TX 75201-3136
PHONE: 214-850-8100
FAX: 214-850-0447
Jacobs Engineering Group, Inc.
Texas Registration No. F-2264



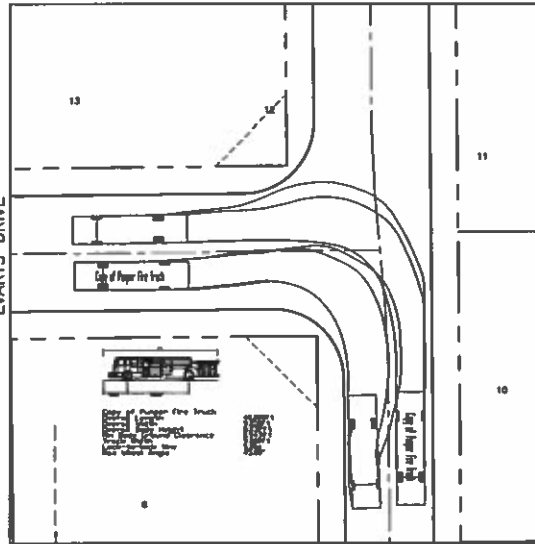


VICINITY MAP
SCALE: 1"=500'



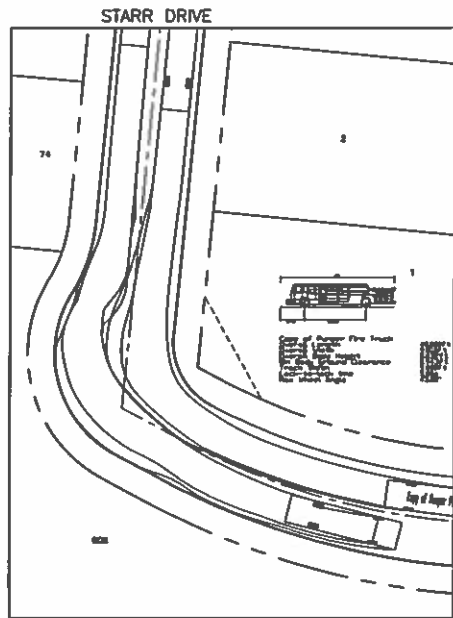
EVARTS DRIVE

EVARTS DRIVE



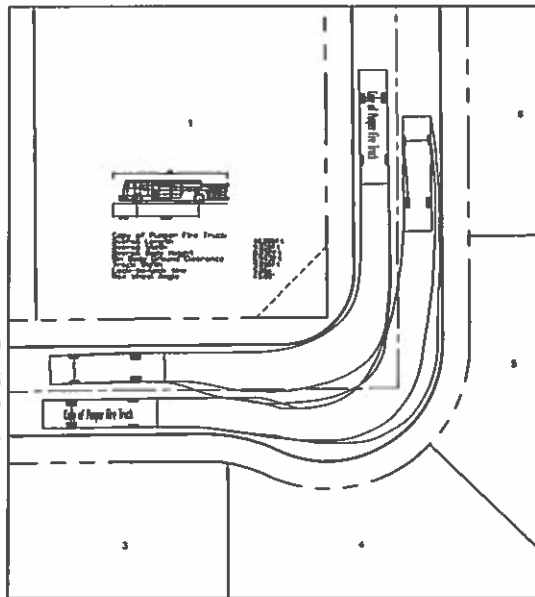
VERDA LANE

EVARTS DRIVE



STARR DRIVE

THOMAS DRIVE



VERDA LANE

THOMAS DRIVE

AUTO-TURN EXHIBIT
OF
HARLAN VILLAGE

77.70 ACRES / 230 LOTS / 12 OPEN SPACES
OUT OF THE
THOMAS SHELBY SURVEY ~ ABSTRACT NO. 1002
IN THE
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS

OWNER/DEVELOPER

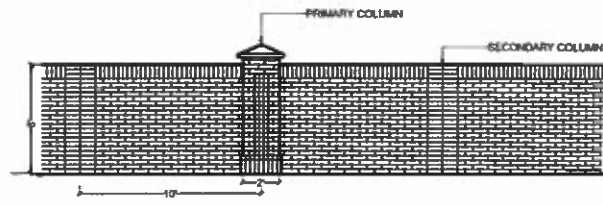
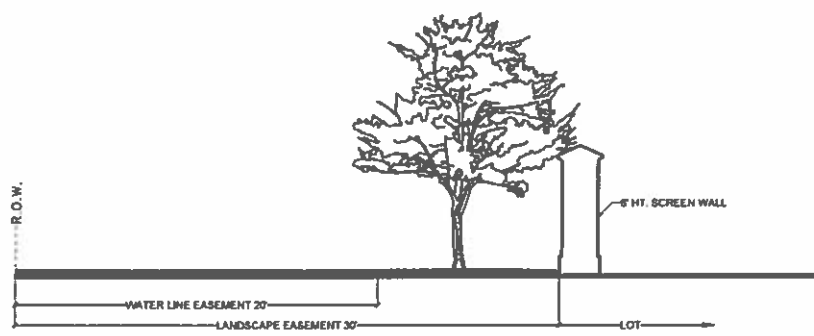
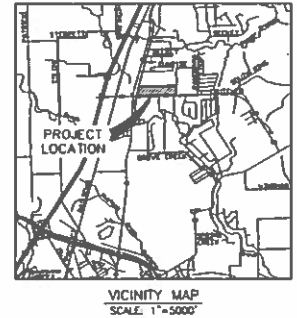
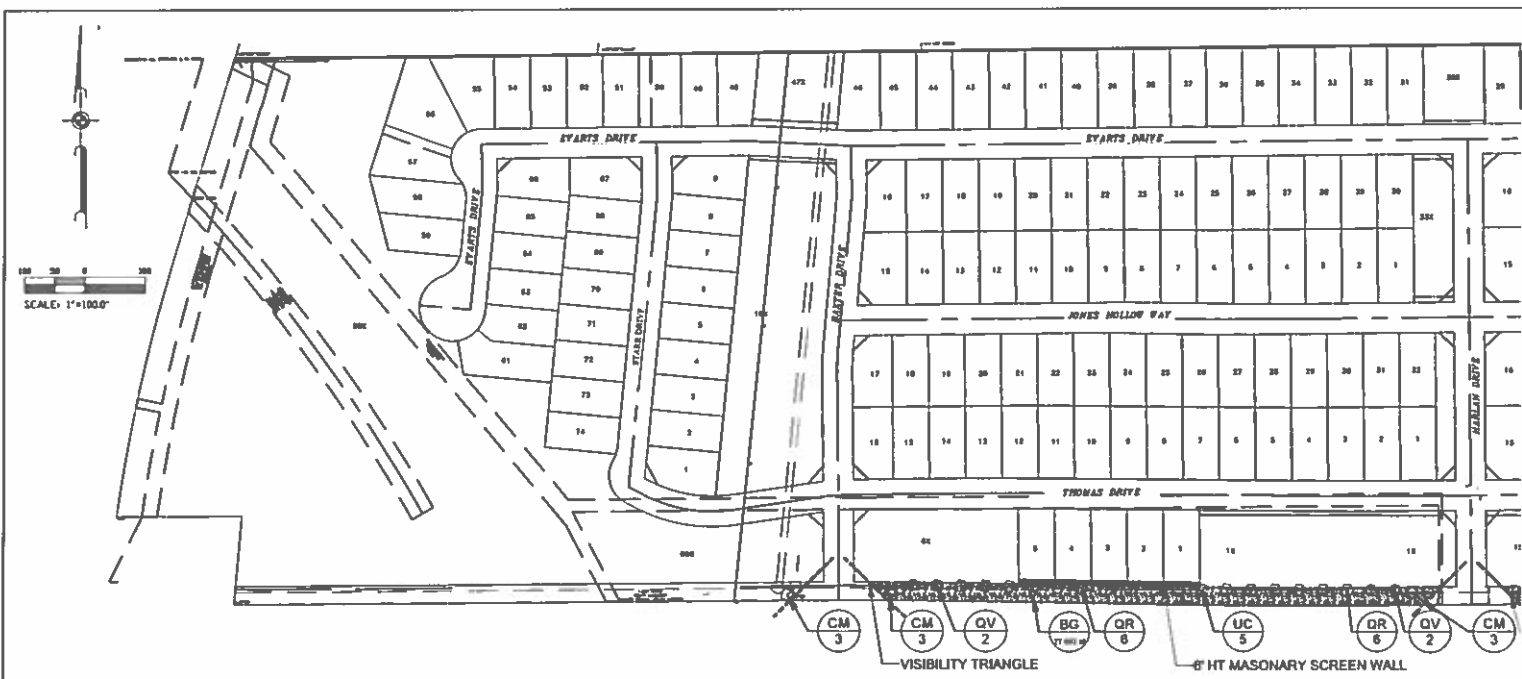
HARLAN PROPERTIES, INC.
2404 TEXAS DRIVE, SUITE 103
IRVING, TEXAS 75062
CONTACT: SURJESH SURESHKARAO
PHONE: (972) 856-0855

ENGINEER:

JACOBS

1900 BROWN STREET, SUITE 1300
DALLAS, TX 75201-3136
PHONE: 214-639-6100
FAX: 214-639-6647
Jacobs Engineering Group Inc.
Texas Registration F-2008

(99)



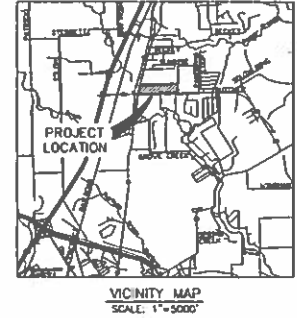
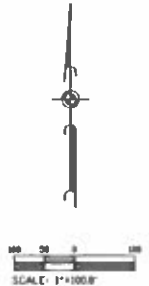
PRELIMINARY LANDSCAPE PLAN
OF
HARLAN VILLAGE
77.70 ACRES / 230 LOTS / 12 OPEN SPACES
OUT OF THE
THOMAS SHELBY SURVEY - ABSTRACT NO. 1002
IN THE
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS

OWNER/DEVELOPER
HARLAN PROPERTIES, INC.
2404 TEXAS DRIVE, SUITE 103
IRVING, TEXAS 75062
CONTACT: SURESH SHIRCHARRAO
PHONE: (972) 659-0655

ENGINEER:
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1900 BRYAN STREET, SUITE 1200
DALLAS, TX 75201-3138
PHONE 214-638-3100
FAX 214-638-6447
Jacobs Engineering Group Inc.
Texas Registration F-2566

1/21

(74)



PLANT SCHEDULE							
TREES	CODE	QTY	COMMON NAME	BOTANICAL NAME	CONT		REMARKS
	CM	18	CRAPE MYRTLE	LAGERSTROEMIA INDICA X FAURNEI TONTU	6'-8" HT		
	QR	26	RED OAK	QUERCUS RUBRA	3" CAL		
	QV	10	SOUTHERN LIVE OAK	QUERCUS VIRGINIANA	3" CAL		
	UC	13	CEDAR ELM	ULMUS CRASSIFOLIA	3" CAL		
GROUND COVERS	CODE	QTY	COMMON NAME	BOTANICAL NAME	CONT	SPACING	REMARKS
	BG	86,014 SF	BERMUDA GRASS	CYNODON DACTYLON	SEED		

LANDSCAPE TABULATIONS

STREET FRONTAGE
 REQUIREMENTS: 30' WIDE LANDSCAPE BUFFER WITH 1 TREE PER 40 L.F. OF STREET FRONTAGE (3584 L.F.)
 REQUIRED: 30' WIDE LANDSCAPE BUFFER (69 TREES) PROVIDE 30' WIDE LANDSCAPE BUFFER (69 TREES)

MAINTENANCE REQUIREMENTS
 THE PROPERTY OWNER, TENANT, OR AGENT SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL REQUIRED LANDSCAPING IN A HEALTHY, NEAT, ORDERLY, AND LIVE-GROWING CONDITION AT ALL TIMES. THIS SHALL INCLUDE MOWING, EDGING, PRUNING, FERTILIZING, IRRIGATION, WEEDING, AND OTHER SUCH ACTIVITIES COMMON TO THE MAINTENANCE OF LANDSCAPING. LANDSCAPED AREAS SHALL BE KEPT FREE OF TRASH, LITTER, WEEDS, AND OTHER SUCH MATERIALS NOT A PART OF THE LANDSCAPING. PLANT MATERIALS THAT DIE SHALL BE REPLACED WITH PLANT MATERIALS OF SIMILAR VARIETY AND SIZE.

IRRIGATION PLAN
 IRRIGATION PLAN WILL BE PROVIDED PRIOR TO CONSTRUCTION. ALL PROPOSED PLANT MATERIAL WILL BE IRRIGATED.



PRELIMINARY LANDSCAPE PLAN
 OF
HARLAN VILLAGE
 77.70 ACRES / 230 LOTS / 12 OPEN SPACES
 OUT OF THE
 THOMAS SHELBY SURVEY ~ ABSTRACT NO. 1002
 IN THE
 CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS

OWNER/DEVELOPER
 HARLAN PROPERTIES, INC.
 2404 TEXAS DRIVE, SUITE 103
 IRVING, TEXAS 75062
 CONTACT: SURESH SHARDESHANAN
 PHONE: (972) 458-0655

ENGINEER
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 DALLAS, TX 75201-3138
 PHONE: 214-638-0143
 FAX: 214-638-0447
 Jacobs Engineering Group Inc.
 Texas Registration F-2956

(24)

HPI

HARLAN PROPERTIES, INC.
2404 Texas Drive, Suite 103, Irving, Texas 75062
Phone 972-659-0655 - Fax 972-659-0587

June 13, 2018

The City Council
City of Waxahachie
Waxahachie, Texas

Re: Harlan Village

To Whom It May Concern:

Harlan Properties, Inc. is the current owner and developer of the proposed Harlan Village development at Northeast corner of Butcher Road and Hwy 77. The future thoroughfare plan shows a 90' right of way north-south collector street, located as shown in blue line on the attached Preliminary Plat. This location is impractical since it runs right into Rockett SUD improvements. The City staff and our engineers have worked out an alternate route by extending Jennings Drive through Harlan Village and stubbing it to the north, as shown in yellow on the attachment. We request that the City Council grant us a relief from the Future Thoroughfare Plan by accepting this alternate location of the proposed collector street through Harlan Village.

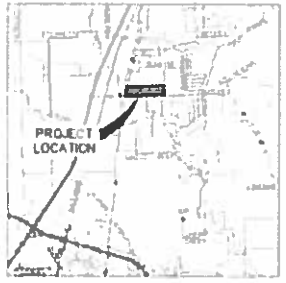
Thanks.

Sincerely,

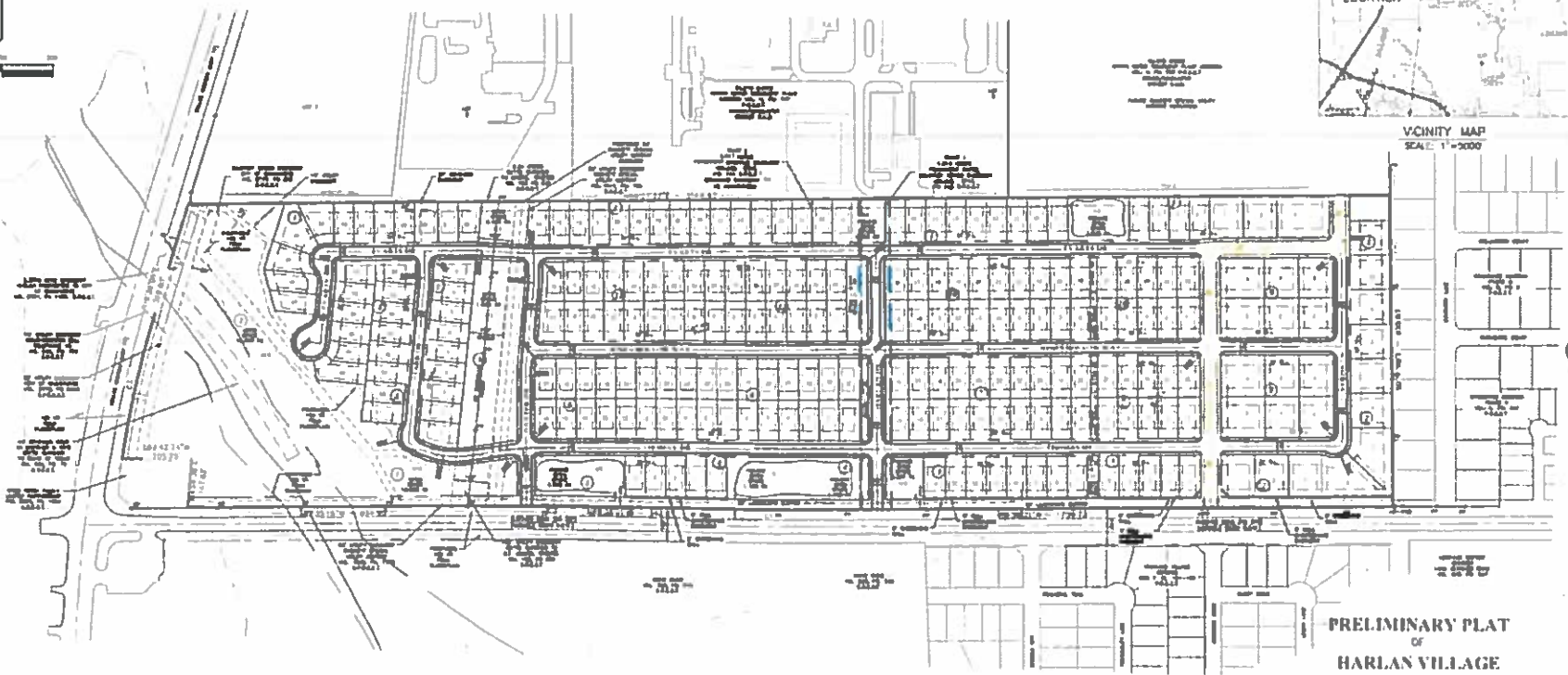
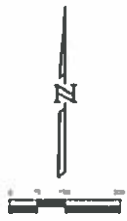


Suresh Shridharani
President

(7/16)



VICINITY MAP
SCALE: 1"=2000'



LEGEND	
	PROPOSED BY POW
	RELET OF BY POW

**PRELIMINARY PLAT
OF
HARLAN VILLAGE**

77.70 ACRES / 250 LOTS / 12 OPEN SPACES
OUT OF THE
THOMAS SHELBY SURVEY - ABSTRACT NO 1002
IN THE
CITY OF WAXAHAMIE, ELLIS COUNTY, TEXAS

OWNER/DEVELOPER

HARLAN PROPERTIES, INC.
2404 TEXAS DRIVE, SUITE 103
IRVING, TEXAS 75062
CONTACT: WALTER B. BISHOP
PHONE: (972) 658-0858

ENGINEER:

JACOBS

1800 SPRING STREET, SUITE 1300
DALLAS, TX 75201-3128
PHONE: 214-620-0101
FAX: 214-620-0107
Jacobs Engineering Group Inc.
Texas Registration # 2604

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(25)

Planning & Zoning Department

Zoning Staff Report



Case: SU-18-0087

MEETING DATE(S)

Planning & Zoning Commission: June 12, 2018

City Council: June 18, 2018

CAPTION

Public Hearing on a request Kyle Hunt, Hunt Restoration, for a Specific Use Permit (SUP) for **Accessory Building (Residential) greater or equal to 700 S.F.** use within a Planned Development-28-General Retail zoning district, located at 520 N. College Street, being LOT 26 & PT 27 BLK 9 TOWN - WAXAHACHIE 0.471 AC (Property ID 170713) - Owner: DUNCAN BILLY L & SHARON G (SU-18-0087)

CASE INFORMATION

Applicant: Kyle Hunt, Hunt Restoration

Property Owner(s): Billy L & Sharon G Duncan

Site Acreage: 0.471 acres

Current Zoning: Planned Development-28-General Retail

Requested Zoning: Planned Development-28-General Retail with SUP

SUBJECT PROPERTY

General Location: 520 N. College Street

Parcel ID Number(s): 170713

Existing Use: Single family residence, other outbuildings

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF2	Marvin Elementary
East	PD-28-GR	Single family residence
South	PD-28-GR	Single family residence
West	PD-28-GR	Edward Jones Investments

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.

(25)

Thoroughfare Plan:

The site is located at North College, Marvin, and Jackson streets. North College and Jackson streets are local streets, but Marvin is a Secondary Thoroughfare C (90' ROW).



Site Image:

PLANNING ANALYSIS

The applicant seeks to convert an existing garage into an accessory dwelling unit (ADU) and an existing shed into a garage. The site is currently occupied by a main residence, freestanding home office structure, detached garage, and shed. The freestanding office structure (along Jackson Street) and ADU conversion are/will be greater than 700 sq. ft. As a result, the applicant is requesting an SUP for accessory structures. The elevations of the various buildings on the lot are of similar appearance and materials. Though the site plan appears crowded, due to the tree coverage the majority of the buildings are not visible from the street.

SUP DEVELOPMENT STANDARDS

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

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 14 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Daily Light and a sign was visibly posted at the property on 05/25/2018.

STAFF CONCERNS

- 1. None outstanding.

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:

(25)

ATTACHED EXHIBITS

1. Ord. No. 1122
2. Site plan
3. Site photos
4. Elevations

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:

Kelly Dent, MPA
Planner

kdent@waxahachie.com

Reviewed by:

Shon Brooks, AICP
Director of Planning

sbrooks@waxahachie.com

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held June 12, 2018, the Commission voted 6-0 to recommend approval of zoning change SU-18-0087.

(25)

Ordinance No. 1122
Dated March 18, 1974

ORDINANCE NO. 1122

AN ORDINANCE CHANGING THE ZONING DESCRIBED AS BEING LOTS 26 THROUGH 36, BLOCK 9; LOTS 1 THROUGH 9, BLOCK 14; LOTS 1 THROUGH 3, BLOCK 15; LOTS 1 THROUGH 3, BLOCK 16; ALL BLOCK 17; LOTS 1 THROUGH 5, BLOCK 18; LOTS 1 THROUGH 3, BLOCK 19; LOTS 1 THROUGH 5, BLOCK 20; LOTS 1 THROUGH 6, BLOCK 111, TOWN ADDITION TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS FROM 2-FAMILY DISTRICT AND MULTI-FAMILY-1 DISTRICT TO PLANNED DEVELOPMENT-28-OFFICE AND GENERAL RETAIL DISTRICT AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

SECTION 1, 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 hereinbelow described property is classified in said ordinance and any amendments thereto, as 2F and MF-1; and

WHEREAS, proper application for the change of zoning has been made in accordance with the zoning ordinance in the City of Waxahachie, and same having been referred to the Planning and Zoning Commission, and said Planning and Zoning Commission has recommended the rezoning thereto from 2F and MF-1; Zoning District to Planned Development-28-Office and General Retail District; and

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

AND WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said rezoning from 2F and MF-1 to PD-28-O and GR District; and

NOW, THEREFORE, the following described property be, and the same hereby is rezoned from 2F and MF-1 to PD-28-O and GR District.

LOTS 26 THRU 36, BLOCK 9, TOWN ADDITION
LOTS 1 THRU 9, BLOCK 14, TOWN ADDITION
LOTS 1 THRU 3, BLOCK 15, TOWN ADDITION
LOTS 1 THRU 3, BLOCK 16, TOWN ADDITION
ALL BLOCK 17, TOWN ADDITION
LOTS 1 THRU 5, BLOCK 18, TOWN ADDITION
LOTS 1 THRU 3, BLOCK 19, TOWN ADDITION
LOTS 1 THRU 5, BLOCK 20, TOWN ADDITION
LOTS 1 THRU 6, BLOCK 111, TOWN ADDITION
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS.

PD-28-O and GR Planned Development-28-Office and
General Retail District

Planned Development District permitting retail and office uses as prescribed in the Use Schedule of the Zoning Ordinance of Waxahachie, Texas, for the "GR", General Retail and "O", Office Districts in

(25)

Ordinance No. 1122 (Continued)

accordance with the following delineations and restrictions of such uses, in addition, permitting the construction and operation of a newspaper printing plant and general offices related thereto at the southwest corner of College Street and Marvin Avenue on the following described property:

LOTS 2a, 3 AND 5, BLOCK 111
TOWN ADDITION, WAXAHACHIE, TEXAS

and permitting the operation of a children's nursery and day care center by Specific Use Permit on the following described property:

LOT 26, BLOCK 9
TOWN ADDITION, WAXAHACHIE, TEXAS

and specifically prohibiting the use of any land or premises in the Planned Development District for the following General Retail uses; special height signs, commercial auto parking lot, gasoline service station, car wash or car care center and commercial amusements, (such as pool halls and bowling alleys) and provided further that no uses other than those listed in the Use Schedule of the "O", Office District shall be permitted for a distance of 100 feet south of Marvin Avenue and from Park Avenue south to the southern boundary of the District except a newspaper printing plant and day care center shall be permitted as specifically set forth herein.

The location of any use other than a single-family residence on any lot or premises in accordance with the provisions of this ordinance and the issuance of any Building Permit or Certificate of Occupancy related thereto shall be subject to the submission and approval of a site plan which shall set forth the area and location of all existing and proposed buildings and structures, points of ingress and egress to and from the property, any drives, curbs, sidewalks or drainage facilities desired or required to allow the use and function of the premises as intended. Site plans may be submitted and acted upon for individual parcels of land or for collective parcels in accordance with the method of development.

Offstreet parking for motor vehicles shall be provided on each site, tract, lot or parcel in accordance with appropriate provisions of Section 10 of the Waxahachie Zoning Ordinance.

The minimum building setback line shall not be less than that established by the existing buildings on any street frontage unless the Planning and Zoning Commission, after public hearing, shall approve a plat creating a different minimum building line for all or a portion of any street frontage.

The height, density and coverage regulations shall comply with those established for the "GR", General Retail District.

Prior to the approval of any site plan for the use of property located within 200 feet of Marvin Avenue, a plan shall have been approved by the City and agreed upon by all adjacent owners for the elimination of the jog offset in the alignment of College and Brown Streets at Marvin Avenue.

SECTION 2: The Zoning Map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

(25)

Ordinance No. 1122

PASSED, APPROVED AND ADOPTED on this the 18th day
of March, 1974.

/s/ W. H. Larkin
MAYOR

ATTEST:

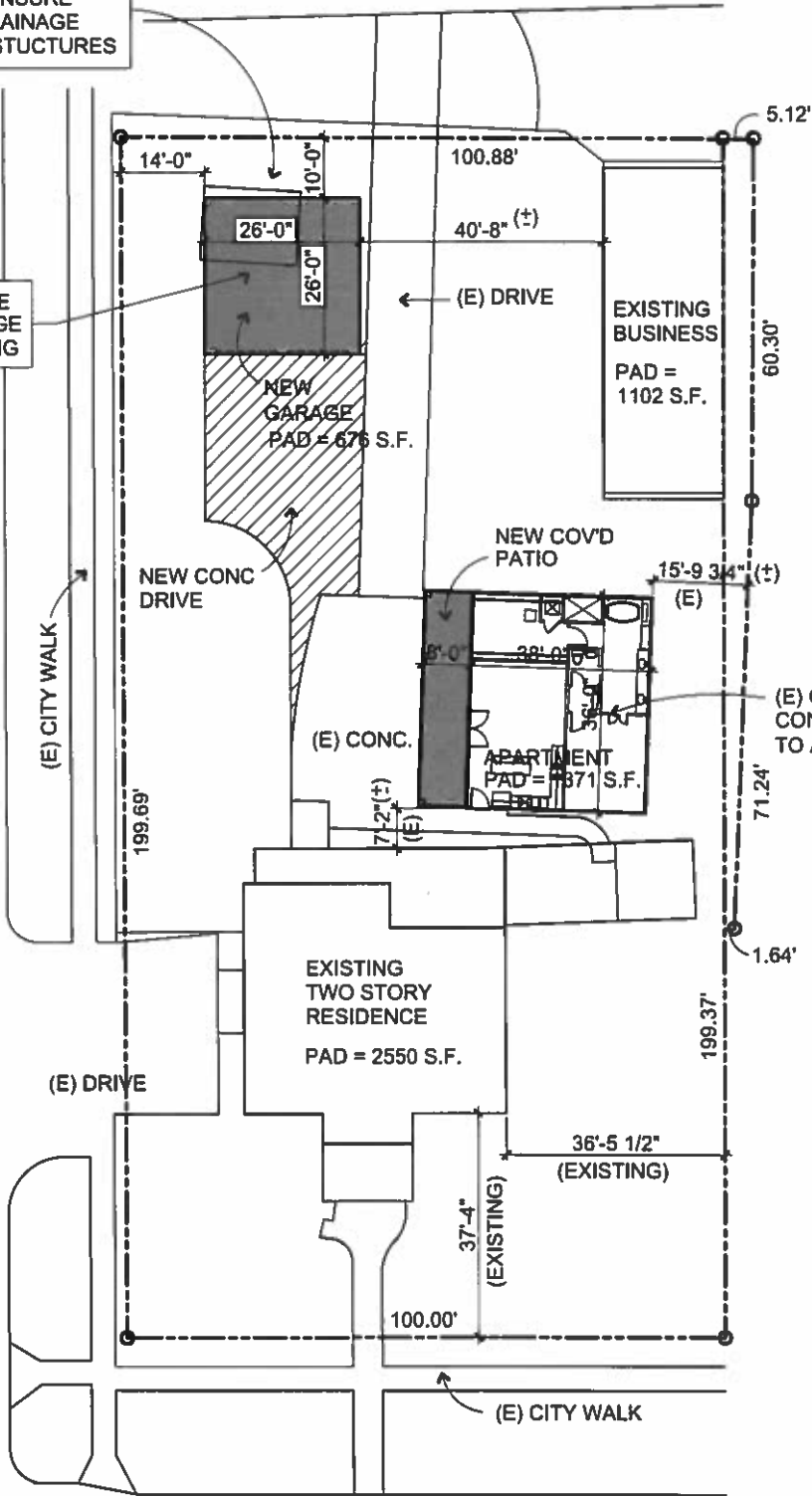
/s/ Linda Strength
City Secretary

(25)
Jackson Street

NOTE:
BUILDER TO ENSURE
POSSITIVE DRAINAGE
AWAY FROM STUCTURES

REMOVE
STORAGE
BUILDING

East Marvin Avenue



SITE PLAN

SC: 1"=20'-0"



North College Street

LOT SQUARE FOOTAGE -	20539 SQ. FT.
COVERAGE -	35%
MAX COV ALLOWED -	7189 SQ. FT.
COVERAGE PROVIDE (ALL BUILDINGS) -	5699 SQ. FT.

NOTE:
BUILDER TO VERIFY ALL
BUILDING LINE SETBACKS
WITH THE CITY.

ISSUE DATE
5-2-18
REVISED
5-21-8

Proposed Addition for:
520 College Street
Lot 26 Blk 9
Town Addition
Waxahachie, Texas

GUNN DESIGN, LLC
1905 CLEARVIEW DR. ENNIS, TEXAS
PHONE: 214-803-6049 FAX: 972-878-0661

COPYRIGHT 2018 GUNN DESIGN, LLC
These plans are base building plans and are intended to provide basic construction details and information. All material, finish, label codes, dimensions and structure shall be provided over any information shown. These plans are to be checked and verified by the owner, builder or parties in charge of construction of this project. Any errors, omissions or discrepancies are to be brought to the attention of the designer prior to the start of building or construction. The owner or builder is responsible for all engineering required for foundation, structural, steel, piping, electrical, earth retaining or all other engineering applicable for this project. These plans are not to be revised, copied, or reproduced without the written consent of Gunn Design, LLC. All rights reserved.

(25)

Planning & Zoning Department

Site Photos

Case: SU-18-0087



Front of main structure, College Street side.



Rear of main structure, Jackson Street side.



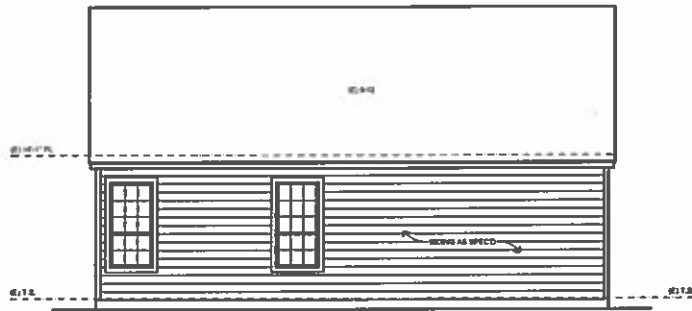
Jackson Street side.



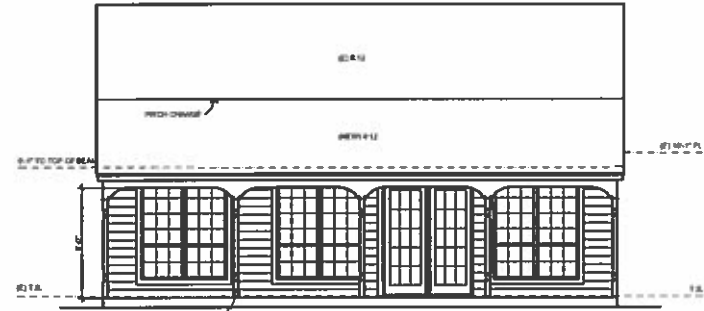
On Jackson Street side, to be converted.



Shed on Jackson Street side, to be converted.

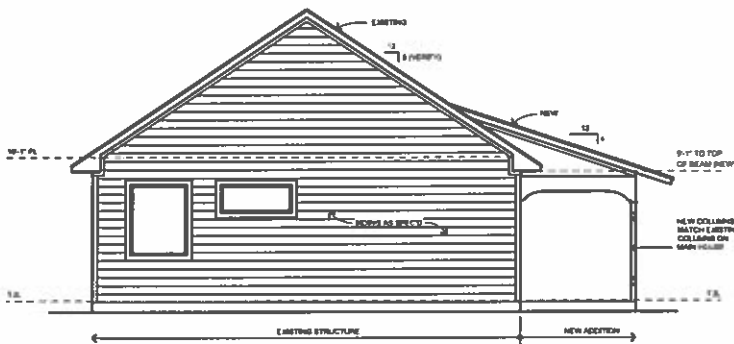


REAR ELEVATION
SC: 1/4" = 1'-0"

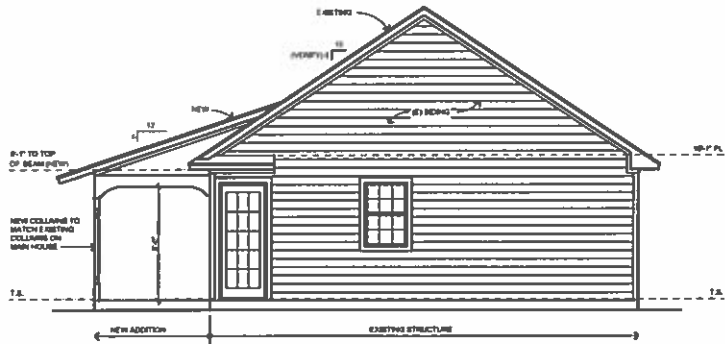


APARTMENT ELEVATION - VIEW FROM MARVIN AVE
SC: 1/4" = 1'-0"

NOTES:
 1. ALL WALL SURFACES TO BE SING AS SPEC'D
 2. ALL ROOF PITCHES TO BE AS NOTED
 3. SEE SPECIFICATIONS FOR USE OF SHIMMED LITE WINDOWS ON ALL ELEVATIONS



LEFT SIDE ELEVATION - VIEW FROM JACKSON STR.
SC: 1/4" = 1'-0"

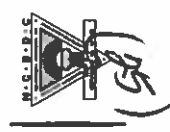


RIGHT SIDE ELEVATION - VIEW FROM HOUSE
SC: 1/4" = 1'-0"

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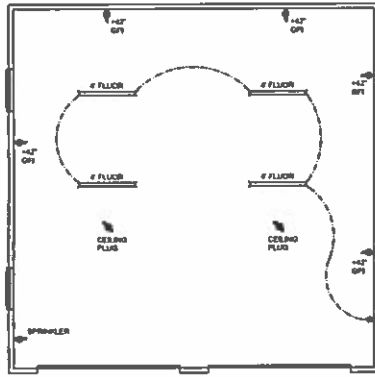
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GUNN DESIGN, LLC
 1028 CLEARVIEW DR. FINNIS, TEXAS
 PHONE: 214-803-8049 FAX: 972-978-0061



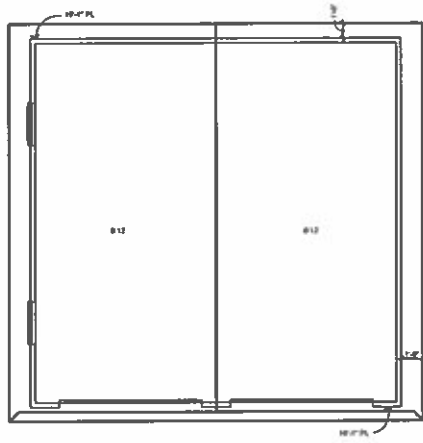
Proposed Addition for:
520 College Street
Lot 26 Blk. 9
 Town Addition
 Waxahachie, Texas

ISSUE DATE
 5-3-18
 REVISED
 JOB NO:
 1080
 SHEET NAME
 APARTMENT
 ELEVATIONS
 SHEET NO:
A2



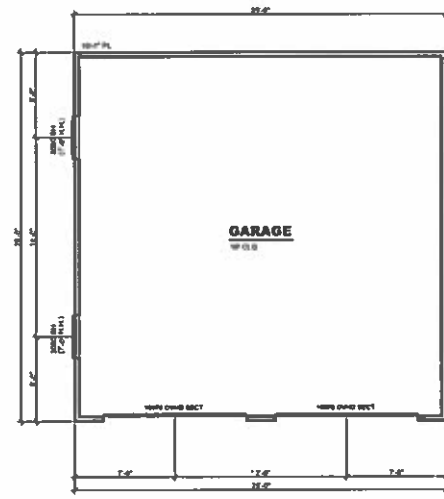
GARAGE ELECTRICAL PLAN

SC 14'x11'-0"



GARAGE ROOF PLAN

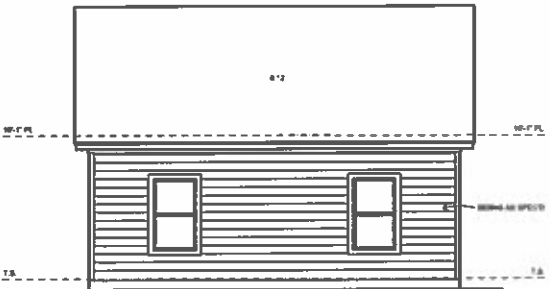
SC 14'x11'-0"



GARAGE PLAN

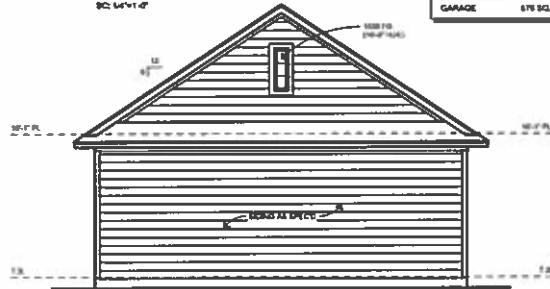
SC 14'x11'-0"

AREAS	
GARAGE	679 SCL. FT.



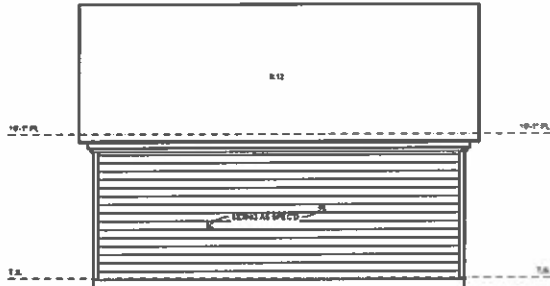
GARAGE - VIEW FROM MARVIN AVE

SC 14'x11'-0"



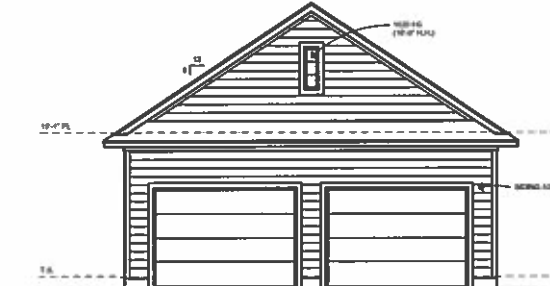
GARAGE - VIEW FROM JACKSON STR

SC 14'x11'-0"



GARAGE RIGHT ELEVATION

SC 14'x11'-0"



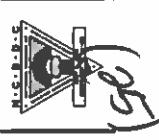
GARAGE ELEVATION - VIEW FROM HOUSE

SC 14'x11'-0"

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GUNN DESIGN, LLC
 1008 ELLENWAY DR. CHINA, TEXAS
 PHONE: 214-683-8049 FAX: 972-875-0661



Proposed Addition for:
520 College Street
Lot 26 Blk 9
Town Addition
Waxahatchie, Texas

ISSUE DATE
 5-2-18
REVISED

JOB NO:
 1080

SHEET NAME
 GARAGE PLAN

SHEET NO:
A4

(26)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ACCESSORY BUILDING (RESIDENTIAL) GREATER OR EQUAL TO 700 S.F. USE WITHIN A PLANNED DEVELOPMENT-28-GENERAL RETAIL (PD-28-GR) ZONING DISTRICT, LOCATED AT 520 N. COLLEGE STREET, BEING PROPERTY ID 238271, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 26 & PT 27, BLOCK 9 IN THE TOWN – WAXAHACHIE SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as PD-28-GR; and

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number SU-18-0087. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from PD-28-GR to PD-28-GR, with an SUP in order to permit an Accessory Building (Residential) greater or equal to 700 S.F. use on the following property: Lot 36 & Pt 27, Block 9 of the Town - Waxahachie subdivision, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B, and the Elevations attached as Exhibit C.

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

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

PASSED, APPROVED AND ADOPTED on this _____ day of _____, 2018.

MAYOR

ATTEST:

City Secretary

(20)



EXHIBIT A

SU-18-0087

**SU-18-0087 Town-520 N college
Location Exhibit**



(27)

Planning & Zoning Department

Zoning Staff Report

Case: PD-18-0048



MEETING DATE(S)

Planning & Zoning Commission: June 12, 2018

City Council: June 18, 2018

CAPTION

Public Hearing on a request by Grant Robinson, CPG Homes LLC, for a Zoning Change from a Multi-Family-2 zoning district to **Planned Development-Multi-Family-2, with Concept Plan**, located East of new Waxahachie High School, being 1080 WM C TUNNELL 6.536 ACRES (Property ID 264879) - Owner: BOA SORTE LP ETAL (PD-18-0048).

CASE INFORMATION

Applicant: Grant Robinson, CPG Homes LLC

Property Owner(s): BOA Sorte LP etal

Site Acreage: 6.536 acres

Current Zoning: Planned Development-47-Multi Family-2

Requested Zoning: Planned Development-Multi-Family-2

SUBJECT PROPERTY

General Location: East of new Waxahachie High School

Parcel ID Number(s): 264879

Existing Use: Currently undeveloped

Development History: Ordinance No. 2296 was enacted by City Council on March 21, 2005.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	PD-C	Cowboy Church
East	PD-MF2	Currently undeveloped
South	PD-C	Currently undeveloped
West	PD-C	Currently undeveloped

Future Land Use Plan: Public/Semi-Public with a portion Highway Commercial

(27)

Comprehensive Plan:

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.

Thoroughfare Plan:

The site is accessed via W US Highway 287 Bypass.



Site Image:

PLANNING ANALYSIS

The applicant seeks to replace a current Planned Development (Ordinance No. 2296) with a new Planned Development that reduces the standards required to construct apartment homes. In Ordinance No. 2296, this property is required to comply with the minimum density, coverage, height, parking and area standards specified by the Multi-Family-2 (MF2) zoning district. The applicant has proposed increased density and decreased garage parking not meeting the 50% minimum per ordinance.

PD DEVELOPMENT STANDARDS

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

Requirements	MF-2	Proposed
Density	18 units/acre	21.44 units/acre
Garaging	50% of required parking in enclosed, attached garages	30 enclosed, attached garages (12.25%)
Side Yard Setback Adjacent to Multi-Family or Non-Residential	100'	58'

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 Daily Light and a sign was visibly posted at the property on 5/4/18.

(27)

STAFF CONCERNS

PLANNING, CASE MANAGER – Kelly L. Dent (469) 309-4294; kdent@waxahachie.com

1. There remain concerns regarding the proposed density. The reduction of the number of buildings, and reorientation of the remaining buildings, would both decrease the density, and address concerns about layout, parking, and access.
2. The City expects that at least fifty (50) percent of the parking be provided via attached enclosed garages.

APPLICANT RESPONSE TO CONCERNS

1. Applicant submitted revisions, which are included in the packet, and attended a conference call meeting with staff.

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.
- Additional considerations may be required.
 1. Density exceeds the maximum allowed.
 2. A minimum of 50% of units are required enclosed garages.

ATTACHED EXHIBITS

1. Ordinance No. 2296
2. Site plan submitted May 11, 2018, in response to Staff Comments sent to applicant on April 27, 2018.
3. Second submittal packet (includes concept plan provisions, proposed site plan, and proposed elevations).

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
Kelly Dent, MPA
Planner
kdent@waxahachie.com

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

(27)

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held May 22, 2018, the Commission voted 5-1 to recommend continuance of zoning change PD-18-0048, to the June 12, 2018 Planning & Zoning Commission Meeting. Since then, the applicant has met with City staff. Staff recently received a resubmittal of documents, however, the City remains concerned about the proposed density, garaging, open space, setbacks, building separation, and provision for dumpsters. It should be noted that if this development does dedicate the proposed ROW along the southern edge of the property, the density will increase from the currently proposed 21.44 units per acre. 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.

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held June 12, 2018, the Commission voted 6-0 to recommend approval of zoning change SU -18-0048, subject to staff comments, and with the provision of eighty-four (84) covered parking spaces, and 100 percent masonry on all four (4) sides of the buildings.

(27)

AN ORDINANCE CHANGING THE ZONING ON 16.95 ACRES LOCATED SOUTH OF HWY. 287 BYPASS, 3/4 OF A MILE WEST OF FM 664, IN THE W.C. TUNNELL SURVEY, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AS SHOWN ON EXHIBIT "A," FROM PLANNED DEVELOPMENT-48-LIGHT INDUSTRIAL (PD-48-LI) TO PLANNED DEVELOPMENT-MULTI-FAMILY-2 (PD-MF-2) WITH SPECIAL RESTRICTIONS ON 10.402 ACRES; REZONE RESIDUAL 6.542 ACRES OF 16.95 ACRE TRACT TO PLANNED DEVELOPMENT-47-MULTI-FAMILY-2 (PD-47-MF-2), AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, proper application for the change of zoning has been made in accordance with the zoning ordinances in the City of Waxahachie, and same having been referred to the Planning and Zoning Commission, and said Planning and Zoning Commission has recommended the rezoning thereto from Planned Development-48-Light Industrial (PD-48-LI) to Planned Development-Multi-Family-2 (PD-MF-2) and Planned Development-47-Multi-Family-2 (PD-47-MF-2); and,

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

WHEREAS, a proper hearing was held as required by law and the Council having heard all arguments for and against said rezoning from Planned Development-48-Light Industrial (PD-48-LI) to Planned Development-Multi-Family-2 (PD-MF-2) and Planned Development-47-Multi-Family-2 (PD-47-MF-2);

NOW, THEREFORE, the following described property be, and the same hereby is, rezoned from Planned Development-48-Light Industrial (PD-48-LI) to Planned Development-Multi-Family-2 (PD-MF-2) on the 10.402 acres, Exhibit "A" and Planned Development-47-Multi-Family-2 (PD-47-MF-2), this part to become part of PD-47-MF-2; on the 6.542 acre tract, Exhibit "B". The 10.402 acres is subject to the following:

Planned Development District permitting uses as prescribed in the Use Schedule of the Zoning Ordinance of Waxahachie, Texas for the "MF-2", Multiple-Family-2-Residence District, subject to the approval of a site plan by the Planning and Zoning Commission and City Council prior to the issuance of any Building Permit or Certificate of Occupancy for any structure or use on the premises. Such site plan shall set forth the areas designated for building use and those designated for off-street parking, recreation, yards, open space and related uses. The site plan shall also indicate all curbs, sidewalks, drainage facilities, drives, utility easements and service areas indicated as necessary for the proper use and function of the development.

The density, coverage, height, parking and area standards shall comply with the minimum standards specified for the MF-2, Multiple-Family-2 Residence District.

The requisite site plan may be approved in whole or in part provided the elements influencing the development of the entire tract, such as access, parking and circulation are considered by the partial site plan.

The MF-2 requirements on the 10.402 acres are amended as follows:

For retirement home use, one parking space is required for each dwelling unit, plus parking for employees as required by the City.

The front door of each apartment unit shall be no more than 300 feet from a fire line, if the project is fully sprinklered throughout the living space and attics.

(27)

The buildings shall not exceed 350 feet in length.

The total square feet for Usable Open Space shall be 1.5 acres, if activities and common areas totalling 50,250 square feet are provided inside.

16.95 acres located South of South Hwy. 287 Bypass, 3/4 of a mile West of FM 664, in the W.C. Tunnell Survey, City of Waxahachie, Ellis County, Texas, and being further described on Exhibit "A" attached hereto, in 2 parts.

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 21st day of March, 2005.



Joe Janina
MAYOR

Nancy Ross
City Secretary

(27)

FIELD NOTES
10.402 Acres

SE200 of the eastern 1/4 tract or parcel of land situated in the W.C. Tarrant Survey, Abstract No. 1080, and being a part of a certain 230.588 acre tract partitioned into 200 lots by deed recorded in Volume 1746, Page 243, of the Official Public Records, Ellis County, Texas, and being more particularly described as follows:

Beginning at a Texas Highway Department monument found in the south 1/4 of U.S. Highway 287 System (a certain 1/2 mile right-of-way) in the southwest corner of this tract and said 230.588 acre tract, said red being the southeast corner of a certain 68.381 acre tract described by instrument recorded in Volume 277, Page 274 of the Deed Records, Ellis County, Texas;

THENCE S 00°23'45" E 725.00 feet along the east line of this tract and said 230.588 acre tract and the west line of said 68.381 acre tract, to a 1/2" capped steel rod set for the southeast corner of this tract;

THENCE S 88°53'00" W, 325.00 feet, to said 230.588 acre tract, being the north line of this tract, to a 1/2" capped steel rod set for the southwest corner of this tract;

THENCE N 00°23'45" E, 725.00 feet through said 230.588 acre tract, along the west line of this tract, to a 1/2" capped steel rod set in the south line of said highway and the north line of said 230.588 acre tract, for the northwest corner of this tract;

THENCE S 88°53'00" E (true - course bearing back), 625.00 feet along the south line of said highway and the north line of this tract and said 230.588 acre tract, to the POINT OF BEGINNING, and containing approximately 10.402 acres of land.

SURVEYORS DECLARATION

TO THE LEND HOLDERS AND/OR THE OWNERS AND/OR THE PURCHASERS OF THE PREMISES SURVEYED AND TO THE TRINITY TRUST AND TITLE COMPANY

I hereby certify that in January, 2005, this survey was made on the ground as per the field notes shown on this survey and is true, correct and accurate as to the boundaries and lines of this subject property and the site, location and type of buildings and improvements thereon, and as to all other matters herein shown, and correctly shows the location of all visible easements and rights-of-way.

Except as shown on the survey, there are no encroachments upon the subject property by improvements on adjacent property, there are no easements, or adjacent property, streets or alleys by any improvements on the subject property and there are no encumbrances or prohibitions.

I further certify to the following conditions:

1. That no portion of the said tract lies within a Special Flood Hazard Boundary according to the Flood Insurance Rate Map for Ellis County, Texas, Map F-481360-0001-B.
2. This survey reflects the above ground (visible) location of utilities. The surveyor makes no guarantee that the utilities shown comprise all such utilities in the area, either in service, or abandoned. Further, the surveyor does not warrant that the underground utilities shown are in the exact location indicated. Underground utilities which may affect this property were not located during the course of this survey, but has made an attempt to locate all utilities, as possible any underground utility indicated by above ground evidence.
3. Information in parentheses are from public records (Deed-books).
4. Bearing sources are as per record plat or field notes description.
5. This survey was prepared in conjunction with Trinity Abstract and Title Company Commitment for Title Insurance, G.F. No. 70306, dated October 14, 2004. The easements, rights-of-way, or other exceptions noted herein are according to the Schedule B therein. The surveyor has not abstracted the property. Based on the statements and/or deeds furnished by the abovesaid title company, the following do not appear to affect the subject property:

Ellis Prairie Soil Conservation Dist. - 465/482; 474/33 DIRECT
 Texas Power & Light Co. - 494/44; 370/318; 538/437; 638/438; 368/886 DIRECT
 Southwestern Bell Tele. Co. - 350/339 DIRECT
 State of Texas - 438/288 DIRECT
 City of Waverly - 1885/4 OPRCT

6. Unless otherwise labeled, all property corners indicated as "Set" are 1/2" diameter steel rods with yellow plastic caps marked (NPLS 4466)

This survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1A, Condition 4 Survey.

Walter Keven Davis
 Walter Keven Davis, N.P.L.S. # 4466
 Davis & McDill

1/13/05
Date



EXHIBIT A

(27)

**FIELD NOTES
EXISTING PD-48 LI-1 ZONING
PROPOSED PD MF-2 ZONING
6.542 Acres**

BEING all that certain lot, tract, or parcel of land situated in the W. C. TUNNELL SURVEY, ABSTRACT No. 1080, and being a portion of a called 239.598 acre tract of land conveyed to Joe Rust by deed recorded in Volume 1748, Page 2455 of the Official Public Records of Ellis County, Texas (OPRECT), and being more particularly described as follows:

BEGINNING at a 1/2" steel rod set in the east line of the 239.598 acre tract for the lower northeast corner of this tract and which bears S 00°23'45" W, 725.00 feet from a Texas Highway Department monument found in the south line of U. S. HIGHWAY 287 BYPASS, a variable width public right-of-way, for the northeast corner of the called 239.598 acre tract and being the northwest corner of a called 69.351 acre tract of land described by instrument recorded in Volume 717, Page 274 of the Deed Records of Ellis County, Texas (DRECT);

THENCE S 00°23'45" W, 81.00 feet along the lower east line of this tract and east line of the said 239.598 acre tract and the west line of said 69.351 acre tract to the southeast corner of this tract;

THENCE N 89°37'58" W, 918.59 feet into said 239.598 acre tract along the south line of this tract to the southwest corner of this tract;

THENCE N 00°26'36" E, 797.54 feet through said 239.598 acre tract along the west line of this tract to the northwest corner of this tract in the south line of said highway and the north line of said 239.598 acre tract;

THENCE along the south line of said highway and the north line of said 239.598 acre tract as follows:

N 87°15'00" E, 88.93 feet to a 5/8" steel rod found; and S 89°53'00" E (Deed - record bearing basis), 204.14 feet to a point for the upper northeast corner of this tract;

THENCE into the said 239.598 acre tract and along the upper east line and lower north line of this tract as follows: S 00°23'45" W, 725.00 feet to a point for the inset northeast corner of this tract and S 89°53'00" E, 625.00 feet to the POINT OF BEGINNING and containing approximately 6.542 acres of land.

Surveyors Declaration:

I hereby declare that the foregoing field notes were prepared by me and based on an actual survey made on the ground under my supervision in March, 2005.

Walter Keven Davis 3/3/05

Walter Keven Davis
RPLS # 4486
Davis & McDill



EXHIBIT "A"

(27)

FIELD NOTES
EXISTING PD-48 LI-1 ZONING
PROPOSED PD MF-2 ZONING
16.944 Acres

BEING all that certain lot, tract, or parcel of land situated in the W. C. TUNNELL SURVEY, ABSTRACT No. 1080, and being a portion of a called 239.598 acre tract of land conveyed to Joe Rust by deed recorded in Volume 1746, Page 2455 of the Official Public Records of Ellis County, Texas (OPRECT), and being more particularly described as follows:

BEGINNING at a Texas Highway Department monument found in the south line of U. S. HIGHWAY 287 BYPASS, a variable width public right-of-way, for the northeast corner of this tract and said 239.598 acre tract, said rod being the northwest corner of a called 69.351 acre tract of land described by instrument recorded in Volume 717, Page 274 of the Deed Records of Ellis County, Texas (DRECT);

THENCE S 00°23'45" W, 806.00 feet along the east line of this tract and said 239.598 acre tract and the west line of said 69.351 acre tract to the southeast corner of this tract;

THENCE N 89°37'58" W, 918.59 feet into said 239.598 acre tract along the south line of this tract to the southwest corner of this tract;

THENCE N 00°26'36" E, 797.54 feet through said 239.598 acre tract along the west line of this tract to the northwest corner of this tract in the south line of said highway and the north line of said 239.598 acre tract;

THENCE along the south line of said highway and the north line of said 239.598 acre tract as follows:

N 87°15'00" E, 88.93 feet to a 5/8" steel rod found;

S 89°53'00" E (Deed - record bearing basis), 829.14 feet to the POINT OF BEGINNING and containing approximately 16.944 acres of land.

Walter Keven Davis

Walter Keven Davis, RPLS #4466
Davis and McDill, Inc.



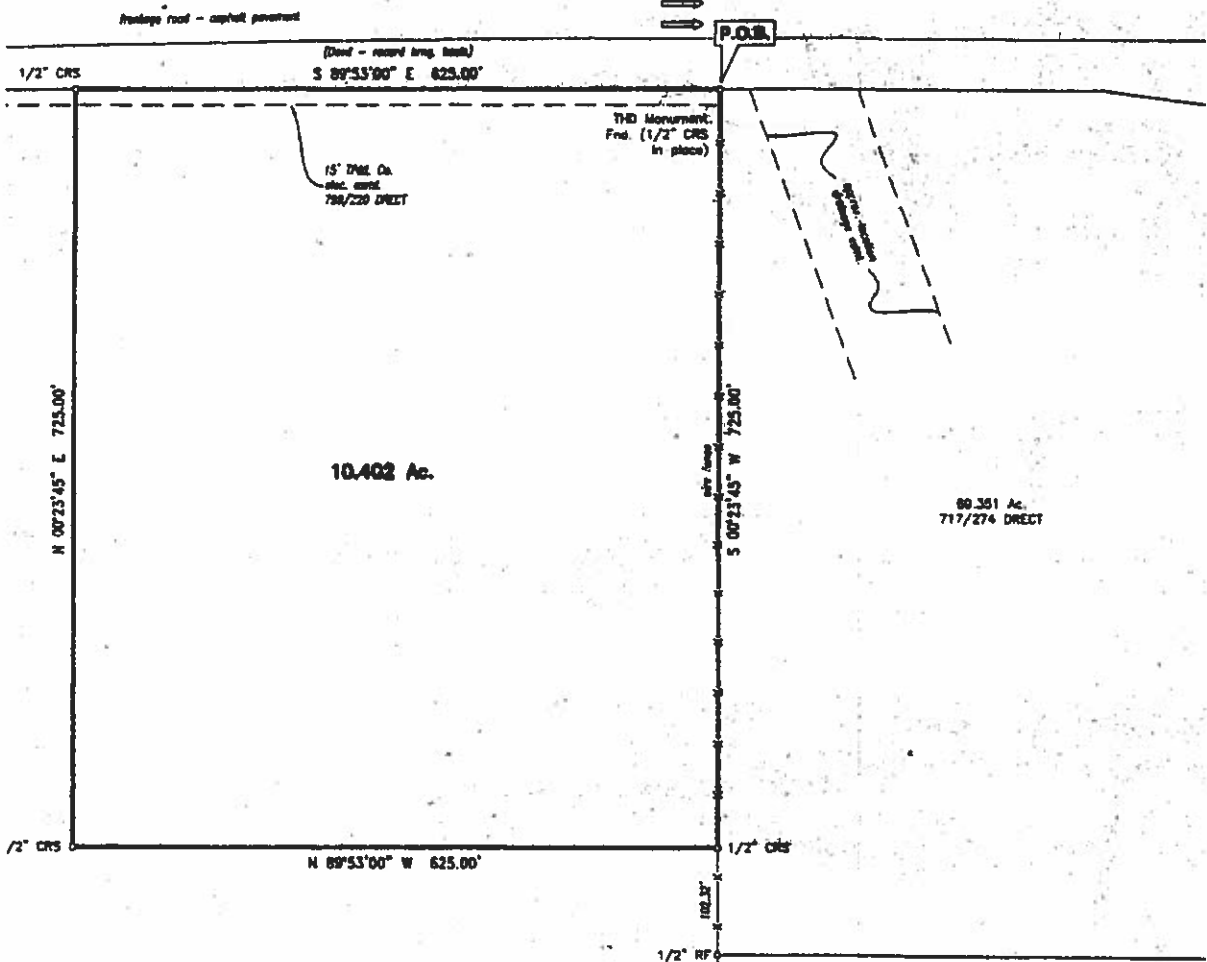
OWNER/DEVELOPER:
Joe Rust
440 Gingerbread Lane
Waxahachie, TX 75165
Phone: 972-333-4143

EXHIBIT B

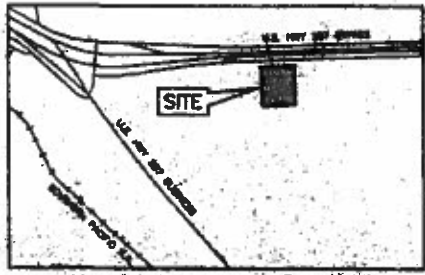
ZONING PLAT
EXISTING PD-48 LI-1 ZONING
PROPOSED PD MF-2 ZONING
16.944 Acres

(27)

U.S. HIGHWAY 287 BYPASS Variable with R.O.W.



residual of 230.388 Ac.
Joe Rust
1746/2455 OPRECT

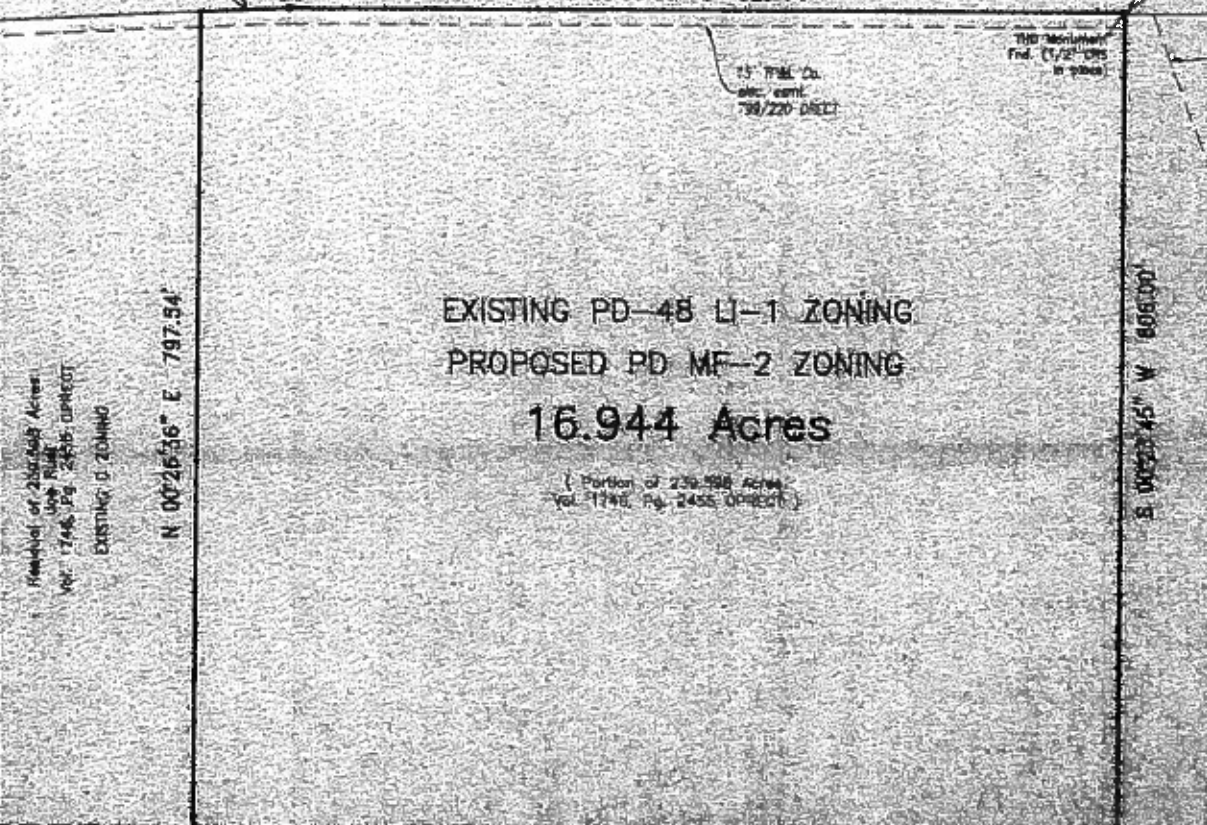


LOCATION MAP SCALE: 1" = 200'

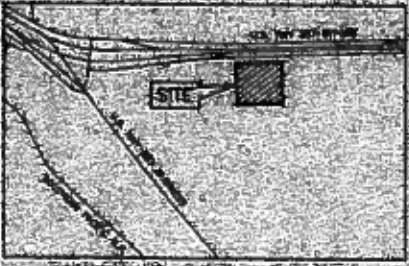
(27)

Variable width - R.O.W.

heritage road - asphalt pavement
N 87°15'00" E 88.93' (Dead - record base basis) S 89°53'00" E 829.14'



N 89°37'58" W 318.50'



Heretofore of 239.988 Acres Vol. 1746, Pg. 2455 DIRECT EXISTING PD MF-2 ZONING

W. C. WAINWRIGHT SURVEY 1982

THE MARK ON 287

A Multi-Family Community
 Mucasey & Associates, Architects
 May 10, 2018

PROJECT SUMMARY:

Apartments:

Type	Description	Qty	Area
A1	One Bedroom, 1 Bath (1st Floor)	10	100 s.f.
A2	One Bedroom, 1 Bath (Upper Floor)	20	100 s.f.
A3	One Bedroom, 1 Bath (1st Floor)	8	711 s.f.
A4	One Bedroom, 1 Bath (Upper Floor)	20	711 s.f.
A5	One Bedroom, 1 Bath (1st Fl. H.C.)	1	711 s.f.
A6	One Bedroom, 1 Bath (Upper Floor)	20	100 s.f.
Total One Bedroom Units 80 Units			
B1	Two Bedroom, 2 Bath (1st Floor)	10	545 s.f.
B2	Two Bedroom, 2 Bath (Upper Floor)	20	545 s.f.
B3	Two Bedroom, 2 Bath (1st Floor)	9	1,001 s.f.
B4	Two Bedroom, 2 Bath (Upper Floor)	20	1,001 s.f.
B5	Two Bedroom, 2 Bath (1st Fl. H.C.)	1	1,001 s.f.
Total Two Bedroom Units 60 Units			

Apartments Total	140 Units	10,170 s.f.
Amenity Center		7,500 s.f.
Grille House		460 s.f.
Garage/Maintenance		851 s.f.
Project Total		19,981 s.f.

PARKING REQUIRED:

140 Units @ 1.5 cars/unit = 210 cars

PARKING PROVIDED:

	Van	HC	Standard	Total
Open Parking (Secured)	2	4	134	140 cars
Breezeway Garages	0	0	30	30 cars
Detached Garages	1	0	0	1 car
Carports	1	0	31	30 cars
Total Secured Parking Provided	4	4	265	270 cars
Open Parking (Non-secured)	1	1	6	8 cars
Total Regular Parking Provided	5	5	267	278 cars
Taxi Parking	0	0	30	30 cars
Total Parking Provided	0	0	231	348 cars

OPEN SPACE SUMMARY:

OPEN SPACE REQUIRED:

60 One Bedroom Units @ 600 s.f.	36,000 s.f.
60 Two Bedroom Units @ 300 s.f.	18,000 s.f.
Total Open Space Required	54,000 s.f.

OPEN SPACE PROVIDED:

Open Space 1 -	71,971 s.f.
Open Space 2 - County and Recreational Open Space	49,320 s.f.
Open Space 3 - Recreational Open Space	7,545 s.f.
Recreational Space in Amenity Center and Pool Deck (10,545 s.f. x 3)	31,635 s.f.
Playground (823 s.f. x 3)	2,469 s.f.
Total Open Space Provided	163,941 s.f.

PD SUBMITTAL SUMMARY:

Lot Width	253' Min	300' Max
Lot Depth		757'
Lot Area		6.53 Acres
Density		2144 Units/Acre
Site Coverage:		
Amenity Center		3,332 s.f.
Building 1		1,146 s.f.
Building 2		1,146 s.f.
Building 3		1,146 s.f.
Building 4		1,146 s.f.
Building 5		1,146 s.f.
Grille House		854 s.f.
Garage		851 s.f.
Total Building Coverage		63,433 s.f.
Percentage of Site Coverage		27%
Building Height:		
Amenity Center		25'-2"
Typical Apartment Building		36'-0"



U.S. HIGHWAY 281 BYPASS

(27)

(27)

EXHIBIT "B"

Concept Plan Provisions

Purpose and Intent

The purpose and intent of this Planned Development (PD) is to allow for the development of a Class-A apartment complex comprised of 140 units that uses a similar architectural style as that of The Mark on Solon, with exterior features intended to blend the project with the aesthetics of Waxahachie New High School. Any conditions found within the Multiple Family Residential District-2 (MF-2) zoning district or Zoning Ordinance that are not written herein, shall default to the City of Waxahachie's Code of Ordinances, as amended.

Compliance with the City's Comprehensive Plan

Zoning District (MF-2) is the intended base zoning classification underlying this PD. The MF-2, Multiple Family Residential District-2, is an attached residential district intended to provide the highest residential density of eighteen (18) dwelling units per acre. The principal permitted land uses will include low-rise multiple family dwellings, and apartments. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this District. This District should be located adjacent to a major thoroughfare and serve as a buffer between retail/commercial development or heavy automobile traffic, and medium or low density residential development.

PD District Development Standards

Description of Request

- We intend to modify the existing zoning requirements under a Planned Development which will allow for the development of a three (3) story, garden style, "Class-A" apartment complex consisting of five (5) residential buildings and 140 units.

Proposed Use of Property

- The proposed development is a three (3) story, garden style, "Class-A" apartment complex comprised of five (5) residential buildings and 140 units, which will a similar architectural style as that of The Mark on Solon, with exterior features intended to blend the project with the aesthetics of Waxahachie New High School that will serve as a model for future development in the surrounding area. The development will feature an amenity center with workout facilities and business center, a pool and grill house, playground, a dog park, fully enclosed storage units not visible from the exterior, fully enclosed tuck under garages, and covered parking. Applicant intends to break ground in late summer, with completion of the project in late 2019, early 2020.

General Development Requirements

- **Site Plan:** The site plan is attached as Exhibit "C"
- **Elevation:** The elevation plan is attached as Exhibit "D"
- **Density:** 21.44 dwelling units per acre (140 units total)
- **Exterior:** The exterior of the project will include brick and cementious fiber board to resemble The Mark on Solon with exterior features intended to compliment Waxahachie New High School.

(27)

- **Parking:** The development will consist of 247 parking spaces (1.76 per unit), comprised of thirty (30) fully enclosed tuck-under garages, one (1) fully enclosed detached handicap van garage, eighty-four (84) carports, thirty (30) tandem spaces, and one hundred and two (102) open parking spaces.
- **Open Space:** Open space for the development shall be a minimum of 88,114 square feet as depicted on the site plan, and include a central courtyard with park benches, pool area, dog park, playground, and various green areas.
- **Side Setbacks:** The side setbacks shall be a minimum of fifty-eight and a half (58.5) feet.
- **Public ROW:** Applicant will grant the City of Waxahachie an easement for use as a public ROW over that area along the southern portion of the subject property depicted and labeled on the site plan.
- **Building Separation:** Minimum building separation shall be a minimum of thirty (30) feet.
- **Refuse Facility:** The refuse facilities proximity requirements shall be waived so long as a valet trash service is provided to residents.

THE MARK ON 287

A Multi-Family Community
 Mucasey & Associates, Architects
 June 06, 2018

PROJECT SUMMARY:

Apartment:	Qty	Area
Apartment:		
A1 One Bedroom (1 Bath 1st Floor)	10	709 s.f.
A1 One Bedroom (1 Bath Upper Floor)	30	709 s.f.
A2 One Bedroom (1 Bath 1st Floor)	5	771 s.f.
A2 One Bedroom (1 Bath Upper Floor)	30	771 s.f.
A3 One Bedroom (1 Bath 1st Fl. H.C.J.)	1	771 s.f.
A3 One Bedroom (1 Bath Upper Floor)	30	771 s.f.
Total One Bedroom Units	80 Units	
B1 Two Bedroom (2 Bath 1st Floor)	10	943 s.f.
B1 Two Bedroom (2 Bath Upper Floor)	30	943 s.f.
B2 Two Bedroom (2 Bath 1st Floor)	5	1091 s.f.
B2 Two Bedroom (2 Bath Upper Floor)	30	1091 s.f.
B3 Two Bedroom (2 Bath 1st Fl. H.C.J.)	1	1091 s.f.
Total Two Bedroom Units	60 Units	
Apartments Total	140 Units	16,710 s.f.
Assembly Center		3,820 s.f.
Driveway House		470 s.f.
Detached Garage		591 s.f.
Project Total		22,482 s.f.

PARSONS REQUIRED:

100	HC	Total
Open Parking (Secured)	1	4
Driveway Garage	0	0
Detached Garage	1	0
Carports	2	0
Total Secured Parking Provided	5	4
Open Parking (Non-secured)	1	0
Total Regular Parking Provided	6	4
Truck Parking	0	0
Total Parking Provided	6	4

OPEN SPACE SUMMARY:

80 One Bedroom Units @ 600 s.f.	48,000 s.f.
60 Two Bedroom Units @ 1000 s.f.	60,000 s.f.
Total Open Space Required	108,000 s.f.
OPEN SPACE PROVIDED:	
Open Space #1 - Recreational Open Space	32,575 s.f.
Open Space #2 - Recreational Open Space	7,662 s.f.
Recreational Space in Assembly Center and Pool Deck (14,811 s.f. = 3)	14,811 s.f.
Playground (1,000 s.f. = 1)	1,000 s.f.
Total Open Space Provided	56,048 s.f.

PD SUBMITTAL SUMMARY:

Lot Area	737 Pts	987 Pts
Lot Depth		797
Lot Area		933 Acres
Density		144 Densities
Site Coverage:		
Assembly Center		3,820 s.f.
Building #1		1,746 s.f.
Building #2		1,746 s.f.
Building #3		1,746 s.f.
Building #4		1,746 s.f.
Building #5		1,746 s.f.
Driveway House		470 s.f.
Detached Garage		591 s.f.
Total Building Coverage		13,417 s.f.
Percentage of Site Coverage		25%
Building Height:		
Assembly Center		20'-0"
Typical Apartment Building		20'-0"





1 **Front Elevation**
A4.1



2 **Back Elevation**
A4.1



MUCASEY & Associates Architects
 4848 Gilman, Suite 200
 Houston, Texas 77057
 Tel: (713) 254-1233
 Fax: (713) 254-1964
 Email: info@mucasey.com

THE MARK ON 287
 A Luxury Multi-Family Community
 Westlake, Texas
 Job No. 187

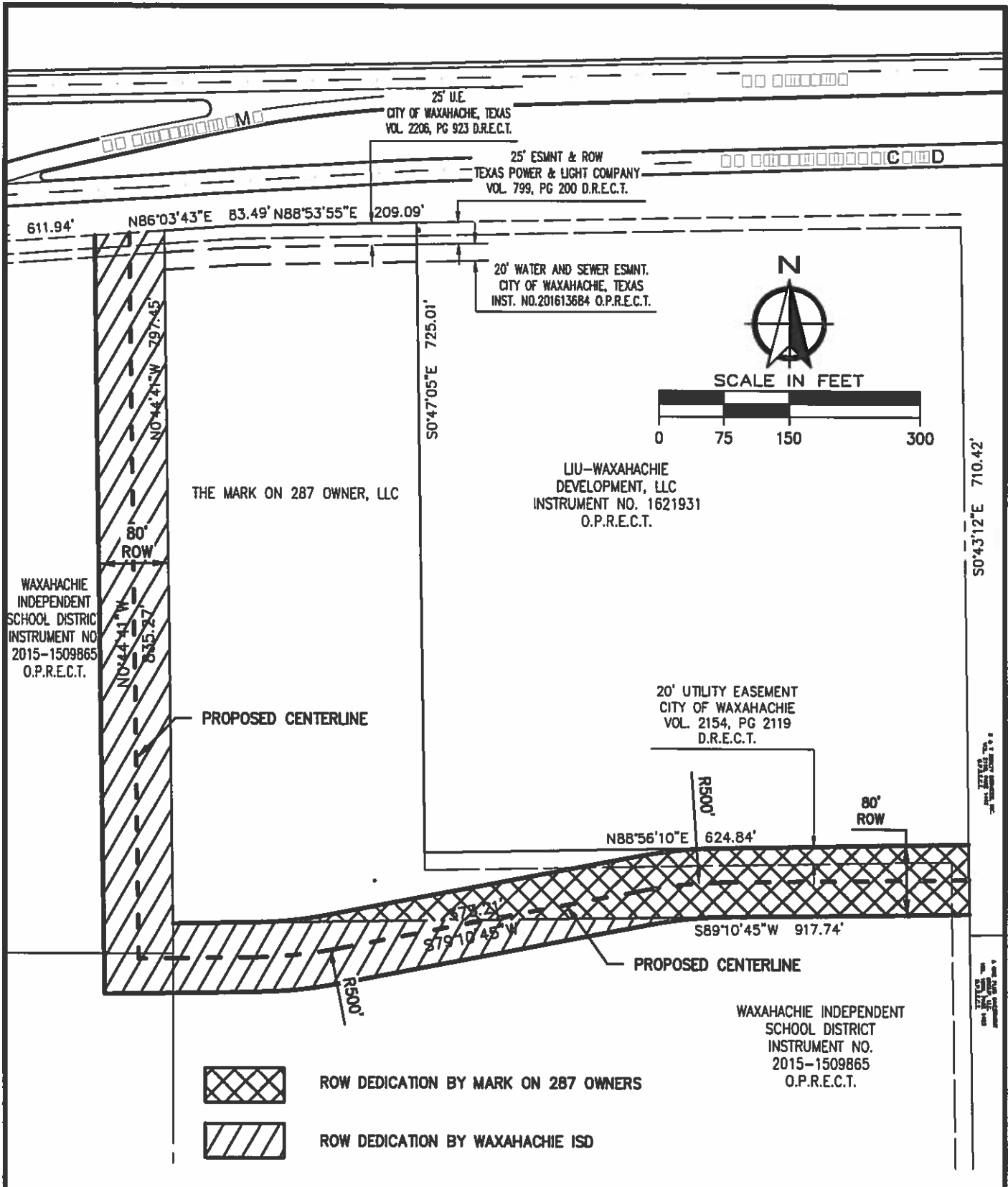
WJ

DATE	REVISION

A4.1

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(271)



ROW DEDICATION BY MARK ON 287 OWNERS



ROW DEDICATION BY WAXAHACHIE ISD

GATEWAY
ENGINEERING, INC.

TEXAS PERM NO. F-17438 P. 817-428-0444

PROJECT: MARK ON 287
 DESCRIPTION: PROPOSED RIGHT-OF-WAY EXHIBIT

DATE: 6-5-18
 SCALE: 1"=150'
 SHEET: OF

(27)

Planning and Zoning: May 22, 2018
City Council: June 4, 2018

CASE PD-18-0048

***SUPPORT* 0**

***OPPOSE* 1**

Public Hearing on a request by Grant Robinson, CPG Homes LLC, for a Zoning Change from a Multi-Family-2 zoning district to **Planned Development-Multi-Family-2, with Concept Plan**, located East of new Waxahachie High School, being 1080 WM C TUNNELL 6.536 ACRES (Property ID 264879) - Owner: THE MARK ON 287 OWNER LLC (PD-18-0048)

OPPOSE

1. Dusty Autrey, WISD Board of Trustees President, 411 N. Gibson, Waxahachie, TX 75165



411 N. Gibson Street, Waxahachie, TX 75165 P (972) 923-4631 F (972) 923-4759 www.wisd.org

(27)

RECEIVED
5/21/18

PD-18-0048

To Whom it May Concern,

This letter is in response to the proposed development, The Mark on 287. This being the first development adjacent to the new High School site has the school district very interested in the type of development that goes into this area. The public has made an investment of over 117 million dollars and it would not be prudent to hastily put up a development that does not complement this investment, nor the city itself.

From a transportation perspective this plan is very short sighted. The City of Waxahachie's thoroughfare plan has a type "C" thoroughfare in this vicinity and the plan has a curb cut that will just serve this one development, this will be a detriment to the circulation and overall development pattern of the area. In Chapter 4 of the Comprehensive Plan Update, Transportation Plan it calls for the city designing for shared access and cross access, the plan also calls for future cross access. Nowhere in this plan does cross access occur, thereby limiting all future development in this area.

The proposed Multi Family development does not bring anything new or unique to the city of Waxahachie. The self-description even reads that they will be standard garden style apartments. When looking at the rendering there is nothing that distinguishes them from the other garden style apartments in Waxahachie. There is nothing about the design save for the red brick that is similar to the new High School. The open space requirement is a portion of a future right of way and this should not count toward the open space requirement. There is also inadequate enclosed parking, what I believe is the city requirement of 50% of required parking is within garages, this only amounts to less than 9% of the requirement being met. There is also a request to eliminate the storm detention on the site. The school district has provided storm detention on its site so I am unsure how this requirement could be waived.

In the end this development will not enhance the community nor the new Waxahachie High School site. Thank you for your consideration.


President WISD Board of Trustees

PD-18-0048

(27)

SCANNED



**Waxahachie
Independent School District**

411 N. Gibson Street • Waxahachie, TX 75165 • (972) 923-4631 Phone • (972) 923-4759 Fax • www.wisd.org

June 12, 2018

To Whom It May Concern:

Waxahachie ISD would like to formally withdraw its opposition to the City of Waxahachie Planning and Zoning Commission regarding "The Mark on 287" apartment complex. The district is agreeable to the amended plans as presented to the City Council. If you have any questions or need additional information please let us know.

Sincerely,

A handwritten signature in blue ink that reads 'Dusty Autrey'.

Dusty Autrey
Board President
Waxahachie ISD

(28)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM A MULTI-FAMILY-2 (MF2) TO PLANNED DEVELOPMENT-MULTI-FAMILY-2(PD-MF2), WITH CONCEPT PLAN LOCATED EAST OF THE NEW WAXAHACHIE HIGH SCHOOL IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 6.536 ACRES KNOWN AS PROPERTY ID 264879 IN THE WM C TUNNELL SURVEY, ABSTRACT NO. 1080, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number PD-18-0048. 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 MF2 to PD-MF2, with Concept Plan; and

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

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

NOW, THEREFORE, this property is rezoned from MF2 to PD-MF2, with Concept Plan in order to facilitate development of the subject property in a manner that allows apartments on the following property: Property ID 264879 in the WM C Tunnell Survey, Abstract No. 1080, which is shown on Exhibit A, in accordance with the Concept Plan provisions attached as Exhibit B, the Conceptual Elevation Plan attached as Exhibit C, and the conceptual Site Layout Plan attached as Exhibit D.

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

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

PASSED, APPROVED, AND ADOPTED on this _____ day of _____, 2018.

MAYOR

ATTEST:

City Secretary

(31)

Planning & Zoning Department

Zoning Staff Report

Case: SU-18-0045



MEETING DATE(S)

Planning & Zoning Commission: May 22, 2018

City Council: June 4, 2018

CAPTION

Public Hearing on a request by Joseph Willrich, BEFCO Engineering Inc, for a Specific Use Permit (SUP) for heavy machinery sales or storage, trailer and heavy load vehicle repair, equipment sales (new or used), equipment rental (heavy), open or outside storage, display, or work areas for merchandise or machinery) uses within a Light Industrial-1 zoning district, located at 100 W Sterrett, 6820 N Interstate 35, and 6800 N Interstate 35, being 821 LB OUTLAW 2.354 ACRES, 821 LB OUTLAW 2.324 ACRES, and 821 LB OUTLAW 4.98 ACRES (Property ID 203820, 194221, and 188699) - Owner: MAGNABLEND INC (SU-18-0045)

CASE INFORMATION

Applicant: Joseph Willrich, BEFCO Engineering Inc

Property Owner(s): Magnablend Inc

Site Acreage: 3.50 acres

Current Zoning: Light Industrial-1

Requested Zoning: Light Industrial-1 with SUP

SUBJECT PROPERTY

General Location: 100 W Sterrett

Parcel ID Number(s): 203820, 194221, and 188699

Existing Use: Old Magnablend site

Development History: The site is unplatted, however the applicant has submitted for preliminary and final plats with the May 2nd application cycle.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	LI1	Direct Service Company
East	FD	Single Family Residence
South	LI1	Magnablend
West	LI1	Currently undeveloped

(31)

Future Land Use Plan:

Industrial

Comprehensive Plan:

Industrial applies to areas intended for a range of heavy commercial, assembly, warehousing, and manufacturing uses. Large tracts of land with easy access to major roadways and air transportation are becoming increasingly difficult to find for the industrial business community. However, these businesses can be advantageous for a municipality in terms of providing employment and an increased tax base. Examples of desirable uses within these areas include company headquarters, computer technology businesses, and other types of large businesses.

Thoroughfare Plan:

The site can be accessed via the N Interstate 35 Service Road and W Sterrett Road, a proposed Major Thoroughfare A (120' ROW).



Site Image:

PLANNING ANALYSIS

This case is a companion case to the zoning change. The site is being renovated to account for a new tenant that would like to do heavy machinery sales or storage, trailer and heavy load vehicle repair, equipment sales (new or used), equipment rental (heavy), open or outside storage, display, or work areas for merchandise or machinery) uses. These uses require an SUP in this zoning district.

SUP DEVELOPMENT STANDARDS

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

Base Zoning Requirement	Proposed Development Standard
One pole sign per 350' of street frontage	Applicant has 635' of street frontage with a pole sign and billboard.
Concrete paving throughout the site	Applicant has concrete at the parking in front of the building, and would like to retain the gravel where the storage would be located.

(31)

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 8 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Daily Light and a sign was visibly posted at the property on 5/4/18.

STAFF CONCERNS

1. There is currently insufficient water service at this location to provide for adequate fire protection to this site.
2. The applicant has a pole sign on the property as well as a billboard. The applicant would like to maintain and use both signs, with the billboard being used to advertise off-premise businesses.
3. The applicant proposes to maintain the gravel lot.

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.
- Additional Consideration is required.

ATTACHED EXHIBITS

1. Site plan
2. Elevations of both buildings
3. Landscape plan

APPLICANT REQUIREMENTS

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

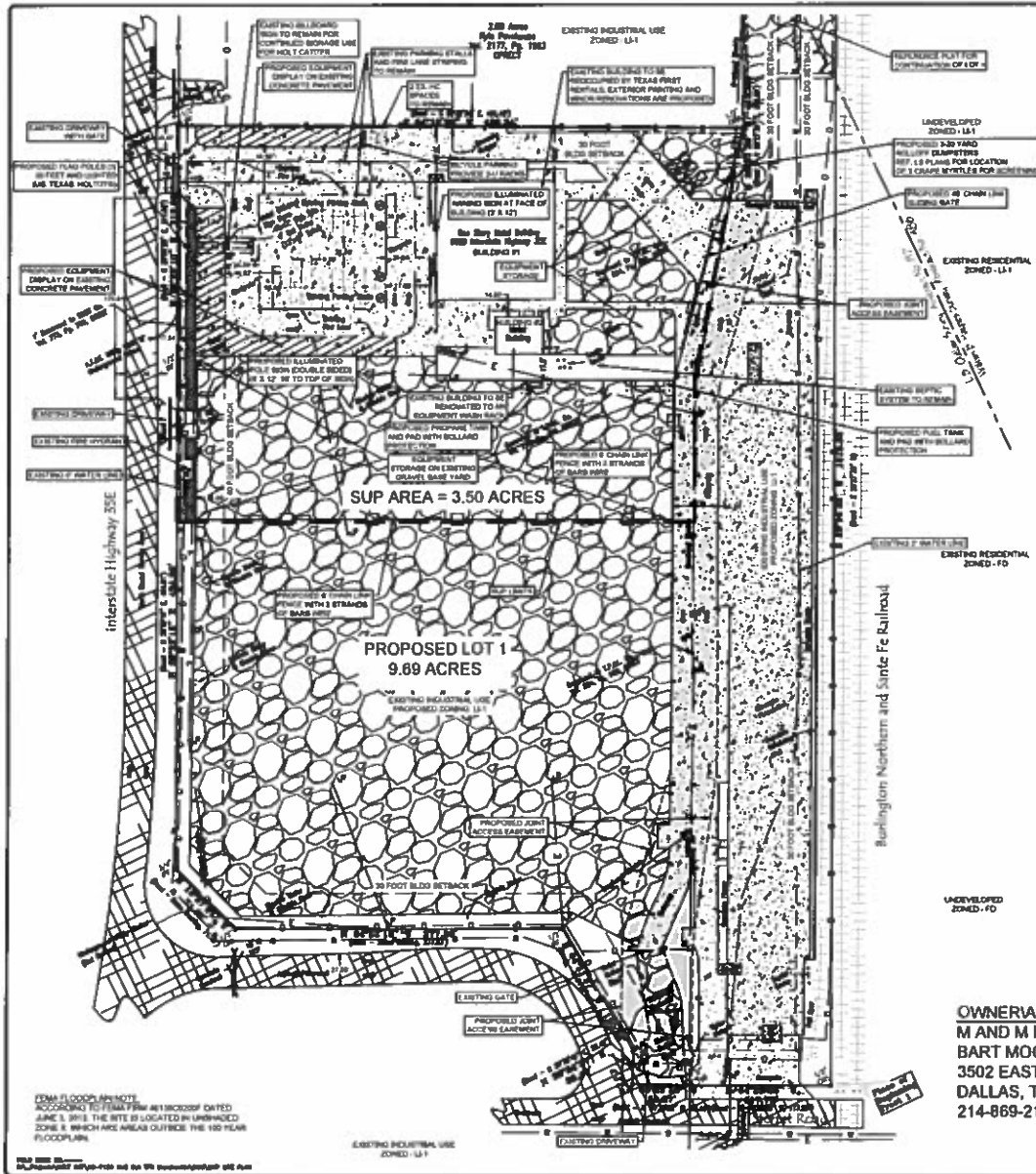
STAFF CONTACT INFORMATION

Prepared by:
 Kelly Dent, MPA
 Planner
kdent@waxahachie.com

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

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held May 22, 2018, the Commission voted 6-0 to recommend approval of zoning change SU-18-0045, subject to staff comments.



VICINITY MAP



LEGEND

- EXISTING ASPHALT PAVEMENT TO REMAIN
- EXISTING CONCRETE PAVEMENT/PLASTER TO REMAIN
- EXISTING GRAVEL BASE TO REMAIN
- PROPOSED LANDSCAPE AREA (SEE LANDSCAPE PLAN)
- PROPOSED EQUIPMENT DISPLAY AREA ON EXISTING CONCRETE PAVEMENT
- PROPOSED JOINT ACCESS BARRIERS ON EXISTING PAVEMENT
- EXISTING CHAIN LINK FENCE TO REMAIN
- PROPOSED GALVANIZED CHAIN LINK FENCE WITH 3 STRANDS OF BARB WIRE

SUP SUMMARY TABLE

SUP SITE AREA:	3.50 ACRES WITHIN 9.69 ACRE PROPOSED LOT 1, BLOCK A, STERRETT INDUSTRIAL ADDITION
ZONING (PROPOSED) USE:	L1-1 HEAVY MACHINERY SALES AND STORAGE (CONSTRUCTION EQUIPMENT SALES, RENTAL, SERVICE, DISPLAY, STORAGE)
FRONT SETBACK:	40 FEET
SIDE SETBACK:	30 FEET
REAR SETBACK:	30 FEET
MINIMUM LOT WIDTH	100 FEET
MINIMUM LOT DEPTH	70 FEET
MAXIMUM BUILDING HEIGHT	6 STORES/72 FEET
EXISTING BUILDING SUMMARY:	
BUILDING #1	9,982 SF
BUILDING #1 HEIGHT	21 FEET (TO PARAPET)
BUILDING #2	1,304 SF
BUILDING #2 HEIGHT	18 FEET (TO EAVE)
TOTAL BUILDING SQUARE FOOTAGE	11,286 SF
SUP BLDG. AREA COVERAGE	7.4%
PARKING REQUIRED @ 1,500 SF	23 SPACES
REGULAR PARKING PROVIDED:	40 SPACES
REGULAR HANDICAP PROVIDED/REQUIRED:	1 SPACE
VAN HANDICAP PROVIDED/REQUIRED:	1 SPACE
TOTAL PARKING PROVIDED:	42 SPACES
BICYCLE PARKING REQUIRED (10% OF 23 SPACES):	3 SPACES
BICYCLE PARKING PROVIDED:	4 SPACES
(2-U RACKS PROVIDED @ 2 SPACES PER RACK)	
EXISTING GRAVEL AREAS TO REMAIN	1.56 ACRES
EXISTING CONCRETE AREAS TO REMAIN	1.48 ACRES
EXISTING BUILDING AREAS TO REMAIN	0.28 ACRES
IMPERVIOUS COVER:	3.28 ACRES (CULT OF 3.50 ACRE SUP AREA)

OWNER/APPLICANT:
 M AND M INVESTMENTS
 BART MOODY
 3502 EAST KIEST BLVD.
 DALLAS, TEXAS 75203
 214-869-2131

ENGINEER/AGENT:
 BEFCO ENGINEERING, INC.
 JOSEPH WILLRICH, P.E.
 485 N. JEFFERSON
 LA GRANGE, TEXAS 78045
 979-968-8474

SPECIFIC USE PERMIT
 TEXAS FIRST RENTALS AT
 STERRETT INDUSTRIAL
 PROPOSED LOT 1, BLOCK A,
 STERRETT INDUSTRIAL ADDITION
 SUP AREA: 3.50 ACRES
 CITY OF WAXAHACHIE IN ELLIS COUNTY
 PREPARATION DATE: 4/8/2018



M AND M INVESTMENTS
TFR AT STERRETT INDUSTRIAL
6820 N. INTERSTATE 35, WAXAHACHIE, TEXAS 75165

REVISION:

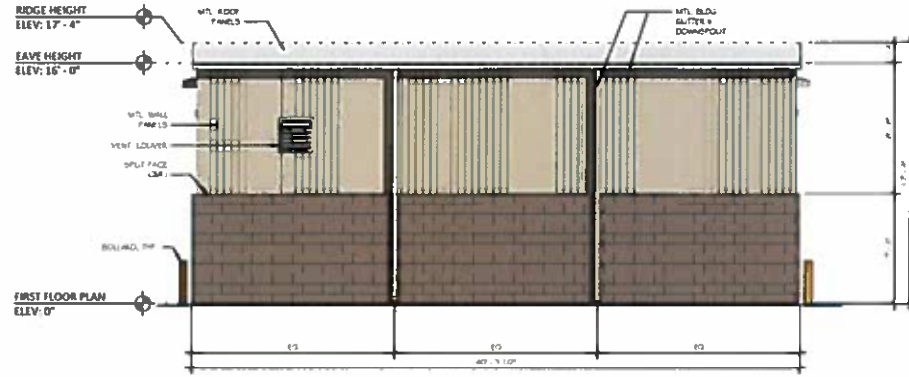
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PROJECT TITLE
SPECIFIC USE PERMIT SITE PLAN

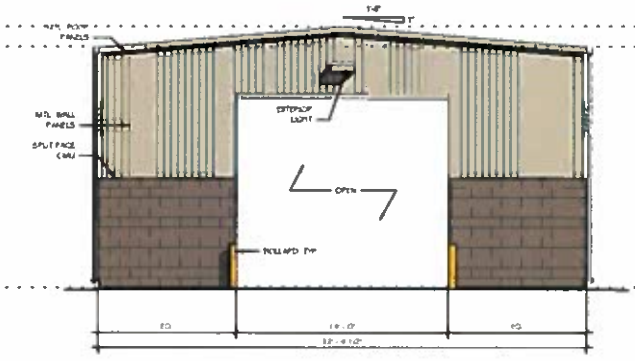
DATE: 04/11/18

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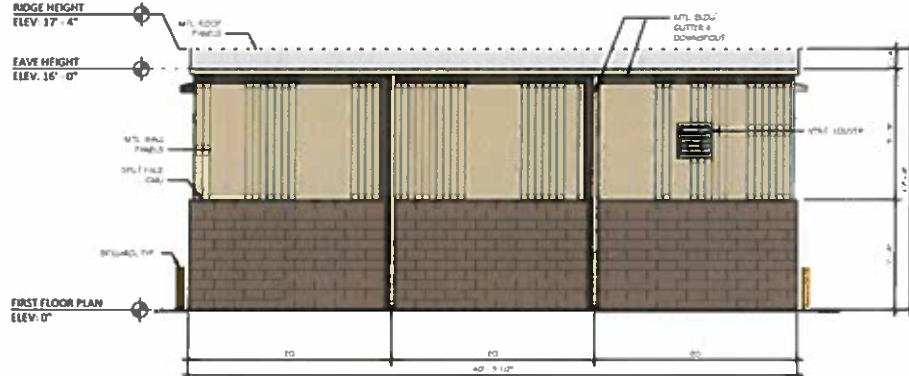
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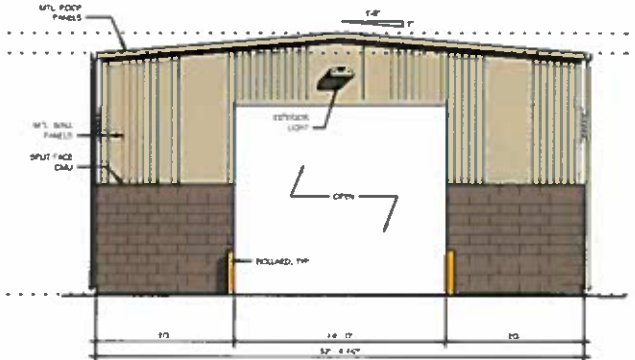
4 EAST ELEVATION
SCALE: 1/4" = 1'-0"



3 NORTH ELEVATION
SCALE: 1" = 20'



2 WEST ELEVATION
SCALE: 1/4" = 1'-0"



1 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

WALL MATERIAL PERCENTAGE	
—	56% SPLIT FACE CMU
—	44% MTL. PANEL

MATERIAL COLOR LEGEND	
	EXTERIOR LIGHT
	WAXAHACHIE CMU
	SPONGEDSTONE MTL. PANELS
	SAFETY YELLOW ROLL-UPS

REVISIONS

NO.	DESCRIPTION

PRELIMINARY NOT FOR CONSTRUCTION OR REGULATORY APPROVAL

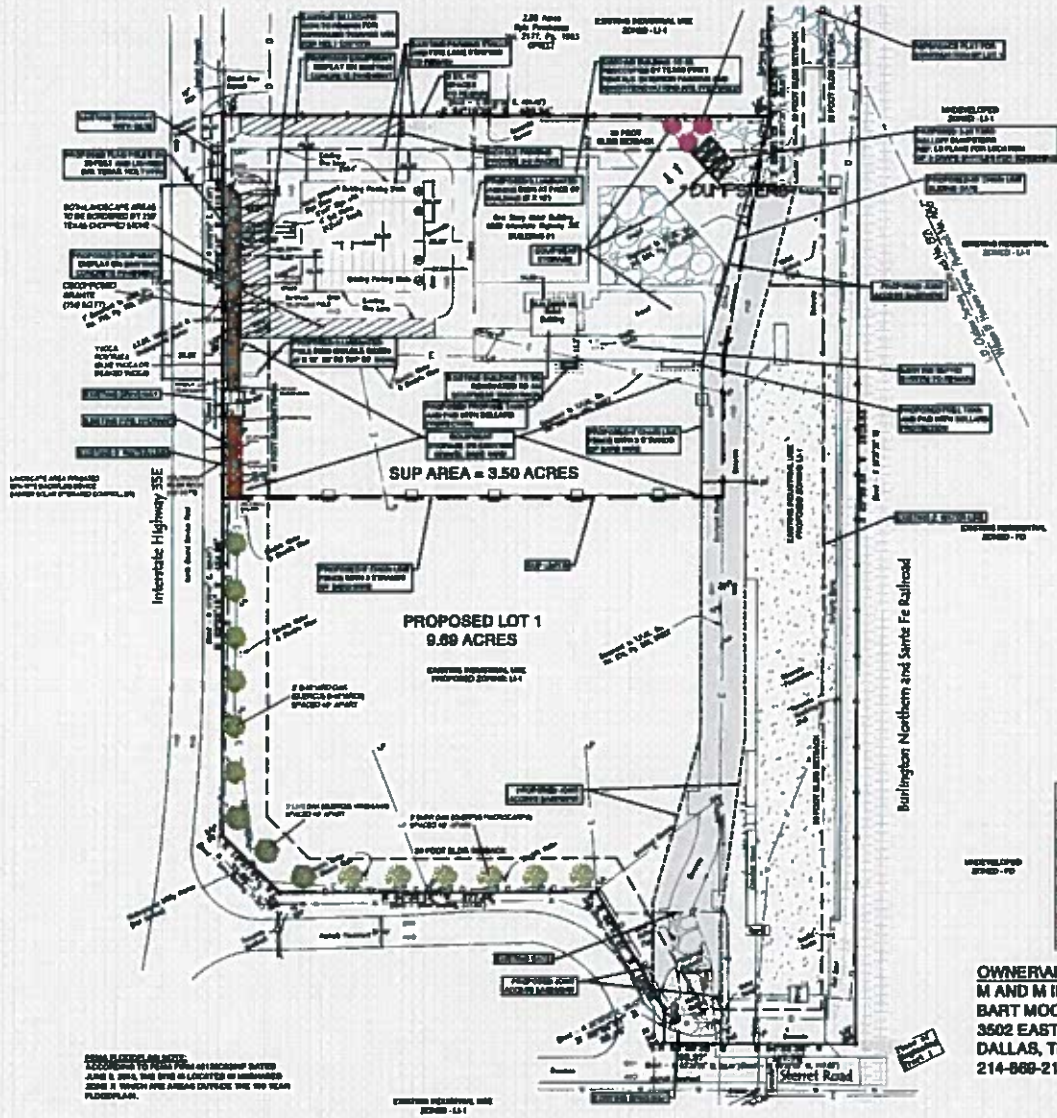
PROJECT NO. 2024-03
DRAWN BY: [Name]
CHECKED BY: [Name]
DATE: [Date]

DESCRIPTION: **ARCHITECTURAL ELEVATIONS - MATERIAL & COLOR**

A1.1

File: A1.1.dwg | 2024 | 10/24/2024 | 10:00 AM | [User Name] | [Project Name] | [Location]

NATCHEZ
CRAPETRYRILE
(MULTI TRUNK 7 CANES)



24" X 36" GRAPHIC SCALE
1" = 50'

LEGEND

- EXISTING ASPHALT PAVED AREAS TO REMAIN
- EXISTING CONCRETE PAVED AREAS TO REMAIN
- EXISTING GRAVEL DAPS TO REMAIN
- PROPOSED LANDSCAPE AREA AND LANDSCAPE PLAN
- PROPOSED CONCRETE PAVED AREA AND EXISTING CONCRETE PAVED AREAS
- PROPOSED ASPHALT PAVED AREAS AND EXISTING ASPHALT PAVED AREAS
- EXISTING CHAIN LINK FENCE TO REMAIN
- PROPOSED 7' BOLLARD AND ASPHALT FENCE WITH 2' SPACING OF BOLLARD

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SUP SUMMARY TABLE

SUP SITE AREA: 3.58 ACRES
WITHIN 9.89 ACRE PROPOSED LOT 1, BLOCK A, STERRETT INDUSTRIAL ADDITION LOT 1

ZONING (PROPOSED): USE: HEAVY MACHINERY SALES AND STORAGE (CONSTRUCTION EQUIPMENT SALES, RENTAL SERVICE, DISPLAY, STORAGE)

FRONT SETBACK: 40 FEET
SIDE SETBACK: 30 FEET
REAR SETBACK: 30 FEET

MINIMUM LOT WIDTH: 70 FEET
MINIMUM LOT DEPTH: 100 FEET

MAXIMUM BUILDING HEIGHT: 8 STOREYS/27 FEET

EXISTING BUILDING SUMMARY:

BUILDING #1	0.88 SF
BUILDING #11	21 FEET (TO PARAPET)
BUILDING #2	1.88 SF
BUILDING #3	10 FEET (TO EAVE)
TOTAL BUILDING SQUARE FOOTAGE	1,188 SF
SUP BLDG. AREA COVERAGE	7.4%

PARKING REQUIRED @ 1.58 SF: 36 SPACES
REGULAR PARKING PROVIDED: 43 SPACES
REGULAR HANDICAP PROVIDED/REQUIRED: 1 SPACE
VAN HANDICAP PROVIDED/REQUIRED: 1 SPACE
TOTAL PARKING PROVIDED: 45 SPACES

BICYCLE PARKING REQUIRED (11% OF 25 SPACES): 3 SPACES
BICYCLE PARKING PROVIDED: 4 SPACES
BI-41 RACKS PROVIDED @ 2 SPACES PER RACK:

EXISTING GRAVEL AREAS TO REMAIN: 1.38 ACRES
EXISTING CONCRETE AREAS TO REMAIN: 1.48 ACRES
EXISTING BUILDING AREAS TO REMAIN: 0.38 ACRES

IMPERVIOUS COVER: 2.58 ACRES (OUT OF 3.58 ACRES SUP AREA)

LANDSCAPE LEGEND

NO.	SYMBOL	DESCRIPTION	QTY
1
2
3
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OWNER/APPLICANT:
M AND M INVESTMENTS
BART MOODY
3502 EAST KEST BLVD.
DALLAS, TEXAS 75203
214-868-2151

ENGINEER/AGENT:
BEFCO ENGINEERING, INC.
JOSEPH WILLRICH, P.E.
485 N. JEFFERSON
LA GRANGE, TEXAS 78045
979-888-8474

SPECIFIC USE PERMIT
TEXAS FIRST RENTALS AT
STERRETT INDUSTRIAL
PROPOSED LOT 1, BLOCK A,
STERRETT INDUSTRIAL ADDITION
SUP AREA: 3.50 ACRES
CITY OF WAXAHACHIE IN ELLIS COUNTY
PREPARATION DATE: 4/9/2018

LANDSCAPE PLAN

NO BUFFER YARDS OR INTERIOR LANDSCAPING PROPOSED EXCEPT PROPOSED LANDSCAPING ALONG IH-35 AS SHOWN

NO EXISTING TREES ON-SITE
NO BERRYS OR SIDEWALKS ARE PROPOSED

LANDSCAPE PLAN BY:
ALL SEASONS LANDSCAPE DESIGN
SAMUEL WESTLAKE
124 LAUNDALE DRIVE
WAXAHACHIE, TEXAS 75165
972-236-3076



SCALE: 1" = 20'

24" X 36" GRAPHIC SCALE

**LANDSCAPE PLAN:
TFR AT STERRETT INDUSTRIAL
6820 N INTERSTATE 35, WAXAHACHIE, TEXAS 75165**

LEGEND

QTY	BOTANICAL NAME	COMMON NAME	SIZE
FLOWER GRASS			
31	STIPA TENISSIMA	GRASS, MEXICAN FEATHER	1 GAL
SHRUB CACTI			
1	OPUNTIA MACROCHAETA	CACTUS, LARGE PRICKLY PEAR	5 GAL
4	YUCCA ROSTRATA	YUCCA, BLUE	4" TRUNK
SHRUB DECIDUOUS			
3	MISCANTHUS SINENSIS	GRASS, MAIDEN	3 GAL
SHRUB EVERGREEN BROADLEAF			
10	HESPERALOE PARVIFOLIA	YUCCA, RED	5 GAL
10	YUCCA FILAMENTOSA	VARIEGATED YUCCA	3 GAL
TREE DECIDUOUS			
3	LAGERSTROEMIA INDICA 'NATCHEZ'	GRAPENYRTLE	MULTI TRUNK - 15' HEIGHT

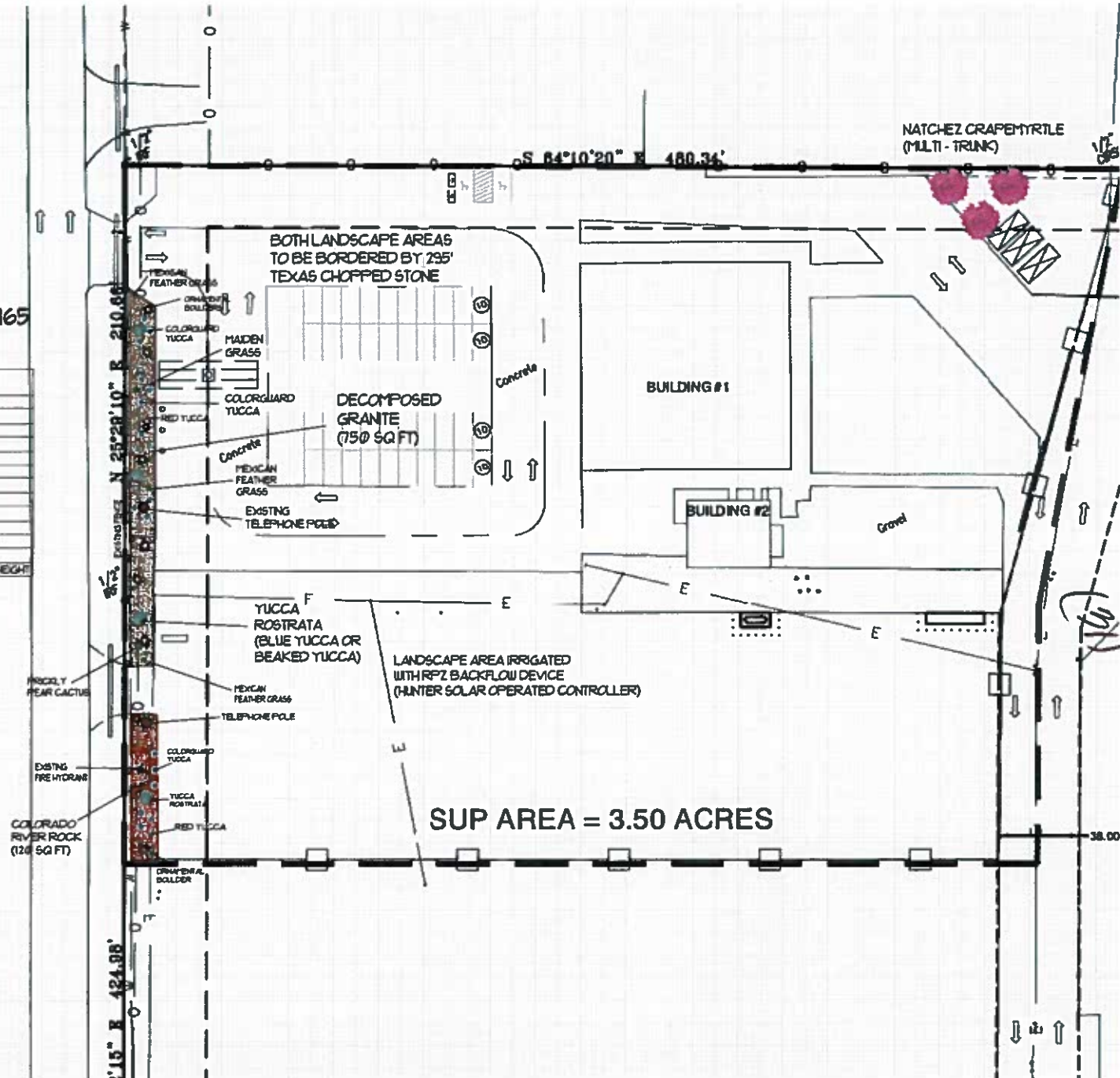
NO BUFFER YARDS OR INTERIOR LANDSCAPING PROPOSED EXCEPT PROPOSED LANDSCAPING ALONG IH-35 AS SHOWN

NO EXISTING TREES ON-SITE

NO BERMS OR SIDEWALKS ARE PROPOSED

LANDSCAPE PLAN BY:

ALL SEASONS LANDSCAPE DESIGN
SAMUEL WESTLAKE
124 LAUNDALD DRIVE
WAXAHACHE, TEXAS 75165
972-236-3076



(72)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A HEAVY MACHINERY SALES OR STORAGE; TRAILER AND HEAVY LOAD VEHICLE REPAIR; EQUIPMENT SALES (NEW OR USED); EQUIPMENT RENTAL (HEAVY); OPEN OR OUTSIDE STORAGE, DISPLAY OR WORK AREAS FOR MERCHANDISE OR MACHINERY USES WITHIN A LIGHT INDUSTRIAL-1 (LI1) ZONING DISTRICT, LOCATED AT 6820 N INTERSTATE 35, BEING PROPERTY ID 194221, AND A NORTHERN PORTION OF 188699, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING IN THE L B OUTLAW SURVEY, ABSTRACT NO. 821, 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 LI1; and

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number SU-18-0082. 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 LI1 to LI1, with an SUP in order to permit a Heavy Machinery Sales or Storage; Trailer and Heavy Load Vehicle Repair; Equipment Sales (New or Used); Equipment Rental (Heavy); Open or Outside Storage, Display or Work Areas for Merchandise or Machinery Uses on the following property: 6820 N Interstate 25 E, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B, the Elevations attached as Exhibit C, and the Landscape Plan attached as Exhibit D.

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

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

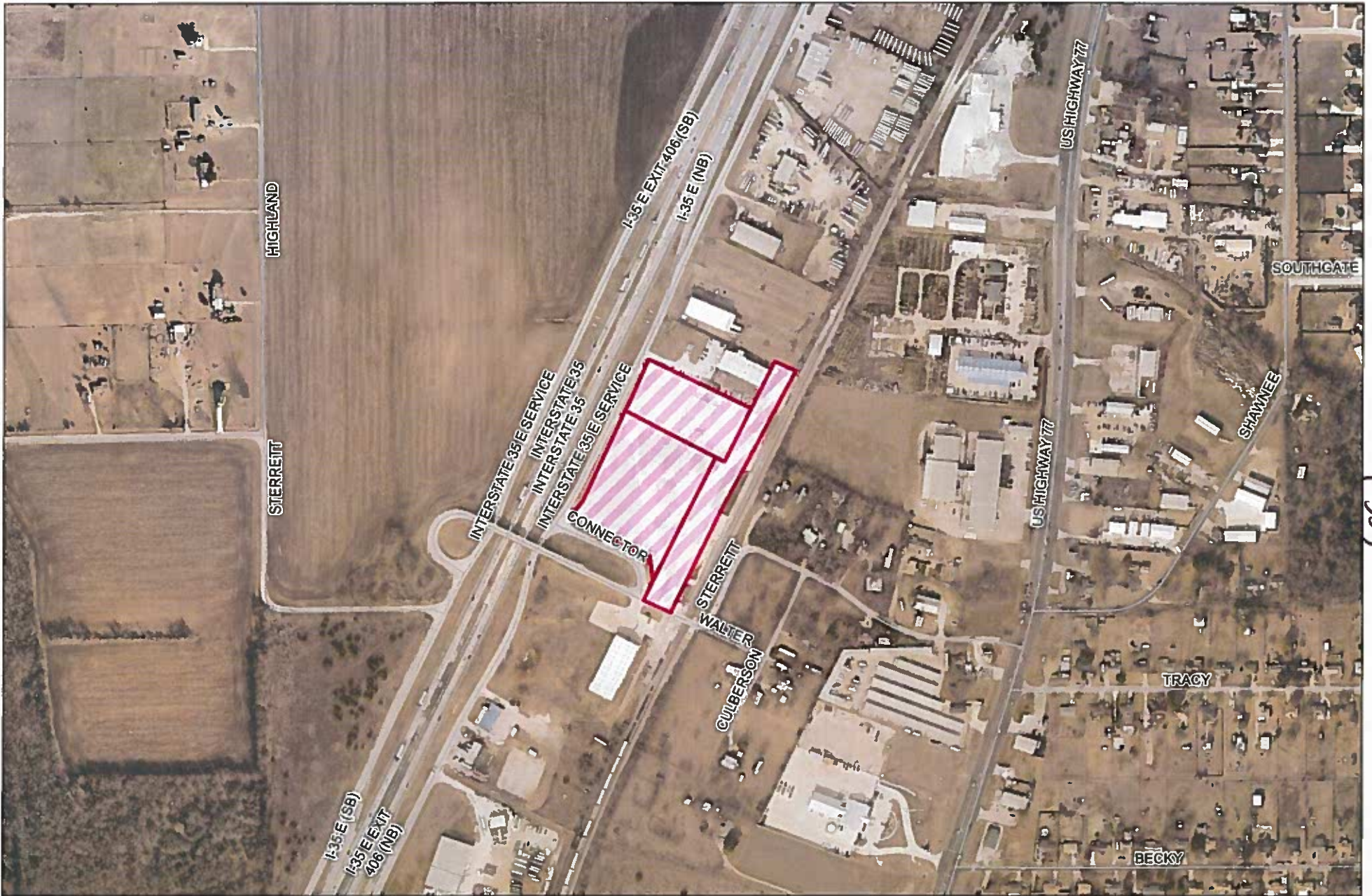
PASSED, APPROVED AND ADOPTED on this _____ day of _____, 2018.

(38)

MAYOR

ATTEST:

City Secretary



(26)



**SU-18-0045 L B Outlaw
Location Exhibit**

EXHIBIT A

 SU-18-0045



(73)

Planning & Zoning Department
Plat Staff Report

Case: PP-18-0081



MEETING DATE(S)

Planning & Zoning Commission: June 12, 2018

City Council: June 18, 2018

CAPTION

Consider request by Joseph Willrich, BEFCO Engineering Inc, for a Preliminary Plat of Sterrett Industrial Addition for 1 lot, being 9.686 acres in the William B. Haynes Survey, Abstract 486 and the LB Outlaw Survey, Abstract 10 (Property ID 203820, 194221, and 188699) – Owner: M & M INVESTMENTS (PP-18-0081)

CASE INFORMATION

Applicant: Joseph Willrich, Befco Engineering Inc

Property Owner(s): M & M Investments

Site Acreage: 9.686 acres

Number of Lots: 1 lot

Number of Dwelling Units: 0 units

Park Land Dedication: The cash in lieu of park land dedication for this case is estimated at \$5,811.60 (9.686 acres at \$600.00 per acre).

Adequate Public Facilities: There is currently insufficient water service at this site to provide for adequate fire protection to this site.

SUBJECT PROPERTY

General Location: 6800 and 6820 N I 35E, 100 W. Sterrett Road

Parcel ID Number(s): 203820, 194221, 188699

Current Zoning: See Case ZC-18-0044

Existing Use: Former Magnablend building

Platting History: William B. Haynes Survey, Abstract 486 and the LB Outlaw Survey, Abstract 10

(m3)

Site Aerial:



STAFF CONCERNS

CITY ENGINEER – James Gaertner (469) 309-4293; jgaertner@waxahachie.com

1. There is currently insufficient water service at this location to provide for adequate fire protection to this site.

APPLICANT RESPONSE TO CONCERNS

1. Applicant communicated with the City's Fire Marshal about fire protection at the site. The above comment remains outstanding.

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. Rockett SUD has indicated that their water system cannot provide the water flow and pressure for firefighting per ISO guidelines, therefore, as currently designed, the site will have insufficient fire protection. Fire Department staff have indicated that the proposed use is less intensive than the previous use, in addition to being located a large distance from other buildings. Additional construction on site will require compliance with Fire Department requirements.

ATTACHED EXHIBITS

1. Plat drawing
2. Water utility provider's endorsement

(33)

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
Kelly Dent, MPA
Planner
kdent@waxahachie.com

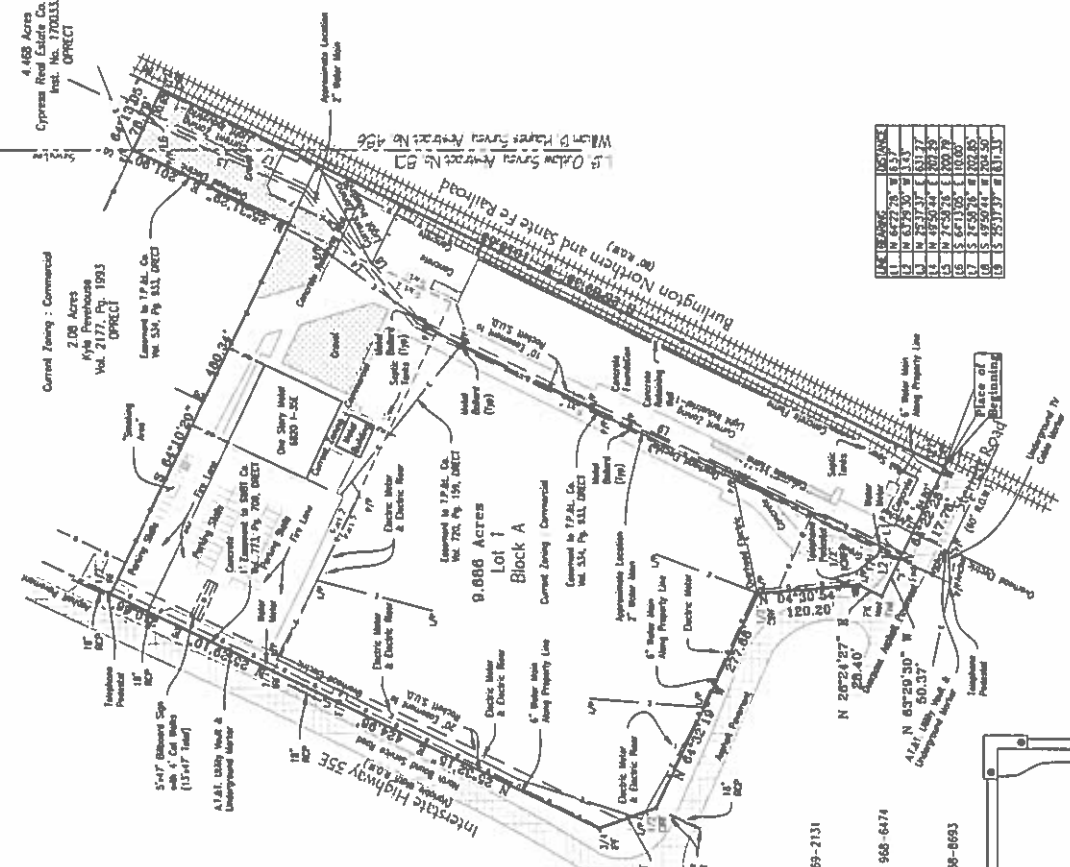
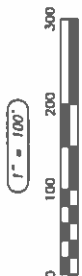
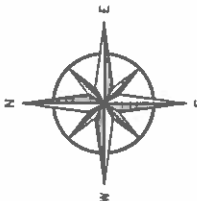
Reviewed by:
Shon Brooks, AICP
Director of Planning
sbrooks@waxahachie.com

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held June 12, 2018, the Commission voted 6-0 to recommend approval of plat no. PP-18-0081, subject to staff comments.

(33)

WLSC



OWNER'S CERTIFICATE
TITLE OF TITLE
 CITY OF WILMAMORE
PROPERTY DESCRIPTION FOR REGISTRATION
 BEING all that certain parcel of land lying in the City of Wilmamore, Texas and being situated in the WILLIAM B. HAYNES SURVEY, ABSTRACT NO. 486 and in the L.B. OULAW SURVEY, ABSTRACT NO. 871, Ellis County, Texas, and being all of the 2.383 acre tract (Tract 1), all of the 2.323 acre tract of land (Tract 2) and all of the 4.458 acre tract of land (Tract 3) conveyed to the City of Wilmamore, Texas by Special Warranty Deed, Interspersed Deed recorded in Instrument Number 108971 of the Official Public Records of Ellis County, Texas (OPREC), and being more particularly described as follows:
 BEGINNING at a 1/2" iron rod found corner, "N15C: RP15: S311" at the intersection of the north line of Sterrett Road with the west line of the Sterrett Addition and Suite 14 Addition for the southeast corner of Tract 1;
 THENCE S 87°22'20" E, along the south line of Tract 1 and the north line of Sterrett Road, a distance of 117.78 feet to an "X" found for the southeast corner of Tract 1 and the southeast corner of Tract 3;
 THENCE N 87°22'20" E, along the north line of Tract 3 and the north line of Sterrett Road, a distance of 50.17 feet to a 1/2" iron rod found for the northeast corner of Tract 3 and the northeast corner of Tract 1;
 THENCE along the north and west lines of Tract 3 and the west line of Interstate Highway 35E as follows:
 N 87°22'20" E, a distance of 28.40 feet to a 1/2" iron rod found with cap marked "N15C: RP15: S146" for corner;
 N 0°20'54" E, a distance of 120.30 feet to a 1/2" iron rod found for corner;
 N 87°22'20" E, a distance of 277.80 feet to a 1/2" iron rod found with cap marked "N15C: RP15: S311" for corner;
 N 12°37'19" E, a distance of 120 feet to a 1/2" iron pipe found for corner; and
 N 22°22'19" E, a distance of 44.26 feet to a 1/2" iron rod found for the northeast corner of Tract 3 and the southeast corner of Tract 2;
 THENCE S 22°22'19" E, along the west line of Tract 2 and the west line of Interstate Highway 35E, a distance of 216.68 feet to a 1/2" iron rod found for the southwest corner of Tract 2 and the southwest corner of the 2.28 acre tract of land conveyed to City of Wilmamore by Warranty Deed recorded in Instrument Number 110333, OPREC;
 THENCE S 87°22'20" E, along the north line of Tract 2 and the north line of said 2.28 acre tract, a distance of 461.34 feet to a 1/2" iron rod found with cap marked "N15C: RP15: S311" in the arbitrary west line of Tract 2;
 THENCE N 25°12'20" E, along the arbitrary west line of Tract 2 and the east line of said 2.28 acre tract, a distance of 201.90 feet to a point within a utility pole and in the south line of the 4.458 acre tract of land conveyed to Cypress Road Estate Co., Inc. by Special Warranty Deed recorded in Instrument Number 110333, OPREC for the northeast corner of Tract 1 and the northeast corner of said 2.28 acre tract;
 THENCE S 87°22'20" E, along the north line of Tract 1 and the south line of said 4.458 acre tract, a distance of 78.79 feet to a 1/2" iron rod found with cap marked "N15C: S146" in the west line of said B.R. & S.F. Addition for the southeast corner of Tract 1 and the southeast corner of said 4.458 acre tract;
 THENCE S 25°22'19" E, along the east line of Tract 1 and the east line of the B.R. & S.F. Addition, a distance of 1018.63 feet to the PLACE BEGINNING and continuing 8.68 acres of land as surveyed on the ground, Book of Landings in GPS observation, Texas Coordinate System, North Corner Zone, Surveying coordinate - NAD83/UTM18N, County=HARRIS, State=TEXAS.

Approved for preparation of the final plat _____ Date _____
 Approved by the Planning and Zoning Commission _____ Date _____
 Approved by the City Council _____ Date _____
 Owner's Acknowledgment _____ Date _____
 I hereby acknowledge that I am acting as the officially approved preliminary plat.
 Owner's Signature _____ Date _____
 Surveyor's Declaration
 I, _____, State of _____, being duly sworn, depose and say that I am a duly licensed and active surveyor in the State of Texas and that I am the duly authorized and qualified surveyor for the City of Wilmamore, Texas, and that I have prepared the foregoing plat from an actual and accurate survey of the land and that the corner monuments shown thereon are set and were properly placed by myself or under my direct and personal supervision in accordance with the Subdivision Ordinance of the City of Wilmamore.
 I declare under penalty of perjury that the foregoing is true and correct.
 I am duly qualified to perform the duties of a surveyor in the State of Texas.
 My Commission Expires _____
 My Registration No. 3351

Submittal Date: June 6, 2018
 Preliminary Plat
STERRETT INDUSTRIAL ADDITION
 9.686 Acre Addition in the
 William B. Haynes Survey, Abstract No. 486
 L.B. Oulaw Survey, Abstract No. 10
 City of Wilmamore
 Ellis County, Texas

4.458 Acres
 Cypress Road Estate Co., Inc.
 Vol. 2177, Pgs. 100-103
 OPREC

9.686 Acres
 Block A
 Lot 1
 Current Zoning: Commercial
 Vol. 2177, Pgs. 100-103
 OPREC

1. The portion of the property line within a 100 year flood plain
 along Interstate Highway 35E, as shown on the City of Wilmamore
 Map of 01/20/2018, dated June 1, 2013.
 2. Location of water main shown on map supplied by Plaintiff
 3. Street utility shown on map
 4. No permanent addition.

BLK	TRACT	ACRES
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1	100	1.14

Current Zoning: Commercial
 2.08 Acres
 Cypress Road Estate Co., Inc.
 Vol. 2177, Pgs. 100-103
 OPREC

9.686 Acres
 Block A
 Lot 1
 Current Zoning: Commercial
 Vol. 2177, Pgs. 100-103
 OPREC

4.458 Acres
 Cypress Road Estate Co., Inc.
 Vol. 2177, Pgs. 100-103
 OPREC

9.686 Acres
 Block A
 Lot 1
 Current Zoning: Commercial
 Vol. 2177, Pgs. 100-103
 OPREC

4.458 Acres
 Cypress Road Estate Co., Inc.
 Vol. 2177, Pgs. 100-103
 OPREC

9.686 Acres
 Block A
 Lot 1
 Current Zoning: Commercial
 Vol. 2177, Pgs. 100-103
 OPREC

4.458 Acres
 Cypress Road Estate Co., Inc.
 Vol. 2177, Pgs. 100-103
 OPREC

9.686 Acres
 Block A
 Lot 1
 Current Zoning: Commercial
 Vol. 2177, Pgs. 100-103
 OPREC

4.458 Acres
 Cypress Road Estate Co., Inc.
 Vol. 2177, Pgs. 100-103
 OPREC

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 Block A
 Lot 1
 Current Zoning: Commercial
 Vol. 2177, Pgs. 100-103
 OPREC

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 Cypress Road Estate Co., Inc.
 Vol. 2177, Pgs. 100-103
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 Block A
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 Current Zoning: Commercial
 Vol. 2177, Pgs. 100-103
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9.686 Acres
 Block A
 Lot 1
 Current Zoning: Commercial
 Vol. 2177, Pgs. 100-103
 OPREC

Owner: MAM Investments
 3502 East Kent Rd
 Dallas, Texas 75203
 Contact: Bert Moody (214) 859-2131
 Engineer: BECO Engineering, Inc.
 P.O. Box 615
 Fort Worth, Texas 76105
 Contact: Joseph Walsh, PE (978) 968-6474
 Surveyor: Walker Land Surveying Company
 P.O. Box 2911
 Waco, Texas 76788
 Contact: Shawn Walker, RPLS (972) 938-8683

1. The portion of the property line within a 100 year flood plain
 along Interstate Highway 35E, as shown on the City of Wilmamore
 Map of 01/20/2018, dated June 1, 2013.
 2. Location of water main shown on map supplied by Plaintiff
 3. Street utility shown on map
 4. No permanent addition.

4.458 Acres
 Cypress Road Estate Co., Inc.
 Vol. 2177, Pgs. 100-103
 OPREC

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 Lot 1
 Current Zoning: Commercial
 Vol. 2177, Pgs. 100-103
 OPREC

4.458 Acres
 Cypress Road Estate Co., Inc.
 Vol. 2177, Pgs. 100-103
 OPREC

LOCATION MAP SCALE: 1" = 2000'
 Walker Land Surveying Company
 P.O. Box 2911 Waco, Texas 76788
 Phone: (972) 938-8683 RPLS Firm No. 10172400

(33)



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



WATER UTILITY PROVIDER'S ENDORSEMENT

Applicant Name: M&M INVESTMENTS (BART MOODY) **Parcel ID #:** 203820.194221. 188699
Subdivision Name: STERRETT INDUSTRIAL ADDITION

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. <i>Two existing meters on site</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Our water system can provide the water flow and pressure for firefighting per ISO guidelines. <i>Existing FH located on site</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. The water line size servicing the lots is <u>12"</u> inches.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Kay Phillips
Print Name of General Manager of water provider or Designee

Rockett S.U.D.
Name of water provider company

Kay Phillips
Signature of General Manager of water provider or Designee

April 9, 2018
Date

(174)

Planning & Zoning Department Plat Staff Report

Case: FP-18-0082



MEETING DATE(S)

Planning & Zoning Commission: June 12, 2018

City Council: June 18, 2018

CAPTION

Consider request by Joseph Willrich, BEFCO Engineering Inc, for a Final Plat of Sterrett Industrial Addition for 1 lot, being 9.686 acres in the William B. Haynes Survey, Abstract 486 and the LB Outlaw Survey, Abstract 10 (Property ID 203820, 194221, and 188699) – Owner: M & M INVESTMENTS (FP-18-0082)

CASE INFORMATION

Applicant: Joseph Willrich, Befco Engineering Inc

Property Owner(s): M & M Investments

Site Acreage: 9.686 acres

Number of Lots: 1 lot

Number of Dwelling Units: 0 units

Park Land Dedication: The cash in lieu of park land dedication for this case is estimated at \$5,811.60 (9.686 acres at \$600.00 per acre).

Adequate Public Facilities: There is currently insufficient water service at this site to provide for adequate fire protection to this site.

SUBJECT PROPERTY

General Location: 6800 and 6820 N | 35E, 100 W. Sterrett Road

Parcel ID Number(s): 203820, 194221, 188699

Current Zoning: See Case ZC-18-0044

Existing Use: Former Magnablend building

Platting History: William B. Haynes Survey, Abstract 486 and the LB Outlaw Survey, Abstract 10

(34)

Site Aerial:



CITY ENGINEER – James Gaertner (469) 309-4293; jgaertner@waxahachie.com

1. There is currently insufficient water service at this location to provide for adequate fire protection to this site.

APPLICANT RESPONSE TO CONCERNS

1. Applicant communicated with the City’s Fire Marshal about fire protection at the site. The above comment remains outstanding.

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. Rockett SUD has indicated that their water system cannot provide the water flow and pressure for firefighting per ISO guidelines, therefore, as currently designed, the site will have insufficient fire protection. Fire Department staff have indicated that the proposed use is less intensive than the previous use, in addition to being located a large distance from other buildings. Additional construction on site will require compliance with Fire Department requirements.

ATTACHED EXHIBITS

1. Plat drawing
2. Water utility provider’s endorsement

APPLICANT REQUIREMENTS

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

(34)

STAFF CONTACT INFORMATION

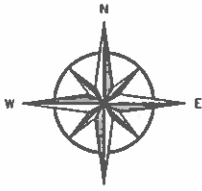
Prepared by:
Kelly Dent, MPA
Planner
kdent@waxahachie.com

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

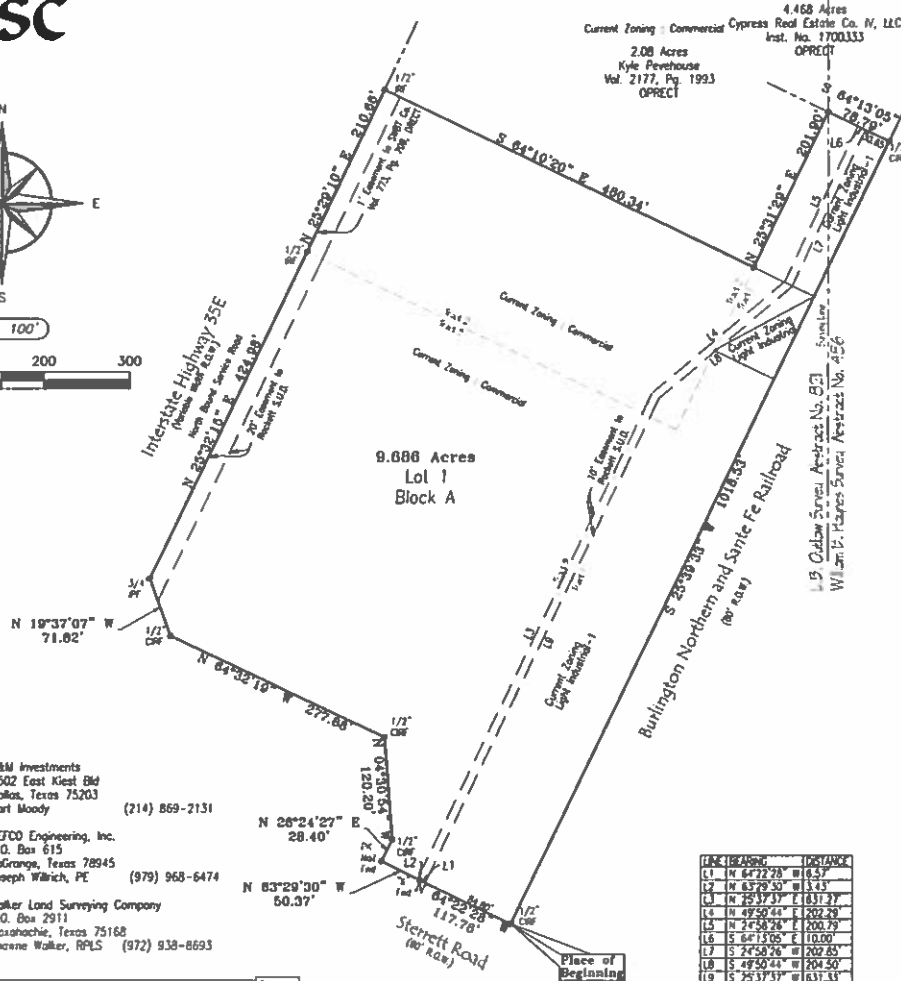
ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held June 12, 2018, the Commission voted 6-0 to recommend approval of plat no. FP-18-0082, subject to staff comments.

WLSC



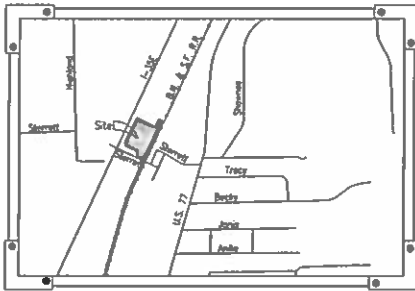
1" = 100'



Owner: M&M Investments
3502 East Kiest Blvd
Dallas, Texas 75203
Contact: Bart Moody (214) 869-2131

Engineer: BEFDO Engineering, Inc.
P.O. Box 615
LaGrange, Texas 78945
Contact: Joseph Wilrich, PE (979) 968-6474

Surveyor: Walker Land Surveying Company
P.O. Box 2911
Waxahachie, Texas 75168
Contact: Shawnee Walker, RPLS (972) 938-8693



LEGEND

SP	Property Corner
CS	con. Pipe
IR	Iron Road
1/2"	1/2" iron rod found with cap marked as described

LINE/BEARING	DISTANCE
L1 N 64°22'28" W	6.57
L2 N 63°29'30" W	3.43
L3 N 25°37'37" E	6.3173
L4 S 49°50'44" W	202.28
L5 N 24°58'26" E	202.29
L6 S 64°13'05" E	10.00
L7 S 24°58'26" E	202.65
L8 S 49°50'44" W	204.50
L9 S 25°37'37" W	6.3173

Surveyor's Declaration

KNOW ALL MEN BY THESE PRESENTS:

I, J. Shawnee Walker, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that corner monuments shown thereon are set and were properly placed by myself or under my direct and personal supervision in accordance with the Subdivision Ordinance of the City of Waxahachie.

FOR COPY 100% GUARANTEED ONLY,
A SURVEYING FIRM REGISTERED AND
APPROVED FOR REGISTERED PLANNING

J. Shawnee Walker, R.P.L.S.
Texas Registration 5331

OWNER'S CERTIFICATE
STATE OF TEXAS
COUNTY OF WAXAHACHIE
CITY OF WAXAHACHIE

PROPERTY DESCRIPTION FOR DEDICATION

BEING of that certain parcel of land lying in the City of Waxahachie, Texas and being situated in the WILLIAM B. HAYNES SURVEY, ABSTRACT No. 486 and in the L.B. OUTLAW SURVEY, ABSTRACT NO. 821, Ellis County, Texas, and being all of the 2.385 acre tract (Tract 1), all of the 2.325 acre tract of land (Tract 2) and all of the 4.978 acre tract of land (Tract 3) conveyed to it and all investments by Special Warranty Deed, Warranty Deed recorded in Instrument Number 1607621 of the Official Public Records of Ellis County, Texas (OPRECT), and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found cap marked "WLSC RPLS 5331" at the intersection of the north line of Sterrett Road with the west line of the Burlington Northern and Santa Fe Railroad for the southeast corner of Tract 1;

THENCE N 64°22'28" W, along the south line of Tract 1 and the north line of Sterrett Road, a distance of 117.78 feet to an "X" found for the southwest corner of Tract 1 and the southeast corner of Tract 2;

THENCE N 63°29'30" W, along the south line of Tract 3 and the north line of Sterrett Road, a distance of 50.37 feet to a PK rod found for the southerly southwest corner of Tract 3 and at the intersection of the north line of Sterrett Road with the east line of Interstate Highway 55E;

THENCE along the south and east lines of Tract 3 and the east line of Interstate Highway 55E as follows:
N 25°37'37" E, a distance of 25.60 feet to a 1/2" iron rod found with cap marked "RPLS 4466" for corner;
N 04°30'54" W, a distance of 120.20 feet to a 1/2" iron rod found for corner;
N 64°31'18" W, a distance of 377.80 feet to a 1/2" iron rod found with cap marked "WLSC RPLS 5331" for corner;
N 19°37'07" W, a distance of 71.62 feet to a 3/4" iron pipe found for corner; and
N 25°31'15" E, a distance of 424.96 feet to a 1/2" iron rod found for the northwest corner of Tract 3 and the southeast corner of Tract 2;

THENCE N 25°29'10" E, along the east line of Tract 2 and the east line of Interstate Highway 55E, a distance of 210.66 feet to a 1/2" iron rod found for the northwest corner of Tract 2 and the southeast corner of the 2.08 acre tract of land conveyed to Cypress Real Estate Co. M, Inc. by Special Warranty Deed recorded in Instrument Number 1700333, OPRECT for the northwest corner of Tract 1 and the northeast corner of said 2.08 acre tract;

THENCE S 64°10'20" E, along the north line of Tract 2 and the south line of said 2.08 acre tract, a distance of 480.34 feet to a 1/2" iron rod found with cap marked "WLSC RPLS 5331" in the northerly west line of Tract 1;

THENCE N 25°31'29" E, along the northerly west line of Tract 1 and the east line of said 2.08 acre tract, a distance of 201.80 feet to a point within a utility pole and in the south line of the 4.968 acre tract of land conveyed to Cypress Real Estate Co. M, Inc. by Special Warranty Deed recorded in Instrument Number 1700333, OPRECT for the northwest corner of Tract 1 and the northeast corner of said 2.08 acre tract;

THENCE S 64°13'05" E, along the north line of Tract 1 and the south line of said 4.968 acre tract, a distance of 78.78 feet to a 1/2" iron rod found with cap marked "RPLS 4466" in the east line of said B.N. & S.F. Railroad for the northeast corner of Tract 1 and the southeast corner of said 4.968 acre tract;

THENCE S 25°37'37" W, along the east line of Tract 1 and the west line of the B.N. & S.F. Railroad, a distance of 1018.53 feet to the PLACE BEGINNING and containing 9.086 acres of land as surveyed on the ground. Basis of bearings is GPS observation, Texas Coordinate System, North Central Zone. Beginning coordinate - Northing=6858370.89, Easting=2482278.64.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS.

That we, M and M Investments, acting herein by and through its duly authorized officers, do hereby adopt this plat designating the herein above described property as the Final Plat of Sterrett Industrial Addition, an addition to the City of Waxahachie, Texas, and do hereby indicate, in fee simple, in the public use forever, the streets and ways shown thereon. The streets and ways are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over or across the Easements as shown, except that landscape improvements may be placed in Landscape Easements, if approved by the City of Waxahachie. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use of particular utilities, and use being subordinate to the Public's and City of Waxahachie's use thereof. The City of Waxahachie and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way encroach or interfere with the construction, maintenance, or efficiency of their respective systems in said Easements. The City of Waxahachie and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, maintaining, repairing, and adding to or removing of or parts of their respective systems without the necessity of any line procuring permission from anyone.

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

WITNESS, my hand, this the _____ day of _____, 2018.

Bart Moody
M and M Investments

STATE OF TEXAS
COUNTY OF ELLIS

Before me the undersigned authority, a Notary Public in and for the State of Texas, on the day personally appeared Bart Moody, known to me to be the person whose name are subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes herein expressed and in the capacity stated.

GIVEN UNDER MY HAND AND SEAL THE _____ DAY OF _____, 2018.

Notary Public in and for the State of Texas

APPROVED BY: Planning and Zoning Commission City of Waxahachie

Chairman

APPROVED BY: City Council

Mayor

Attest

Submission Date: June, 2018

Final Plat STERRETT INDUSTRIAL ADDITION

9.686 Acre Addition in the

William B. Haynes Survey, Abstract No. 486

L.B. Outlaw Survey, Abstract No. 10

City of Waxahachie

Ellis County, Texas

Walker Land Surveying Company
P.O. Box 2911 Waxahachie, Texas 75168
Phone: (972) 938-8693 T8PLS Firm No. 10112400

(74)



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



WATER UTILITY PROVIDER'S ENDORSEMENT

Applicant Name: M&M INVESTMENTS (BART MOODY) **Parcel ID #:** 203820,194221, 188699
Subdivision Name: STERRETT INDUSTRIAL ADDITION

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. <i>Two existing meters on site</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Our water system can provide the water flow and pressure for firefighting per ISO guidelines. <i>Existing FH located on site</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. The water line size servicing the lots is <u>12</u> inches.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Kay Phillips
Print Name of General Manager of water provider or Designee

Rockett S.U.D.
Name of water provider company

Kay Phillips
Signature of General Manager of water provider or Designee

April 9, 2018
Date

135)

Planning & Zoning Department

Zoning Staff Report



Case: PD-18-0088

MEETING DATE(S)

Planning & Zoning Commission: June 12, 2018

City Council: June 18, 2018

CAPTION

Public Hearing on a request by Stan Beard, Buc-ee's, LTD, for a Zoning Change from a Light Industrial-1 and Future Development zoning district to **Planned Development-Commercial, with Concept Plan**, located at the SW corner of I-35E and Butcher Road, being 790 E C NEWTON 58.718 ACRES (Property ID 188453) - Owner: 60 WAX RE HOLDINGS, LLC (PD-18-0088)

CASE INFORMATION

Applicant: Stan Beard, Buc-ee's LTD
Property Owner(s): 60 Wax RE Holdings LLC
Site Acreage: 58.718 acres
Current Zoning: Light Industrial-1 and Future Development
Requested Zoning: Planned Development-Commercial

SUBJECT PROPERTY

General Location: SW corner of I-35E and Butcher Road
Parcel ID Number(s): 188453
Existing Use: Currently undeveloped
Development History:

Case No.	Direction from Site	Request	Result
ZA2012-01	East	PD-C	Approved, Ord. No. 2647
SUP2010-06	East	Pole Sign	Approved, Ord. No. 2598

(75)

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	LI1 & FD	Currently undeveloped
East	HI	Love's Country Store
South	LI1 & FD	Office
West	FD	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 site is located at the southwest intersection of Butcher and Interstate 35 E. Butcher is a proposed Major Thoroughfare B (120' ROW).



Site Image:

PLANNING ANALYSIS

The applicant seeks to build a Buc-ee's Travel Center at the intersection of Butcher and I-35E, and is seeking to establish the development standards for that site.

While the majority of the applicant's requests, the City can support, there remain concerns about the proposed height, setback and size of the pole sign being requested.

(25)

PD DEVELOPMENT STANDARDS

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

Requirements	Base	Proposed
Maximum pole sign height	Seventy-five (75) feet	100 feet
Maximum pole sign size	300 square feet	600 square feet
Pole sign setback	For signs greater than twenty-five (25) feet in height, setback shall be twenty-five (25) feet, plus one (1) foot for each foot the sign exceeds twenty-five (25) feet, up to fifty (50) feet, from all property lines.	For pole signs greater than twenty-five (25) feet in height, setback shall be twenty-five (25) feet measured from the edge of the pole sign's base.

Other requested Concept Plan Provisions are provided in this agenda packet.

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 Daily Light and a sign was visibly posted at the property on 05/25/2018.

STAFF CONCERNS

1. Staff remain concerned about the height, setback and size of the proposed pole sign for this site. The proposed pole sign is larger and taller than any approved pole sign in City limits.

APPLICANT RESPONSE TO CONCERNS

1. Applicant has met with City staff to review comments on two occasions, and submitted revised concept plan provisions, site plans, landscape plans, and sign plans.

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.
- Additional consideration may be required. Staff remain concerned about the proposed pole sign.

ATTACHED EXHIBITS

1. Zoning exhibit
2. Concept plan provisions
3. Site plan
4. Landscape plan
5. Elevations
6. Sign plan

(75)

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

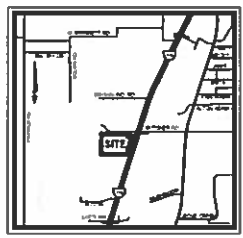
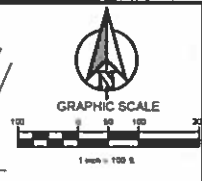
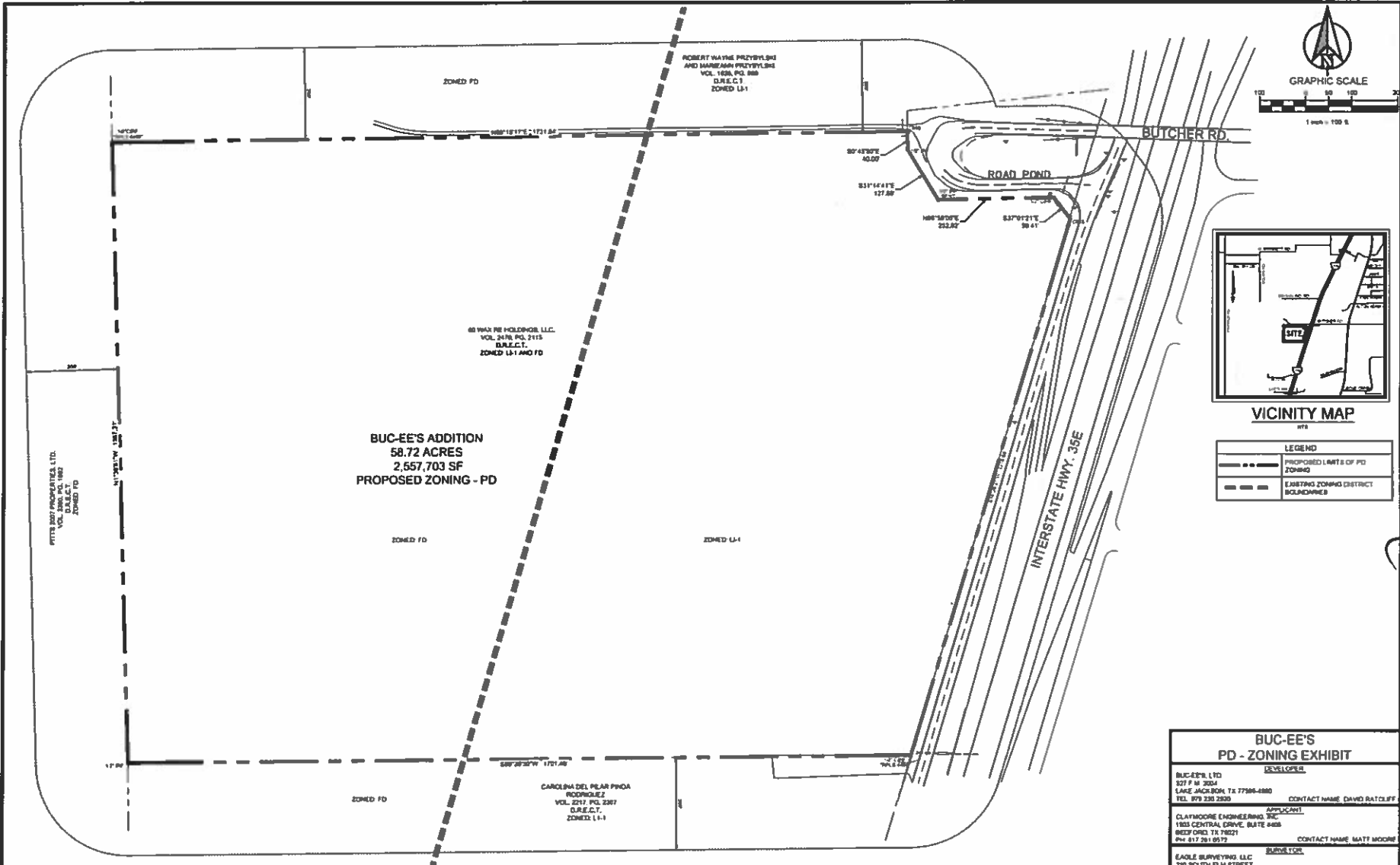
Prepared by:
Kelly Dent, MPA
Planner
kdent@waxahachie.com

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

ACTION SINCE INITIAL STAFF REPORT

The applicant has since revised his requested pole sign to be seventy-five (75) feet in height, with a maximum area of 380 square feet, and a setback that matches City standards. At the Planning & Zoning Commission meeting, held June 12, 2018, the Commission voted 6-0 to recommend approval of zoning change PD-18-0088, 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.

PLOTTED BY: BOBBY ALLEN
 3/20/2018 10:58 AM
 PLOT DATE: 3/20/2018 10:58 AM
 PLOT BY: BOBBY ALLEN
 LAST MOD: 3/20/2018 10:58 AM



LEGEND

	PROPOSED PARTS OF PD ZONING
	EXISTING ZONING DISTRICT BOUNDARIES

CLAYMOORE ENGINEERING
 1803 CENTRAL DRIVE, SUITE 0400
 BEDFORD, TEXAS 76021
 PH: 817 281 0572
 FAX: 817 281 0574
 CONTACT: MATT MOORE, PE
 EMAIL: MATT@CLAYMOOREENG.COM
 TEXAS REGISTRATION 914199

PRELIMINARY
 FOR REVIEW ONLY
 NOT FOR CONSTRUCTION PURPOSES
 CLAYMOORE ENGINEERING
 1803 CENTRAL DRIVE, SUITE 0400
 BEDFORD, TEXAS 76021
 PH: 817 281 0572
 FAX: 817 281 0574
 CONTACT: MATT MOORE, PE
 EMAIL: MATT@CLAYMOOREENG.COM
 TEXAS REGISTRATION 914199

BUC-EE'S
SWC OF INTERSTATE HWY. 35E
AND BUTCHER ROAD
WAXAHACHIE, TEXAS

DATE	DESCRIPTION

PD - ZONING EXHIBIT

ENGINEER
 CLAYMOORE ENGINEERING, INC.
 1803 CENTRAL DRIVE, SUITE 0400
 BEDFORD, TEXAS 76021
 PH: 817 281 0572
 FAX: 817 281 0574
 CONTACT: MATT MOORE, PE
 EMAIL: MATT@CLAYMOOREENG.COM
 TEXAS REGISTRATION 914199

SURVEYOR
 EAGLE SURVEYING
 210 SOUTH ELM STREET
 SUITE 104
 DENTON, TX 76201
 TEL: 940 222 3009
 CONTACT: DAN RICK, RPLS
 EMAIL: DAN@EAGLESURVEYING.COM
 TDLPLS FIRM NO. 10184117

OWNER
 BUC-EE'S, LTD
 327 F M 2004
 LAKE JACKSON, TX 77566-4980
 TEL: 979 230 2820
 CONTACT: DAVID S. RATCLIFF, PE
 EMAIL: RATCLIFFDS@GMAIL.COM

BUC-EE'S PD - ZONING EXHIBIT							
DEVELOPER							
BUC-EE'S, LTD 327 F M 2004 LAKE JACKSON, TX 77566-4980 TEL: 979 230 2820	CONTACT NAME: DAVID RATCLIFF						
APPLICANT							
CLAYMOORE ENGINEERING, INC. 1803 CENTRAL DRIVE, SUITE 0400 BEDFORD, TX 76021 PH: 817 281 0572	CONTACT NAME: MATT MOORE						
SURVEYOR							
EAGLE SURVEYING, LLC 210 SOUTH ELM STREET DENTON, TX 76201 PH: 940 222 3009	CONTACT NAME: DAN RICK						
LEGAL DESCRIPTION							
BEING A TRACT OF LAND IN THE COUNTY C. J. BROWN SURVEY, ABSTRACT 143886, SEC. 23, 24th BOUNDARY SURVEY, ADJACENT BOUNDARY LINE WITH THE PETER S. STOLAR SURVEY, ABSTRACT 1 NUMBER 100, THE CITY OF WAXAHACHIE, BELL COUNTY, TEXAS, AND BEING A PART OF A TRACT OF LAND DESCRIBED IN A DEED TO BE FILED IN THE PUBLIC RECORDS OF BELL COUNTY, TEXAS, VOL. 100, PAGE 214 OF THE 1999 RECORDS OF BELL COUNTY, TEXAS.							
<table border="1"> <tr> <th>DATE</th> <th>BY</th> <th>REVISION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>		DATE	BY	REVISION			
DATE	BY	REVISION					
<table border="1"> <tr> <th>COUNTY</th> <th>SUBJECT</th> <th>APPROVED FOR</th> </tr> <tr> <td>ELLIS</td> <td>ABSTRACT 143886 SURVEY 24th BOUNDARY SURVEY PETER S. STOLAR SURVEY</td> <td>FOR RECORD</td> </tr> </table>		COUNTY	SUBJECT	APPROVED FOR	ELLIS	ABSTRACT 143886 SURVEY 24th BOUNDARY SURVEY PETER S. STOLAR SURVEY	FOR RECORD
COUNTY	SUBJECT	APPROVED FOR					
ELLIS	ABSTRACT 143886 SURVEY 24th BOUNDARY SURVEY PETER S. STOLAR SURVEY	FOR RECORD					

SHEET 1
SP-2

(35)

EXHIBIT B

CONCEPT PLAN PROVISIONS

Purpose and Intent

The purpose and intent of this Planned Development (PD) is to facilitate the construction of a Buc-ee's Travel Center ("Buc-ee's) and a commercial development subdivision making up approximately 58.72-acres of land located at the southeast corner of Interstate Highway 35-E and Butcher Road. Any conditions found within the COMMERCIAL DISTRICT (C) zoning district or Zoning Ordinance that are not written herein or illustrated with the provided exhibits, shall default to the City of Waxahachie's Code of Ordinances, as amended.

Compliance with the City's Comprehensive Plan

Zoning District (Commercial District) is the intended base zoning classification underlying this PD. The C - Commercial District is intended to provide locations for service and commercial related establishments, such as wholesale products, welding shops, flea markets, major automotive repair, upholstery shops, and other heavy commercial uses. Uses in this District may require open storage areas but shall be screened from public view. The uses envisioned for the District will typically utilize smaller sites and have operation characteristics which are not compatible with residential uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration.

PD District Development Standards

Exhibits

The Exhibits listed below are by reference made a part hereof, and copies or reduced size copies are attached hereto. Full-sized copies of the Exhibits shall be retained by the City Clerk and shall be controlling in case of any ambiguity in the Exhibits. In the event of a conflict between the graphic illustrations of any Exhibit and the textual provisions of this Agreement, the Exhibit shall control.

Exhibit A: Property legal description, survey.

Exhibit B: Planned Development Plan

Exhibit C: Architectural Elevations

Exhibit D: Landscape Plan

Exhibit E: Preliminary Plat

Exhibit F: Sign Plan

Description of Request

The intent of the PD zoning request is to permit the development of a Buc-ee's with adjacent commercial tracts in Waxahachie, Texas. The Buc-ee's project size, provided services, and trademark dress and construction do not lend the project to any one specific zoning classification.

(35)

Proposed Use of Property

Lot 1 of the development has an intended use of a +/- 53,254 square-foot Buc-ee's Travel Center ("Lot 1"). The remaining subdivision area is intended to provide locations for service and commercial related establishments such as Wholesale Products, General Retail, Discount or Department Store, Building Materials, Hardware or Home Improvement Center (Indoor & Outdoor), Banking, Automatic Teller Only, Convenience Store, Food and Beverage Sales Store with Gasoline Sales (Convenience Store), Grocery Store, Greenhouse or Plant Nursery w/Outside Display of Plants, Restaurant or Cafeteria (Not Drive-In Service), Amusement, Commercial (Indoor), Theater or Playhouse (Indoor), Auto Laundry or Car Wash, Automotive Gasoline Service Station or Car Care Center, Auto Parts and Accessory Sales, New (Indoor), Micro-Brewery/Restaurant, Motel or Hotel, major automotive repair, upholstery shops, and other heavy commercial uses

General Development Requirements Amendments

1. **Section 5.01(b)(iv)(7)(b)(v) Amendment:** Specific to Lot 1, windows and glazing shall be a minimum of zero (0) percent up to a maximum of seventy (70) percent of each building elevation and as generally depicted on Exhibit C attached. All other development lots are to conform to the Code of Ordinances.
2. **Section 5.04(e) Amendment:** Interior landscape area requirements: The amount of landscape area required on the interior of the lot (excluding buffer yards) shall be based on the square footage of the proposed buildings. The square footage of the building for the purposes of this Ordinance will be the square footage of the first floor or the square footage of the largest floor, whichever is greater. Internal landscape areas and buffer yards shall be used for the required site plantings. Additional side, rear and front yard widths for Lot 1 shall be considered interior landscape area, as generally depicted on Exhibit D. C = 40%.
3. **Section 5.04(f)(iv) Amendment:** Parking Lot Landscaping: Specific to Lot 1, no landscape shall be required between the building façade and the head-in parking adjacent to the building, as seen on Exhibit D. All other development lots are to conform to the Code of Ordinances.
4. **Section 5.04(g)(vi)(1) Amendment:** Street Trees: All development fronting on public or private streets, except alleys and Texas Department of Transportation (TxDOT) right-of way, is required to plant street trees in accordance with the following standards, as seen on Exhibit D.
5. **Section 5.08(d)(ii)(3) Amendment:** Special definitions – Canopy Sign: A canopy sign may be placed upon or be an integral part of the face of a canopy. The sign may consist of only the name and/or logo of the business at the location of the canopy. An illuminated stripe may be incorporated into a canopy. The stripe may extend along the entire length of the face of the canopy. The width or thickness of the stripe shall be limited to one-third (1/3) of the vertical dimension of the face of the canopy. The internal illumination of a canopy is limited to the portions of the canopy face upon which a sign or illuminated stripe is permitted. A canopy and/or canopy sign shall have a minimum clearance of eight (8) feet above any sidewalk/pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface

Maximum Size/Area: Not to exceed ten (10) percent of the area of the face of the canopy of which it is a part or to which it is attached, or a maximum of twenty-five (25) square feet,

(35)

whichever is greater. Fuel canopies shall be permitted up to fifteen (15) percent of the area of the face of the canopy of which it is a part or to which it is attached, or a maximum of seventy-five (75) square feet, whichever is greater for branding and fuel logos.

6. **Section 5.08(d)(ii)(15) Amendment** – Special definitions – Pole Sign: A freestanding (i.e., independent of any structure or building) sign supported by a pole (or poles) having no guys or braces to the ground or to any other structure.

Maximum Height: Pole signs taller than ten (10) feet in height shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area, and shall be constructed to receive a dead load as required in the Building Code or other codes/ordinances of the City. All pole signs shall be placed in concrete bases or footings, and the plans for such signs and their bases/footings shall be sealed by a licensed structural engineer. No sign shall be constructed to exceed the maximum building height permitted in the specific zoning district where the sign is located except within shopping centers, travel center or similar commercial/office centers containing six (6) acres or more. All such high-rise signs shall comply with the Building Code and with other applicable codes/ordinances of the City of Waxahachie which pertain to design and construction. All pole signs must be supported by a single or dual freestanding pole with masonry columns without guy wires and braces and provide a landscaped, stone-base feature. All pole signs greater than twenty-five (25') feet in height shall be set back a minimum distance of twenty-five (25') feet measured from the edge of the pole sign's base. No sign shall exceed seventy-five (75') feet, except for Lot 1 where the maximum height is one hundred (100') feet, as depicted on Exhibit F.

Maximum Size/Area: Maximum sign area shall be two hundred (200) square feet for up to fifty (50) feet tall. Signs between fifty-one (51') and seventy-five (75') feet may have a maximum sign area of three hundred (300) square feet. No sign area shall exceed three hundred (300') square feet, except for Lot 1 where the maximum sign area shall be six hundred (600') feet, as depicted on Exhibit F.

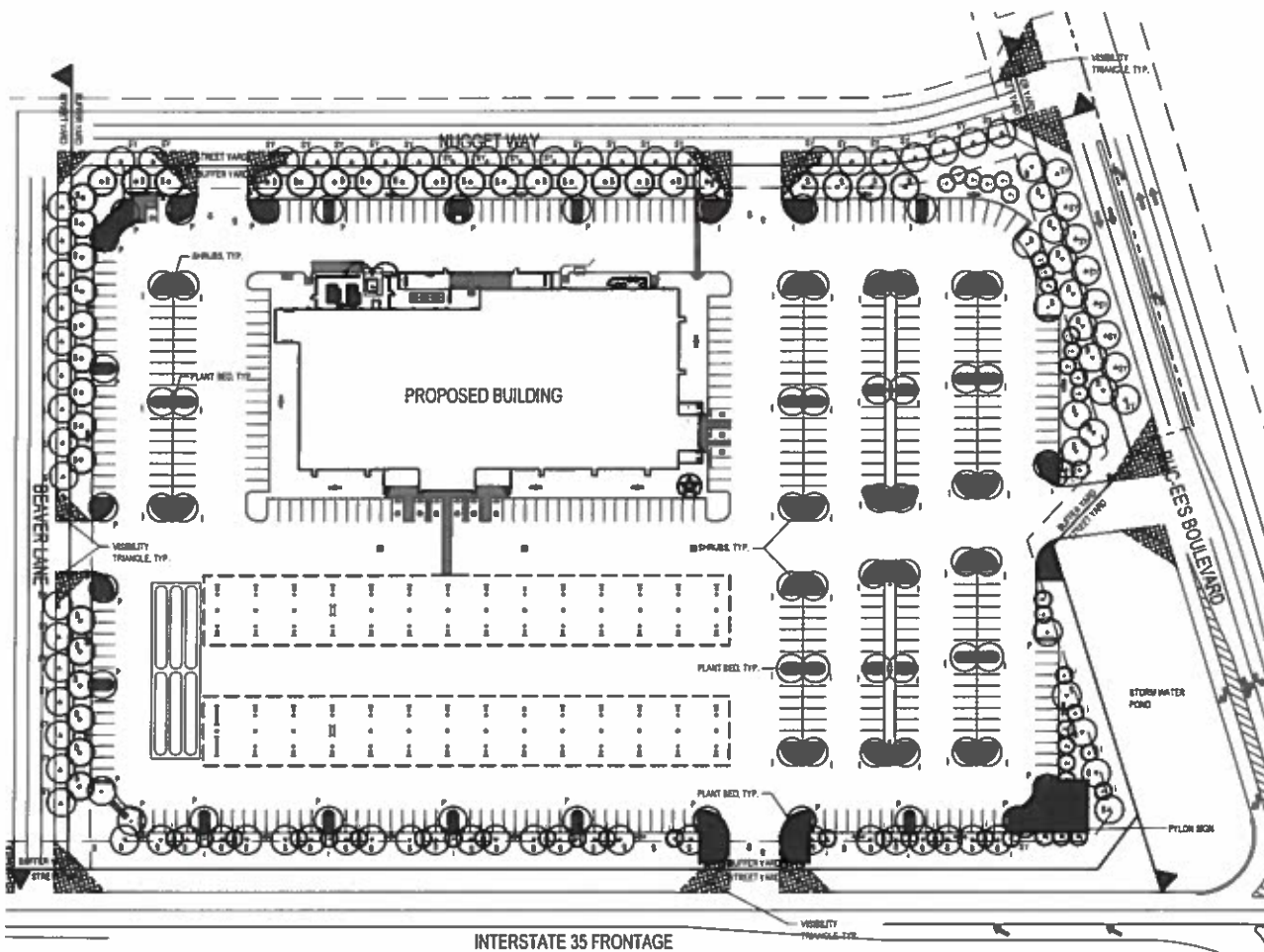
Placement: ii. For pole signs greater than twenty-five (25) feet in height, setback shall be twenty-five (25) feet measured from the edge of the pole sign's base.

6. **Section 5.08(d)(ii)(24) Amendment** – Special definitions – Wall Sign: A sign attached to or painted upon a wall surface with the sign facing parallel to and not more than twelve (12) inches from the wall surface. A sign attached to or painted upon an awning and visible to the exterior shall be considered a wall sign (also see "Awning Sign"). Neon (or other gaseous) tubing attached directly to a wall surface shall be considered a "wall sign" when forming a border for the subject matter, when directing attention to the subject matter, or when forming letters, logos, symbols or pictorial designs. Maximum Sign Area; wall signs shall not exceed the following area schedule:

An attached sign located at a height of thirty-six feet (36') or less is limited to one (1) square foot of sign area for each lineal foot of building frontage for a single tenant building, or lease space frontage in a multiple tenant building, not to exceed five hundred and sixty (560) square feet, and a minimum of twenty-five (25') square feet.

(75)

7. **Thoroughfare Standards and Pavement Design Methods, Section II – Geometrics D.2.b.1 Amendment** - Commercial driveways shall have a minimum width of twenty-four (24) feet and a maximum width of 45-feet.
8. **Thoroughfare Standards and Pavement Design Methods, Section II – Geometrics D.3.a.2 Amendment** - The curb radii for a commercial drive shall be 20-feet and a maximum radius of 45-feet.



**CITY OF WAXAHACHIE
LANDSCAPE CALCULATIONS:**

PROJECT DATA

TOTAL BUILDING AREA	\$3,421 SF
ZONING (FOR PURPOSES OF LANDSCAPE REQUIREMENTS)	C

INTERIOR LANDSCAPE AREA REQUIRED

TOTAL BUILDING AREA	PROVIDED
INTERIOR LANDSCAPE AREA REQ. (40% OF BUILDING AREA = 2,178 SF)	\$4,421 SF
INTERIOR LANDSCAPE AREA PROVIDED	2,178 SF
CANDY TREE (REQUIRED 1 PER 300 SF - PROVIDED = 44)	44
UNDER STORY TREE (REQUIRED 1 PER 250 SF - REQUIRED = 87)	87
SHRUB (REQUIRED 1 PER 75 SF - REQUIRED = 211)	311
GROUND COVER (REQUIRED 10% OF REQUIRED AREA = 2,385 SF)	2,283 SF
SEASONAL COLOR (REQUIRED 2% OF REQUIRED AREA = 435 SF)	426

PARKING LOT LANDSCAPING

PARKING SPACES PROVIDED	458
PARKING LOT LANDSCAPE AREA REQ. (13 SF PER PARKING SPACE)	5,958 SF
PARKING LOT LANDSCAPE AREA PROVIDED	5,958 SF
PARKING LOT TREES (2 - 6" TREES PER 100 SF) REQUIRED	23
PARKING LOT TREE PROVIDED	23
4" TREES APPLY TO INTERIOR LANDSCAPE	
PARKING LOT SHRUBS (6 SHRUBS PER 100 SF) REQUIRED	117
PARKING LOT SHRUBS PROVIDED	117
(6" SHRUBS APPLY TO INTERIOR LANDSCAPE)	

SUPPLYING LAND

STREET 1/4RD AREA PROVIDED	\$5,582 SF
PROPOSED STREET 1/4RD (20% REQUIRED TO BE PERMANENT)	11,164 SF
LANDSCAPE AREA	
PERMANENT LANDSCAPE AREA PROVIDED	\$5,582 SF

LANDSCAPE BUFFER

PROPOSED LARGE TREES (1 REQUIRED PER 40 LF OF FRONTAGE + 20)	25
8" @ 4-8'	
PROPOSED LARGE TREES (1 REQUIRED PER 40 LF OF FRONTAGE + 10)	18
7" @ BUC-EE'S BOULEVARD	
PROPOSED STREET TREES (1 REQUIRED PER 40 LF OF FRONTAGE + 15)	15
8" @ BEAVER LANE	
PROPOSED STREET TREES (1 REQUIRED PER 40 LF OF FRONTAGE + 21)	21
8" @ NUGGET WAY	

STREET TREES

PROPOSED STREET TREES @ REQUIRED PER FOOT (F/D)	8
8" @ 4-8'	
PROPOSED STREET TREES (1 REQUIRED PER 30 LF OF FRONTAGE + 40)	8
20% REDUCTION IN STREET TREES COUNTED AS BUFFER TREES (-2)	
217 BUC-EE'S BOULEVARD	
PROPOSED STREET TREES (1 REQUIRED PER 30 LF OF FRONTAGE + 20)	16
20% REDUCTION IN STREET TREES COUNTED AS BUFFER TREES (-4)	
8" @ BEAVER LANE	
PROPOSED STREET TREES (1 REQUIRED PER 30 LF OF FRONTAGE + 21)	22
20% REDUCTION IN STREET TREES COUNTED AS BUFFER TREES (-4)	
8" @ NUGGET WAY	

IRRIGATION REQUIREMENTS

ALL RECLUPED LANDSCAPE AREAS SHALL BE IRRIGATED BY AN AUTOMATIC IRRIGATION BY STEM DESIGNED BY A LICENSED IRRIGATOR. LANDSCAPE ARCHITECT ON OTHER PROJECTS SINCE AUTHORIZED BY THE STATE TO DESIGN SUCH SYSTEMS. NATURAL WEAVERS OF WILDFLOWERS OR OTHER NATIVE HABITAT SHALL NOT BE REQUIRED TO BE IRRIGATED.

WATER CONSERVATION THE CITY WOULD LIKE TO PROMOTE THE USE OF EFFICIENT IRRIGATION METHODS AND PRACTICES. WHERE POSSIBLE IN PLANTING BEDS, FLOOD IRRIGATION SHOULD BE USED. Drip Irrigation Systems should be utilized where slopes do not allow flood systems. Flat spray heads should be utilized under shrubs rather than upward spray heads or nozzles above shrubs. Lawn spray heads should have low precipitation rates. Run for longer periods of time and water infrequently to promote deep root growth for grasses. Irrigation systems must be equipped with a rain/pressure sensor.

LEGEND:

- P = PROPOSED PARKING LOT TREE
- + = PROPOSED INTERIOR LANDSCAPE ORNAMENTAL TREE
- o = PROPOSED INTERIOR LANDSCAPE SHADE TREE
- o = PROPOSED BUFFER 1/4RD TREE
- BT = PROPOSED STREET 1/4RD TREE



LANDSCAPE ARCHITECTURE
BLUFORN COLLABORATIVE, INC.
P.O. BOX 4070, Austin, TX 78766
Phone: (512) 288-1116

PROFESSIONAL SEAL

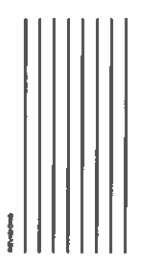
THIS DOCUMENT IS NOT
VALID FOR PERMITTING
UNLESS AS CONSTRUCTION
PURPOSES

DATE SEALED: 05/08/24

PROJECT NAME:
**BUC-EE'S -
WAXAHACHIE**

OWNER:
**BUC-EE'S
LTD.**

PROJECT LOCATION:
**INTERSTATE HIGHWAY 35E &
BUTCHER
ROAD,
WAXAHACHIE,
TEXAS**



PROJECT NO: 000-002
DATE PRINTED: 05/08/24
DRAWING TITLE:
**LANDSCAPE
ZONING
EXHIBIT**

SHEET NO:
L100

BUC-EE'S WAXAHACIE

INTERSTATE HIGHWAY 38E
AT BUTCHER ROAD
WAXAHACIE, TEXAS



a Development of
Buc-ee's Ltd.

327 FM 2004
Lake Jackson, TX 77566
TEL: (779) 330-2820 FAX: (779) 230-2821



**LEVINSON · ALCOSER
ASSOCIATES, L.P.**

1177 N. Loop South, Suite 920 Houston, Texas 77067
tel 713.787.0000 fax 713.880.8230
Architects • Planning • Interior Design

REVISIONS

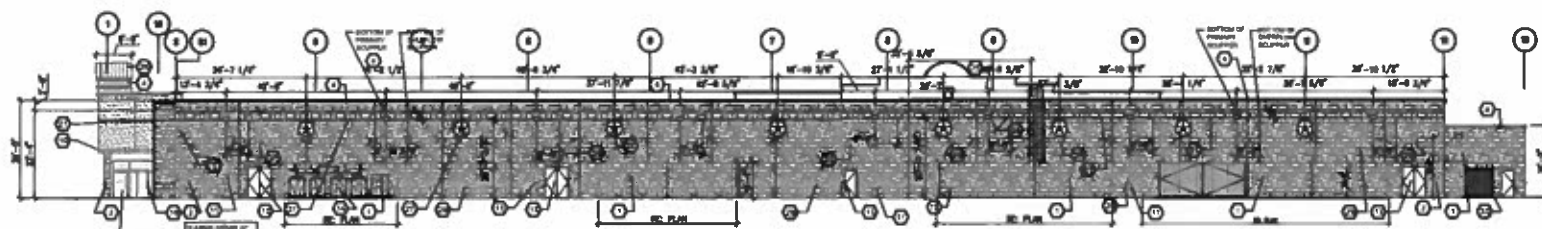


01/03/2018

Issued for REVIEW: 01 MAY 2018
Issued for BID:
Issued for PERMIT:

LSL Project Number: 2018-118.000

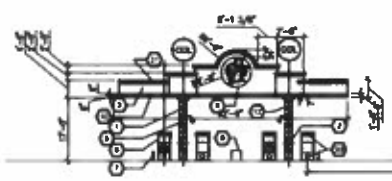
WAXAHACIE, TX



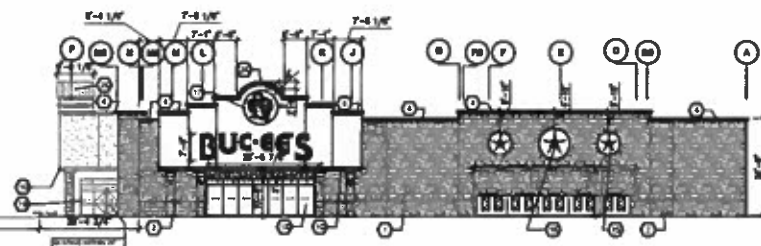
6 WEST ELEVATION
A3.0 SCALE: 1/8" = 1'-0"

EXTERIOR ELEVATION KEYED NOTES

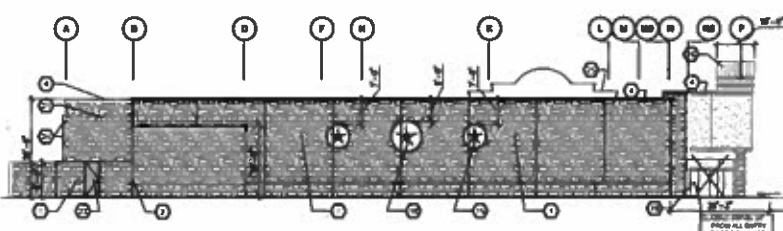
- 1 VENDOR SHALL PROVIDE ALL MANUFACTURE BY AND SPECIFICATIONS
- 2 1" WEST BALANCE GLASS WITH WALL IMPROVEMENT AT BALANCE GLASS TOP OF BUILDING AT EXTERIOR SIDE ONLY TOP OF IMPROVEMENT
- 3 1 1/2" EPS INSULATION PARTITION WALL DIVISION AND FINISH AS SHOWN BY CONCRETE ARCHITECTURE. GLASS BALANCE BY 2" GLASS
- 4 FINISH WITH 1/2" GIP. COLOR THROUGHOUT
- 5 FINISH COLOR AS BY SECURITY CONSULTANT
- 6 FINISH AND COORDINATE OF PAINT SYSTEMS CONSTRUCTION
- 7 1" INSULATION VERTICAL EPS 150 GLASS BALANCE GLASS TO BE APPROVED BY OWNER
- 8 1/2" BALANCE GLASS BY 2" CONSTRUCTION FINISH ELECTRICAL PANELS TO THE BUILDING ELECTRICAL WORK
- 9 1" EPS BALANCE GLASS WITH WALL IMPROVEMENT
- 10 IMPROVEMENT AS SHOWN IN CONSTRUCTION FINISH ELECTRICAL PANELS TO THE BUILDING ELECTRICAL WORK
- 11 1/2" EPS BALANCE GLASS WITH WALL IMPROVEMENT
- 12 IMPROVEMENT AS SHOWN IN CONSTRUCTION FINISH ELECTRICAL PANELS TO THE BUILDING ELECTRICAL WORK
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- 50 FINISH WITH 1/2" GIP. COLOR THROUGHOUT



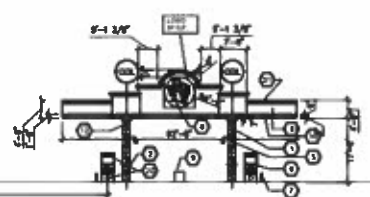
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A3.0 SCALE: 1/8" = 1'-0"



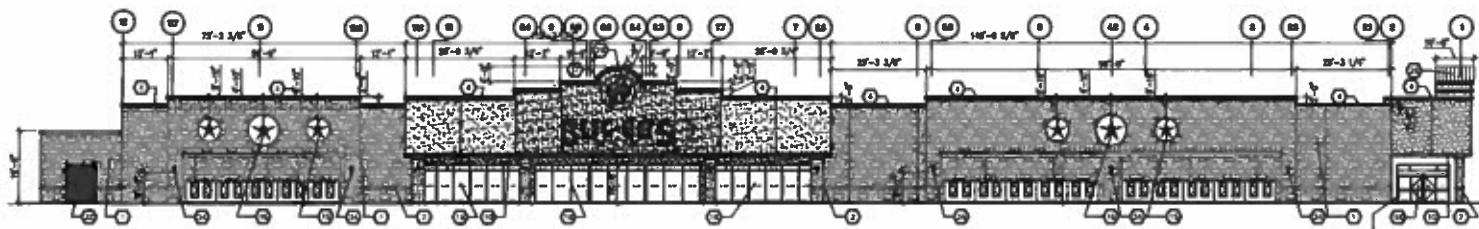
4 NORTH ELEVATION
A3.0 SCALE: 1/8" = 1'-0"



2 SOUTH ELEVATION
A3.0 SCALE: 1/8" = 1'-0"



3 FUEL CANOPY #1 SOUTH ELEVATION
A3.0 SCALE: 1/8" = 1'-0"



1 EAST ELEVATION
A3.0 SCALE: 1/8" = 1'-0"

TYPICAL SIGN DIMENSIONS 2017



www.southwestsigns.com
(210) 648-3221 / 800-927-3221

PRESENTATION DRAWING

Client:

Buc-ee's #40

Client's Location:

27700 Kay Freeway

Katy, TX

Sales Rep: Justin B.

Project Manager: Brenda B.

PM Approval:

Date: PERMIT SET 7/11/16

Drawn By: Diego R.

Revision:
R1: 09/29/16 DR added IFC Note

Scale: 1/16" = 1'-0"

Work Order# 108679-015 of 22

Sign Description:

Canopy Elevations

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 690 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

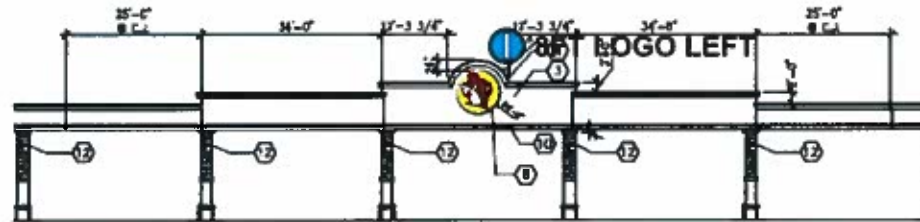
Underwriters
Laboratories Inc.

Primary wires provided by customer. Sign voltage based upon 120v.

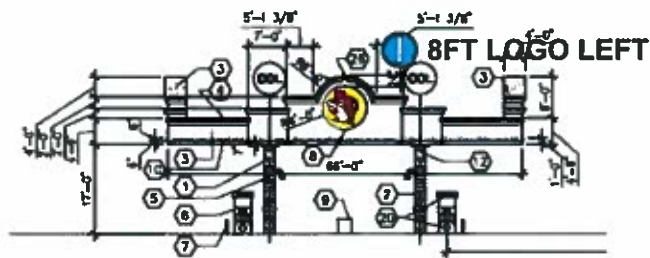
THIS IS AN ORIGINAL UN-PUBLISHED DRAWING CREATED BY SWS SIGNS. IT IS SUBMITTED FOR YOUR PERSONAL USE IN CONJUNCTION WITH A PROJECT BEING PLANNED FOR YOU BY SWS SIGNS. IT IS NOT TO BE SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION. NOR IS IT TO BE USED, REPRODUCED, COPIED OR EXHIBITED IN ANY FASHION.

Customer Approval:

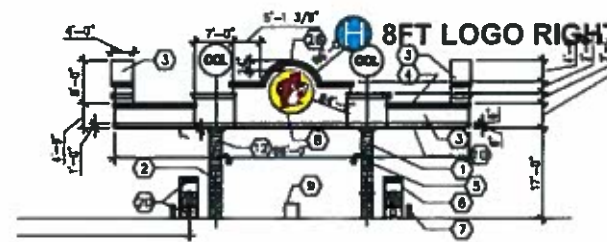
CANOPY 1
SCALE: 3/32" = 1'-0"



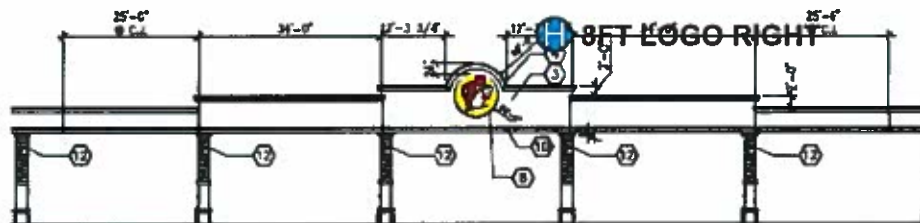
NORTH ELEVATION



3 WEST ELEVATION



4 EAST ELEVATION

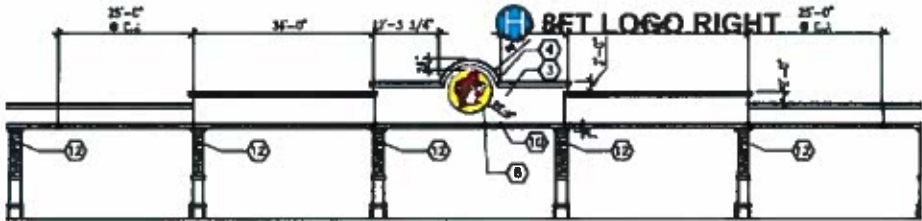


SOUTH ELEVATION

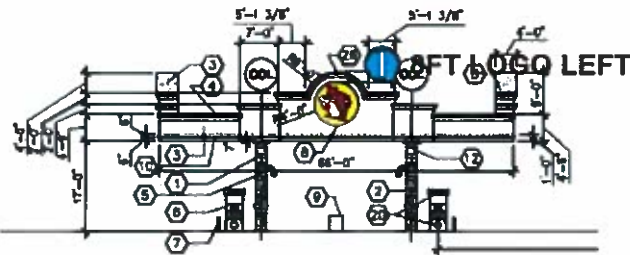
TYPICAL SIGN DIMENSION 2017

CANOPY 2

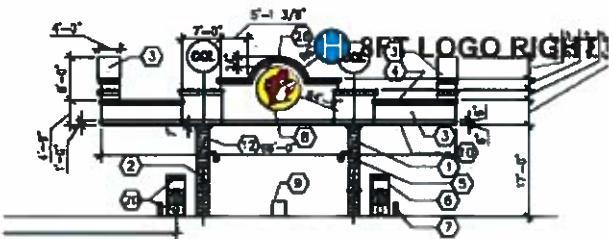
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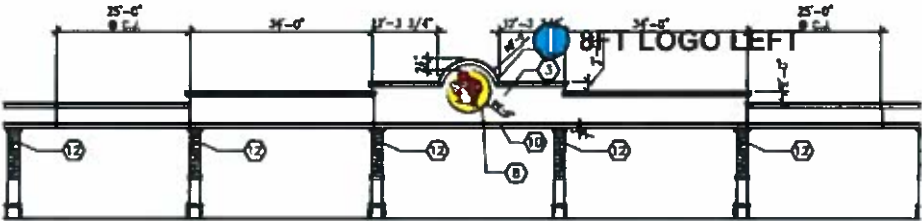
NORTH ELEVATION



3 WEST ELEVATION



4 EAST ELEVATION



SOUTH ELEVATION



www.southwestsigns.com
(210) 648-3221 / 800-927-3221

PRESENTATION DRAWING

Client:

Buc-ee's #40

Client's Location:

27700 Kay Freeway

Katy, TX

Sales Rep: Justin B.

Project Manager: Brenda B.

PM Approval:

Date: PERMIT SET 7/11/16

Drawn By: Diego R.

Revision:
RB_09/30/16 DR added IFC Note

Scale:

Work Order# 108679-016 of 22

Sign Description:

(Signature)

"THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN."

Underwriters Laboratories Inc.

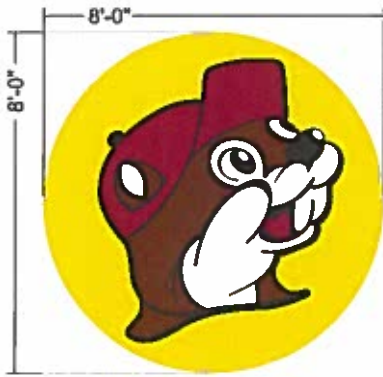
Primary wires provided by customer. Sign voltage based upon 120v.

THIS IS AN ORIGINAL UN-PUBLISHED DRAWING CREATED BY SWS SIGNS. IT IS SUBMITTED FOR YOUR PERSONAL USE IN CONJUNCTION WITH A PROJECT BEING PLANNED FOR YOU BY SWS SIGNS. IT IS NOT TO BE SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION, NOR IS IT TO BE USED, REPRODUCED, COPIED OR EXHIBITED IN ANY MANNER.

Customer Approval:

50.24 Q./FT. (ea.)

SCALE: 3/4" = 1'-0"



8FT LOGO RIGHT



8FT LOGO LEFT

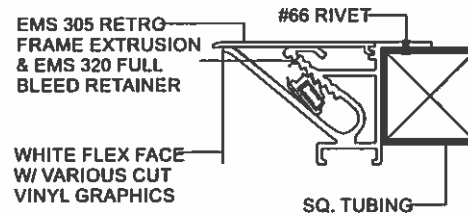
- FACES: FULL BLEED WHITE FLEX FACE W/ CUT VINYL GRAPHICS AS PER COLOR KEY
- RETURNS: ALUM., 12" DEEP PTD. BLACK
- BACKS: ALUM. PTD. BLACK
- ILLUMINATION: GE Tetra Max Power Strips
- INSTALLATION: FLUSH MOUNT TO WALL FASCIA
(GAS STATION CANOPY)

COLOR SPECS

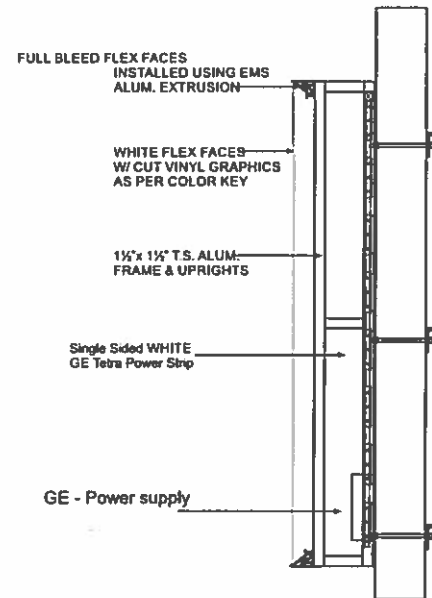
- ARLON 33 RED • PMS 485c
- ARLON 63 RUST • PMS 483c
- ARLON 15 YELLOW • PMS 109c
- ARLON 22 BLACK □ WHITE

TYPICAL SIGN DIMENSIONS 2017

FLEX FACE RETRO FRAME - DETAIL



Method of attachment: not less than 3/8" through bolts with steel angle cross supports



LOGO CABINET DETAIL - NTS



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(210) 648-3221 / 800-927-3221

PRESENTATION DRAWING

Client:

Buc-ee's #40

Client's Location:

27700 Kay Freeway

Katy, TX

Sales Rep: Justin B.

Project Manager: Brenda B.

PM Approval:

Date: PERMIT SET 7/11/16

Drawn By: Diego R.

Revision:

RS_09/30/16 DR added FC Note

Scale: 3/4" = 1'-0"

Work Order# 108679-017 of 22

Sign Description:

Mfg (8) EIGHT 8FT S/F internally LED illuminated bleed flex face logos with applied vinyl graphics.

"THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 690 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN."

Underwriters Laboratories Inc.

Primary wires provided by customer. Sign voltage based upon 120v.

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Customer Approval:

TYPICAL SIGN DIMENSIONS 2017



www.southwestsigns.com
(210) 648-3221 / 800-927-3221

PRESENTATION DRAWING

Client:

Buc-ee's #40

Client's Location:

27700 Kay Freeway

Katy, TX

Sales Rep: Justin B.

Project Manager: Brenda B.

PM Approval:

Date: PERMIT SET 7/11/16

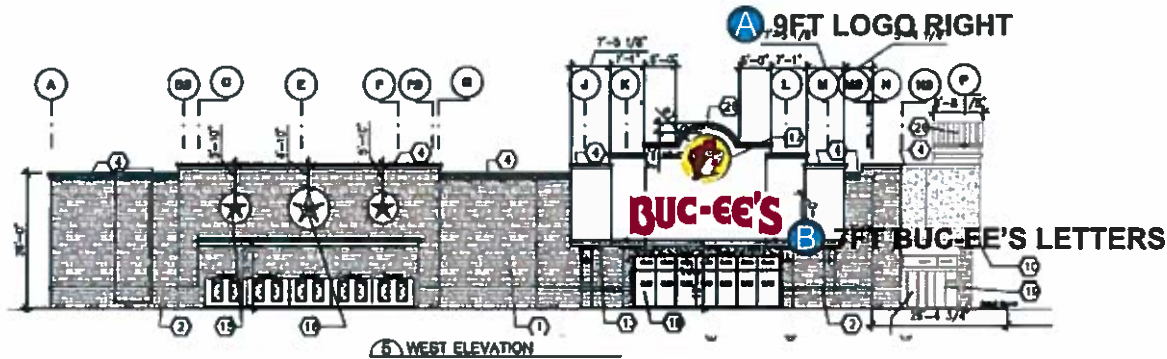
Drawn By: Diego R.

Revision:
R8: 09/30/16 DR added IFC Note

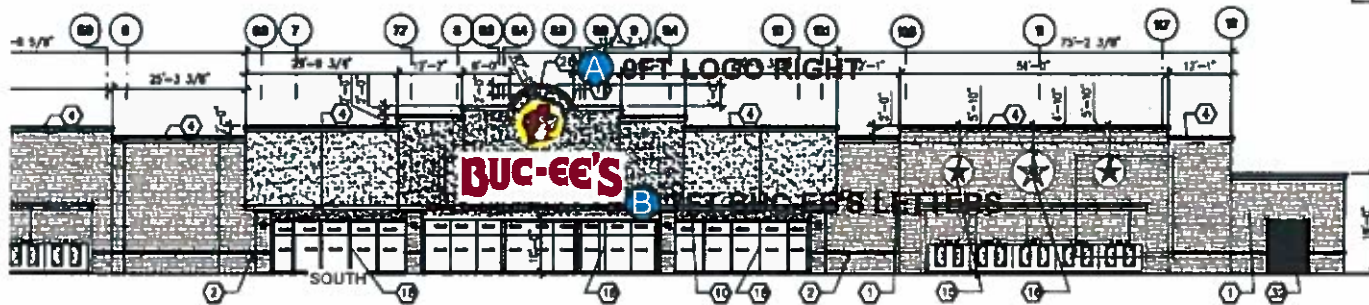
Scale:

Work Order# 108679-002 of 22

Sign Description:



WEST ELEVATION
SCALE: 3/32" = 1'-0"



SOUTH ELEVATION
SCALE: 3/32" = 1'-0"

"THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 690 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN."

Underwriters Laboratories Inc.

Primary wires provided by customer.
Sign voltage based upon 120v.

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Customer Approval:

63.585 SQ./FT.

SCALE: 3/4" = 1'-0"



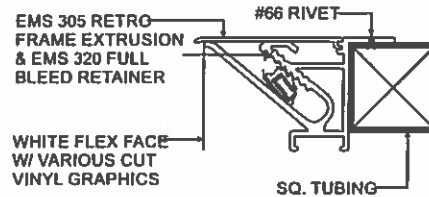
A 9FT LOGO RIGHT

- FACE: FULL BLEED WHITE FLEX FACE W/ CUT VINYL GRAPHICS AS PER COLOR KEY
- RETURNS: ALUM., 12" DEEP PTD. BLACK
- BACKS: ALUM. PTD. BLACK
- ILLUMINATION: GE Tetra Max Power Strip
- INSTALLATION: FLUSH MOUNT TO WALL FASCIA W/ NON-CORROSIVE THRU BOLTS
- ELECTRICAL: SELF-CONTAINED, HOOK UP TO CUSTOMER PROVIDED ELECTRIC

COLOR SPECS

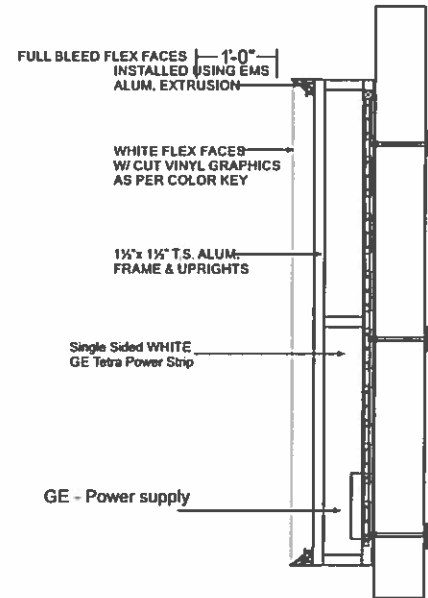
- ARLON 33 RED • PMS 485c
- ARLON 63 RUST • PMS 483c
- ARLON 15 YELLOW • PMS 109c
- BLACK □ WHITE

FLEX FACE RETRO FRAME - DETAIL



TYPICAL SIGN DIMENSIONS 2017

Method of attachment: not less than 3/8" through bolts with steel angle cross supports



9'-0" LOGO CABINET DETAIL - NTS



www.southwestsigns.com
(210) 848-3221 / 800-927-3221

PRESENTATION DRAWING

Client:

Buc-ee's #40

Client's Location:

27700 Kay Freeway

Katy, TX

Sales Rep: Justin B.

Project Manager: Brenda B.

PM Approval:

Date: PERMIT SET 7/11/16

Drawn By: Diego R.

Revision:
R6 09/30/16 DR added IFC Note

Scale:

Work Order# 108679-003 of 22

Sign Description:

"THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 909 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN."

Underwriters
Laboratories Inc.

Primary wires provided by customer.
Sign voltage based upon 120v.

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Customer Approval:

206.42 SQ./FT.

SCALE: 1/2" = 1'-0"

TYPICAL SIGN DIMENSIONS 2017



www.southwestsigns.com
(210) 648-3221 / 800-927-3221

PRESENTATION DRAWING

Client:

Buc-ee's #40

Client's Location:

27700 Kay Freeway

Katy, TX

Sales Rep: Justin B.

Project Manager: Brenda B.

PM Approval:

Date: PERMIT SET 7/11/16

Drawn By: Diego R.

Revision:

RB_09/30/16 DR added IEC Note

Scale: 1/2" = 1'-0"

Work Order# 108679-004 of 22

Sign Description:

Mfg. and Install TWO (2) sets of 7ft intern. illum. red LED channel letters "Buc-ee's".

"THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 605 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODE. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN."

Underwriters Laboratories Inc.

Primary wires provided by customer. Sign voltage based upon 120v.

THIS IS AN ORIGINAL UN-PUBLISHED DRAWING CREATED BY SWS SIGNS. IT IS SUBMITTED FOR YOUR PERSONAL USE IN CONJUNCTION WITH A PROJECT BEING PLANNED FOR YOU BY SWS SIGNS. IT IS NOT TO BE SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION, NOR IT IS TO BE USED, REPRODUCED, COPIED OR EXHIBITED IN ANY FASHION.

Customer Approval:

Method of attachment: not less than (1) 3/8" through bolts with steel angle cross supports at top of letters. Bottom portion of letters will be lagged to 3/4" plywood backer

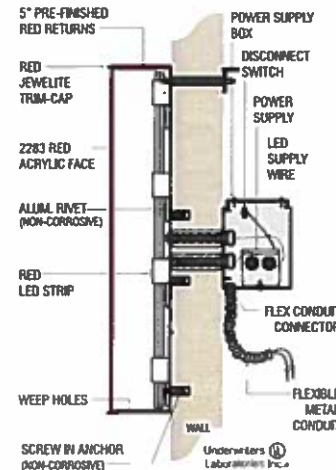


B 7FT BUC-EE'S LETTERS

- FACES: 2283 RED ACRYLIC
- TRIMCAP: 2" RED JEWELITE
- RETURNS: 5" DEEP ALUM. PRE-FINISHED RED
- BACKS: ALUM. PTD. RED
- LIGHTING: RED LED
- INSTALL: FLUSH MOUNTED ON WALL FASCIA

COLOR SPECS

- 2283 RED ACRYLIC
- 2" RED TRIM-CAP
- 5" PRE-FINISHED RED RETURNS



CHANNEL LETTERS FLUSH MOUNTED W/ REMOTE POWER SUPPLY(S)

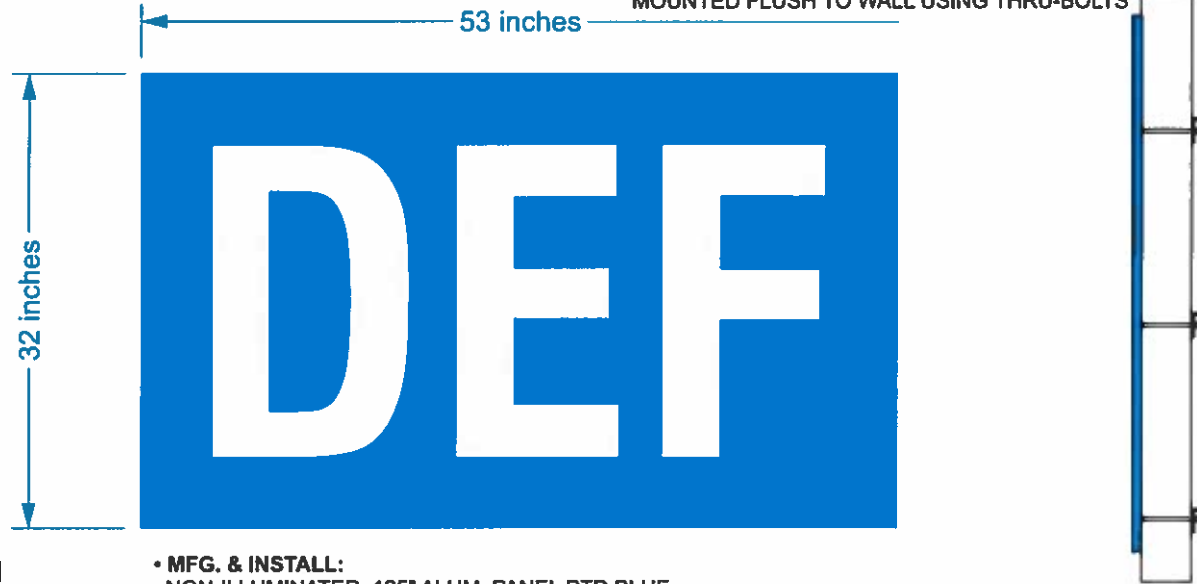
Underwriters Laboratories Inc.

5.5 SQ. FEET

SCALE: 3" = 1'-0"

TYPICAL SIGN DIMENSIONS 2017

MOUNTED FLUSH TO WALL USING THRU-BOLTS

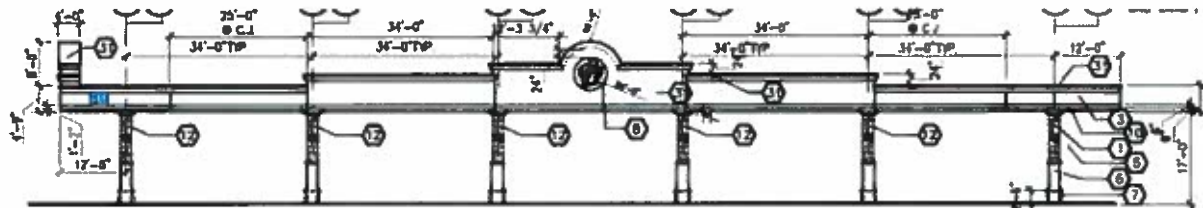


F DEF SIGN

- MFG. & INSTALL:
NON-ILLUMINATED .125" ALUM. PANEL PTD BLUE
W/ WHITE VINYL LETTERING APPLIED
INSTALL FLUSH ON EXISTING GAS CANOPY

COLOR SPECS

- PROCESS BLUE / 285C
- WHITE



GAS CANOPY TYPICAL

SCALE: 1/32" = 1'-0"



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(210) 648-3221 / 800-927-3221

PRESENTATION DRAWING

Client:

Buc-ee's #40

Client's Location:

27700 Kay Freeway

Katy, TX

Sales Rep: Justin B.

Project Manager: Brenda B.

PM Approval:

Date: PERMIT SET 7/11/16

Drawn By: Diego R.

Revision:

R8: 09/30/16 DR added EFC Note

Scale:

Work Order# 108679-013 of 22

Sign Description

"THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 908 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN."

Underwriters
Laboratories Inc.

Primary wires provided by customer.
Sign voltage based upon 120v.

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Customer Approval:

(35)

Planning and Zoning: June 12, 2018
City Council: June 18, 2018

CASE PD-18-0088

***SUPPORT* 1**

***OPPOSE* 0**

Request by Stan Beard, Buc-ee's, LTD, for a Zoning Change from a Light Industrial-1 and Future Development zoning district to Planned Development-Commercial, with Concept Plan, located at the SW corner of I-35E and Butcher Road, being 790 E C NEWTON 58.718 ACRES (Property ID 188453) - Owner: 60 WAX RE HOLDINGS, LLC (PD-18-0088)

SUPPORT

1. Raymond W. Olson, 5461 E. Glade Avenue, Mesa, AZ 85206



(35)

RECEIVED
6/4/18

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: PD-18-0088

SCANNED



The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, June 12, 2018 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, June 18, 2018 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

Request by Stan Beard, Buc-ee's, LTD, for a Zoning Change from a Light Industrial-1 and Future Development zoning district to Planned Development-Commercial, with Concept Plan, located at the SW corner of I-35E and Butcher Road, being 790 E C NEWTON 58.718 ACRES (Property ID 188453) - Owner: 60 WAX RE HOLDINGS, LLC (PD-18-0088)

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: planningandzoning@waxahachie.com for additional information on this request.

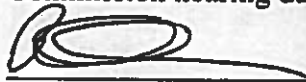
Case Number: PD-18-0088

SUPPORT

OPPOSE

Comments: _____

For this form to be valid, the date and time you signed must be provided. To be counted, this form must be received by 5:00 P.M. on the business day before the Planning and Zoning Commission hearing date and/or City Council hearing date.



Signature

5:31 PM June 4th 2018

Date and time (both must be provided)

Raymond W. Olson

Printed Name and Title

546 E GRADE Ave ORESA TX

Address

(36)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM LIGHT INDUSTRIAL-1 AND FUTURE DEVELOPMENT (LI1 AND FD) TO PLANNED DEVELOPMENT-COMMERCIAL (PD-C), WITH CONCEPT PLAN LOCATED AT THE SOUTHWEST CORNER OF INTERSTATE 35 E AND BUTCHER ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 58.718 ACRES KNOWN AS PROPERTY ID 188453 OF THE EC NEWTON SURVEY, ABSTRACT NO. 790, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number PD-18-0088. 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 LI1 and FD 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 LI1 and FD to PD-C, with Concept Plan, in order to facilitate development of the subject property in a manner that allows multiple uses on the following property: Property ID 188453 of the EC Newton Survey, Abstract No. 790, which is shown on Exhibit A, in accordance with the Concept Plan Provisions attached as Exhibit B, Conceptual Site Plan Layout for Buc-Ee's attached as Exhibit C, Conceptual Landscape Plan for Buc-Ee's attached as Exhibit D, Conceptual Elevations Plan for Buc-Ee's attached as Exhibit E, and Conceptual Sign Plan for Buc-Ee's attached as Exhibit F.

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

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

PASSED, APPROVED, AND ADOPTED on this _____ day of _____, 2018.

MAYOR


ATTEST:

City Secretary

(37)



Memorandum

To: Honorable Mayor and City Council
From: Ryan Studdard, Director of Building and Community Services
Thru: Michael Scott, City Manager 
Date: June 18th 2018
Re: Repeal and Replace Ordinance #2520 Food and Food Handlers

Purpose of changes listed below:

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

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

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

(27)

Revised Ordinance Section Order

Food and Food Handlers

Article I. – In General

Sec. 1 – Adoption of regulations

Sec. 2 – Definition of terms

Sec. 3 – Conflicts

Article II. – Food Service Establishments

Sec. 4 – Food Establishment permits – General requirements

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

Sec. 6 – Classification of permits

Sec. 7 – Waxahachie Farmers Market

Sec. 8 – Submission and review of plans

Sec. 9 – Fees

Sec. 10 – Permit denial, suspension, and revocation

Sec. 11 – Emergency closure of a food establishment

Sec. 12 – Disposal of contaminated foods

Sec. 13 – Seizure, destruction of uninspected products

Sec. 14 – Appeal from condemnation

Article III. – Penalties for violation

Sec. 15 – Penalties for violation

(37)

Chapter 13 - FOOD AND FOOD HANDLERS

ARTICLE I. - IN GENERAL

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

- (a) The following statutes, in their current form and as they may hereafter be amended, are adopted and incorporated into this article as if they were set forth at length herein:
 - (1) The "Texas Food, Drug and Cosmetic Act," Texas Health and Safety Code, Chapter 431.
 - (2) The "Minimum Standards of Sanitation and Health Protection Measures," Texas Health and Safety Code, Chapter 341.
- (b) The following regulations adopted by the Texas Board of Health, in their current form and as they may hereafter be amended, are adopted and incorporated into this article as if they were set forth at length herein. If there is a conflict between a rule and any section of this article, the more restrictive provision shall apply.
 - (1) The "Sanitary Rules for Food and Drug Establishments," 25 Texas Administrative Code, § 229.41, et seq.
 - (2) The rules for "Texas Food Establishments Rules," 25 Texas Administrative Code, § 229.464 228, et seq.
- ~~(c) The director will assure that a current copy of each rule manual will be kept on file in the office of the City Secretary.~~
- (cd) A food establishment's owner, manager, or operator commits an offense if an employee, owner, manager, or operator of the food establishment violates a rule adopted pursuant to subsection (b).

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

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

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

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

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

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

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

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

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

(37)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE II. - FOOD SERVICE ESTABLISHMENTS⁽²⁾

(37)

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

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

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

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

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

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

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

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

- (1) *Permanent food establishments.*
 - a. Food service establishment: Restaurants, cafeterias, snack bars, bakeries, snow cone stands, caterer's commissaries, private school cafeterias, halfway house food services, hospital kitchens/cafeterias, institutional food services, etc., where food is prepared and served;
 - b. Retail food stores handling prepackaged, potentially hazardous foods;
 - c. Retail food stores handling, processing or selling open foods;
 - d. Food warehouses/wholesalers;
 - e. Bars/lounges; and
 - f. Bed and breakfast establishments.
- (2) *Mobile food establishments.*
 - a. Retail food unit handling prepackaged food.
 - b. Retail food unit (including trailers, mobile barbecues, snow cone units, etc.) handling, processing, or selling open food. A separate permit is required for each different type of mobile unit owned or operated by an individual or company.
 - c. Mobile produce unit.

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

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

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- d. Mobile units delivering or selling meat, poultry, fish, seafood or shellfish (except retail grocery delivery trucks and units that are otherwise prohibited by this article). Except for wholesale fish truckers, any person who operates, sells, or engages in the distribution of any meat, poultry, fish, sea foods, or shellfish in the city shall operate from a fixed and permitted place of businesses. Roadside vending of meat, poultry, fish, seafood, or shellfish shall not be permitted in the city.
- e. Pushcarts; and
- f. Catering units.

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

- a. Concession trailers, tents, and booths set up in association with an event;
- b. Vendors set up in association with the Waxahachie Farmer's Market;
- c. Catering services contracted to provide food service in association with an event; and
- d. Food manufacturers serving samples of product in association with an event.

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

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

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

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

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

The city council shall adopt a schedule of fees for:

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

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

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

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

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

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

~~Sec. 13-16. Food protection requirements.~~

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

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

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

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

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

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

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

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

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

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

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

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

- ~~(a) Obtain a permit from the City of Waxahachie Environmental Health Department to operate a bed and breakfast (approval of the specific use permit is required for application of permit);~~
- ~~(b) Establishment must be in compliance with the minimum requirements for a bed and breakfast establishment set forth by state rule located in 25TAC 220.174;~~
- ~~(c) Pass each semi-annual routine health inspections; and~~
- ~~(d) The establishment shall not sell or prepare food for the purpose of resale. The preparation of food will be limited to breakfast only and intended solely for the transient guest(s) staying in the house.~~

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

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

ARTICLE III. MOBILE AND TEMPORARY FOOD PERMITS⁴⁴

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~Secs. 13-29—13-34. Reserved.~~

ARTICLE IV.—MILK AND DAIRY PRODUCTS⁽⁴⁾

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

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

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

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

~~Sec. 13-36.—Delivery containers.~~

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

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

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

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

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

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

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

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

~~Secs. 13-40—13-45. Reserved.~~

ARTICLE V.—MEAT, POULTRY, AND FISH⁽⁴⁾

(37)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE ~~III~~VI - PENALTIES FOR VIOLATIONS^{FR}

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

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

- (a) Verbal warning of violations;

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

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

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

ARTICLE VII. ~~VENDING MACHINES~~

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

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

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

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

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

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

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

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

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

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ORDINANCE NO. _____

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

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

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

ARTICLE I - IN GENERAL

Sec. 1 - Adoption of regulations.

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

Sec. 2 - Definitions of terms.

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

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

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

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

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

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

Sec. 3 - Conflicts.

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

ARTICLE II - FOOD SERVICE ESTABLISHMENTS

Sec. 4 - Food establishment permits—General requirements.

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

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

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

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Sec. 6 - Classification of permits.

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

(1) *Permanent food establishments.*

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

(2) *Mobile food establishments.*

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

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

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

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

Sec. 7 – Waxahachie Farmer's Market.

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

Sec. 8 - Submission and review of plans.

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

Sec. 9 - Fees.

The city council shall adopt a schedule of fees for:

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

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

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

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

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

Sec. 11 - Emergency closure of a food establishment.

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

Sec. 12 - Disposal of contaminated foods.

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

Sec. 13 - Seizure, destruction of uninspected products.

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

Sec. 14 - Appeal from condemnation.

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

ARTICLE III - PENALTIES FOR VIOLATIONS

Sec. 15 - Penalties for violation.

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

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

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

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

PASS, APPROVED, AND ADOPTED ON THIS THE _____ day of _____, 2018.

MAYOR

ATTEST:

City Secretary



Memorandum

To: Honorable Mayor and City Council

From: Wade G. Goolsby, Chief of Police

Thru: Michael Scott, City Manager 

Date: June 13, 2018

Re: Continuance of Juvenile Curfew Ordinance

A number of years ago, the City of Waxahachie had a significant issue with juveniles creating problems during the late night hours. Due to the issues, the city adopted a curfew ordinance that established a curfew for any person under seventeen (17) years of age.

The Texas Local Government Code (Title 11; Sec. 370.002) requires a municipality that has adopted a juvenile curfew ordinance to review that ordinance every three years. The statute states in part, "Before the third anniversary of the date of adoption of a juvenile curfew ordinance by a general-law municipality or a home-rule municipality or an order of a county commissioners court, and every third year thereafter, the governing body of the general-law municipality or home-rule municipality or the commissioners court of the county shall:

- (1) review the ordinance or order's effects on the community and on problems the ordinance or order was intended to remedy;
- (2) conduct public hearings on the need to continue the ordinance or order;
- and
- (3) abolish, continue, or modify the ordinance or order."

We have reviewed the ordinance and do not feel that it needs to be modified. However, we respectfully ask Council to continue the Ordinance in an effort to prevent the previous juvenile related issues from recurring. We feel that the continued adoption of the ordinance eliminates many of the juvenile issues that we experienced before.

(79)
ORDINANCE NO.

AN ORDINANCE PASSING ARTICLE VII, CURFEW FOR MINORS, AND ENACTING SEC. 21-81, THROUGH 21.85, ENACTING A CURFEW FOR MINORS, PROVIDING FOR DEFENSES, ENFORCEMENT, AND PENALTIES, DECLARING AN EMERGENCY, AND SETTING AN EFFECTIVE DATE.

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

That Article VII, Curfew for Minors, is enacted to read as follows:

Sec. 21-81. Definitions.

For the purposes of this article the following words, terms and phrases shall have the meanings respectively ascribed to them herein:

Curfew hours:

- (1) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and
- (2) 12:01 a.m. until 6:00 a.m. on any Saturday and Sunday.

Emergency: An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Establishment: Any privately owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

Guardian:

- (1) A person, who, under court order, is the guardian of the person of a minor; or
- (2) A public or private agency with whom a minor has been placed by a court.

Minor: Any person under seventeen (17) years of age.

Operator: Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members of partners or an association or partnership and the officers of a corporation.

Parent: A person who is:

- (1) A natural parents, adoptive parents, or stepparent of another person; or
- (2) At least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

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Public Place: Any place to which the public or substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

Remain:

- (1) Linger or stay; or
- (2) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

Serious bodily injury: Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(Ord. No. 1814, § 1, 8-15-94)

Sec. 21-82. Offenses.

- (a) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.
- (b) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.
- (c) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(Ord. No. 1814, § 2, 8-15-94)

Sec. 21-83. Defenses.

- (a) It is a defense to prosecution under Section 21-82 that the minor was:
 - (1) Accompanied by the minor's parent or guardian;
 - (2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - (3) In a motor vehicle involved in interstate travel;
 - (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - (5) Involved in an emergency;
 - (6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
 - (7) Attending an official school, religious or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity

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that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;

(8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(9) Married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.

(b) It is a defense to prosecution under Section 21-82(c) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave. (Ord. No. 1814, § 3, 8-15-94)

SEC. 21-84. Enforcement.

Before take any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Section 21-83 is present.

(Ord. No. 1814, § 4, 8-15-94)

Sec. 21-85. Penalties.

(a) A person who violates a provision of this article is guilty of a separate offense for each day or part of a day during which the violation is committed, continued or permitted. Each offense, upon conviction, is punishable by a fine not to exceed five hundred dollars (\$500.00).

(b) When required by Section 51.08 of the Texas Family Code, as amended, the municipal court shall waive original jurisdiction over a minor who violates Section 21-82(a) and shall refer the minor to juvenile court.

(Ord. No. 1814, §5m 8-15-94)

AN EMERGENCY AFFECTING THE PUBLIC HEALTH, SAFETY AND WELFARE IS FOUND TO EXIST, IN THAT PUBLIC SAFETY, AND THE SAFETY OF MINORS, CALLS FOR RULES ON A CURFEW FOR MINORS, AND THIS ORDINANCE IS TO BE EFFECTIVE UPON PASSAGE..

PASSED, APPROVED AND ADOPTED this 18th day of June, 2018.

Mayor

ATTEST:

City Secretary

(40)



Memorandum

To: Honorable Mayor and City Council
From: John Smith
Thru: Michael Scott *MS*
Date: 6-8-18
Re: Penn Park Renovations Phase II

Council members,

The bid opening for Phase II was held on May 24th. Three bids were received and included base bids of-

Dean Electric - \$345,037.00

J&K Const. - \$412,000.00

Cole Const. - \$632,000.00

These base bids include work to demo the existing football field, import soil and create a new field, provide drainage and storm sewer improvements, establish turf and connect power from pole to service base. Dean Electric is the apparent low bidder. Bob Stoffels, Project Manager, has reviewed the bids and vetted Dean Electric's offer. Mr. Stoffels' letter of recommendation is attached.

Staff concurs and recommends the acceptance of this base bid and the following alternates.

Water, sewer and electric for restroom - \$8,650.00

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Restroom pad and site work - \$12,950.00

Football field irrigation - \$27,700.00

In addition to these alternates, staff recommends the purchase of a modular restroom building and football field lighting.

Football field lighting - \$205,000.00

Restroom building - \$75,000.00

The total cost of the project, with the alternates and additions will be \$674,337.00.

The funds available for the project total \$670,000.00.

Staff requests an additional amount of \$5000.00 to complete this phase of work at Penn Park.

Thank you for your consideration.

(40)

**DUNKIN
SIMS
STOFFELS
Inc.**

June 6, 2018

Mr. John Smith, Park Director
Parks & Recreation Department
401 South Elm Street
Waxahachie, Texas 75165

Subject: Lee Penn Park Renovations – Phase II

Dear Mr. Smith:

Bids for the referenced project were read publicly at 2:00 p.m. on Thursday, May 24, 2018. A total of three (3) bids were received for the construction of the Lee Penn Park Renovations – Phase II Project. Dean Electric dba Dean Construction of Cedar Hill, Texas was the apparent low bidder, with a base bid of \$345,037.00. Dean Construction remains the apparent low bidder with any combination of the seven add alternates included within the project bid.

Having reviewed their bid, discussed the project with Mr. Greg Firebaugh with Dean Construction, to confirm their understanding of the project scope and based upon Dean Construction's prior performance on projects of similar scope with the City of Waxahachie and as related by their references on current projects, it appears that Dean Construction is qualified to perform the construction services outlined for the Lee Penn Park Renovations – Phase II Project. Award of the contract to Dean Construction should be considered by the Waxahachie Community Development Board and by City Council.

Sincerely,



Bob Stoffels, RLA, ASLA

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Memorandum

To: Honorable Mayor and City Council

From: John Smith

Thru: Michael Scott, City Manager 

Date: 6-11-18

Re: Budget Amendment – Penn Park Phase II

Council Members,

The request for Penn Park Phase II renovations required an additional \$5000 for completion of the scope of work. Based on the previously referenced information, we respectfully request these additional funds.

Thank you for your consideration.

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Memorandum

To: Honorable Mayor and City Council

From: Albert Lawrence, Assistant City Manager *AL*

Thru: Michael Scott, City Manager *MS*

Date: June 15, 2018

Re: Consider Park Board Recommendation for Regulating Patrons at Lake Parks During the Week of Fourth of July Holiday

Item Description: Consider Park Board recommendation for regulation patrons at lake parks during the week of Fourth of July holiday.

Parks Board Recommendation: The Parks Board recommends restricting access to the lake parks on 6/30/18, 7/1/18, 7/4/18, 7/7/18 and 7/8/18 to City of Waxahachie residents only.

Item Summary: During holidays, the lake parks have become very overcrowded causing unsafe conditions and excessive parking overflow onto the roadways around the parks. Numerous complaints have been received from Waxahachie residents in reference to overcrowding, parking along the roadways, parking/trespassing on private property and accumulation of garbage. Also, the Police Department has raised a serious concern regarding safety at the lake parks due to the large number of people and difficulties providing a safe environment for the patrons.

In an attempt to address the issues mentioned above, the Parks Board discussed the options of charging a user fee for non-residents of Waxahachie or restricting access to Waxahachie residents only. They felt that restricting access to residents only would be more effective, help ensure residents have access to the parks and reduce the logistical difficulties associated with collecting payment and issuing permits.

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Waxahachie residents will simply show proof of residency by showing a driver's license and/or water bill to gain entrance to the park.

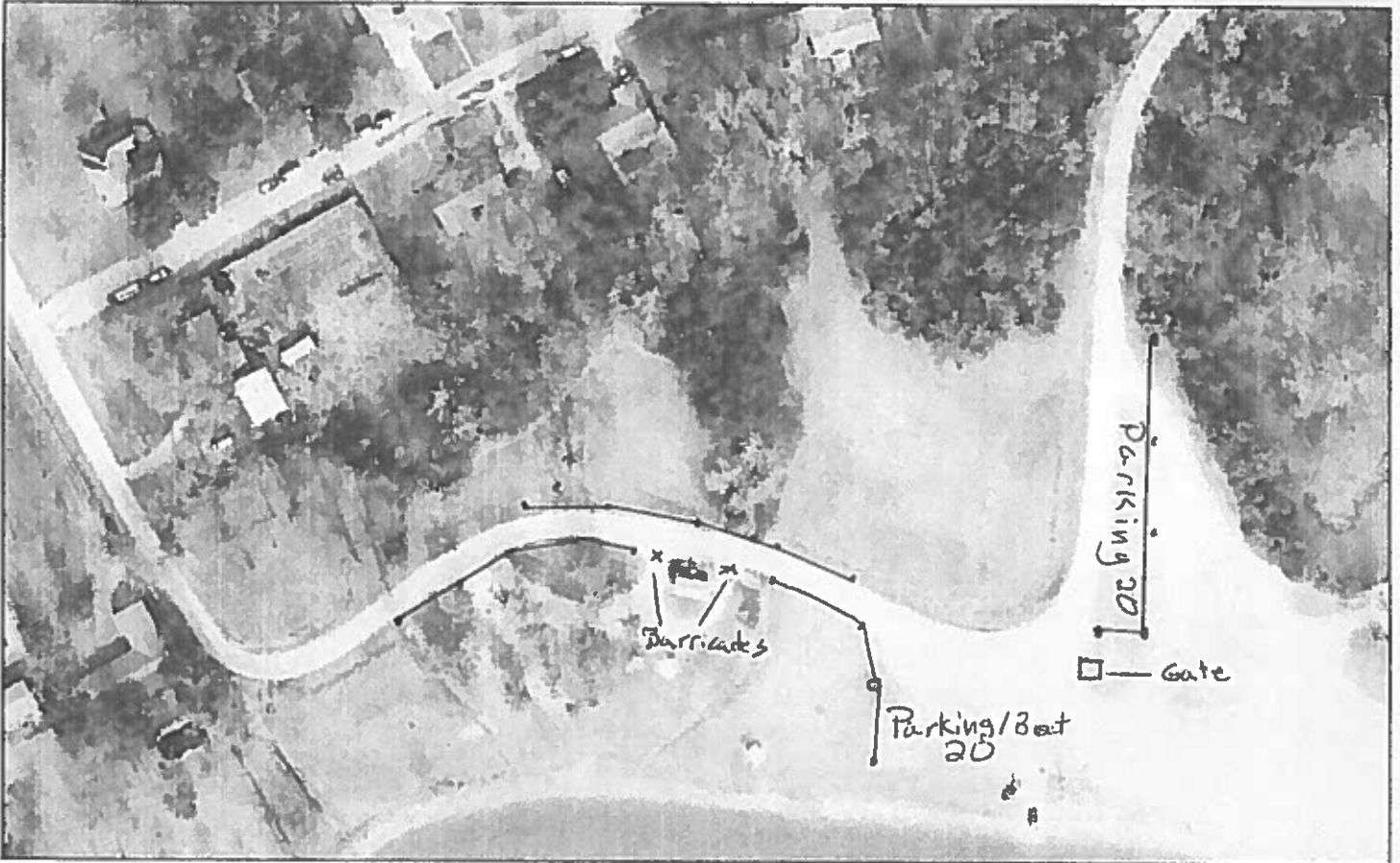
In order to facilitate restricting access and reducing overflow parking onto the roadways, City staff will put additional signage in place, install temporary fencing and place temporary barricades in key locations. There will also be additional staff onsite to check proof of residency, keep the areas clean and provide assistance to patrons. The Police Department will have additional personnel providing security and addressing parking issues as they arise. An extensive campaign effort to publicize the new restriction will begin immediately.

These efforts will be reviewed for their effectiveness after the holiday weekend. City staff and the Parks Board will then develop a long-term plan and bring that recommendation back for City Council consideration.

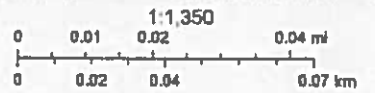
Fiscal Impact: The estimated cost of these efforts totals \$16,700 for overtime pay, barricades, fencing and message board rentals.

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Spring Park



June 11, 2018



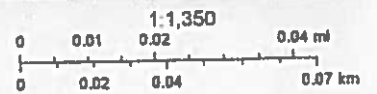
Elle Appraisal District & GIS Consulting - www.elleappraisal.com
This product and relative contents are the property of the respective governmental entity and GIS Consultants. Use is restricted for official purposes.

(42)

Jetty Park



June 11, 2018



Elle Appraisal District & GIS Consulting - www.elleappraisal.com
This product and relative contents are the property of the respective governmental entity and GIS Consultants. Use is restricted for official purposes.

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CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS '
COUNTY OF ELLIS '
CITY OF WAXAHACHIE '

We, the undersigned officers of the City Council of the City, hereby certify as follows:

1. The City Council of the City convened in a REGULAR MEETING ON THE 18TH DAY OF JUNE, 2018, at the regular designated meeting place, and the roll was called of the duly constituted officers and members of the City Council, to wit:

Kevin Strength, Mayor
David Hill, Mayor Pro-Tem
Chuck Beatty, Member
Mary Lou Shipley, Member
Melissa Olson, Member

Lori Cartwright, City Secretary

and all of the persons were present, except _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at the Meeting: a written

RESOLUTION DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; AND RESOLVING OTHER MATTERS RELATING TO THE SUBJECT

was duly introduced for the consideration of the City Council. It was then duly moved and seconded that the Resolution be passed; and, after due discussion, the motion, carrying with it the passage of the Resolution, prevailed and carried by the following vote:

AYES: _____

NOES: _____

ABSTENTIONS: _____

2. That a true, full and correct copy of the aforesaid Resolution passed at the Meeting described in the above and foregoing paragraph is attached to and follows this Certificate; that the Resolution has been duly recorded in the City Council's minutes of the Meeting; that the above and foregoing paragraph is a true, full and correct excerpt from the City Council's minutes of the Meeting pertaining to the passage of the Resolution; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of the City Council as indicated therein; that each of the officers and members of the City Council was duly and sufficiently

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notified officially and personally, in advance, of the time, place and purpose of the aforesaid Meeting, and that the Resolution would be introduced and considered for passage at the Meeting, and each of the officers and members consented, in advance, to the holding of the Meeting for such purpose; that the Meeting was open to the public and public notice of the time, place and purpose of the Meeting as given, all as required by Chapter 551, Government Code.

3. That the Mayor of said City has approved and hereby approves the aforesaid Resolution; that the Mayor and the City Secretary of said City have duly signed said Resolution; and that the Mayor and the City Secretary of said City hereby declare that their signing of this Certificate shall constitute the signing of the attached and following copy of said Resolution for all purposes.

SIGNED AND SEALED the 18th day of June, 2018.

City Secretary

Mayor

(SEAL)

(43)

RESOLUTION

DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION; AND RESOLVING OTHER MATTERS RELATING TO THE SUBJECT

WHEREAS, the City of Waxahachie, Texas (the "City") expects to pay expenditures in connection with the design, planning, acquisition and construction of the projects described in Exhibit A to this Resolution prior to the issuance of the Certificates of Obligation hereinafter described; and

WHEREAS, the City Council hereby finds, considers and declares that the reimbursement of the payment by the City of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the U.S. Treasury Regulations, to reimburse itself for such payments at such time as it issues the hereinafter described Certificates of Obligation; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was considered was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

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

Section 1. That attached hereto and marked "Exhibit A" is a form of the "Notice of Intention to Issue Certificates of Obligation" (the "Notice"), the form and substance of which are hereby passed and approved.

Section 2. That the City Secretary shall cause the Notice to be published, in substantially the form attached hereto, in the Waxahachie Daily Light, a newspaper of general circulation in the City, for two consecutive weeks, the date of the first publication to be before the thirtieth (30th) day before the day tentatively proposed for authorizing the issuance of the Certificates of Obligation as shown in said notice.

Section 3. That the facilities and improvements to be financed with proceeds from the proposed Certificates of Obligation are to be used for the purposes described in the Notice.

Section 4. That all costs to be reimbursed pursuant to this Resolution will be capital expenditures; the proposed Certificates of Obligation shall be issued within 18 months of the later of (i) the date the expenditures are paid or (ii) the date on which the property, with respect to which such expenditures were made, is placed in service; and the foregoing notwithstanding, the Certificates of Obligation will not be issued pursuant to this Resolution on a date that is more than three years after the date any expenditure which is to be reimbursed is paid.

Section 5. That this Resolution shall be effective immediately upon passage and adoption.

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EXHIBIT A

NOTICE OF INTENTION TO ISSUE
CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that it is the intention of the City Council of the City of Waxahachie, Texas, to issue one or more series of the interest bearing certificates of obligation of the City to be entitled "City of Waxahachie, Texas Combination Tax and Revenue Certificates of Obligation", for the purpose of paying contractual obligations to be incurred by the City, to-wit, _____, and the payment of fiscal, engineering and legal fees incurred in connection therewith.

The City Council tentatively proposes to authorize the issuance of said series (one or more) of Certificates of Obligation at its regular meeting place in the City Hall at a meeting to commence at 7:00 o'clock, p.m., on the 20th day of August, 2018. The maximum amount of Certificates of Obligation indebtedness that may be authorized to be sold on said date for such purposes described above is \$16,000,000. The City Council presently proposes to provide for payment of said series (one or more) of Certificates of Obligation from the levy of taxes and from a limited surplus revenue pledge (not to exceed \$1,000) derived from the operation of the City's waterworks and sewer systems.

CITY OF WAXAHACHIE, TEXAS

/s/ Kevin Strength
Mayor

(44)



Memorandum

To: Honorable Mayor and City Council

From: Tommy Ludwig, Executive Director of Development Services

Thru: Michael Scott, City Manager *MS*

Date: June 15, 2018

Re: Howard Road High Service Pump Station and Lake Waxahachie Raw Water Pump Station Number 2 Electrical Improvements

On Monday June 18, 2018 a professional services contract with Kimley-Horn for electrical improvements and the installation of an emergency generator for the Howard Road Water Treatment Plant high service pump station and the installation of an emergency generator for the Lake Waxahachie raw water pump station number 2 will appear before the City Council for consideration, in the amount \$414,000. These projects are a planned capital expense and were included in the City's 5 Year Capital Improvement Plan, which was last presented to Council on May 10th.

Specifically this contract will provide engineering design and related services to 1) update the obsolete high service pump station motor control center and switch gear; 2) replace the existing electrical control building; and 3) install an emergency backup generator for the high service pump station at the Howard Road Water Treatment Plant. This contract will also provide engineering design and related services to install an emergency backup generator and supporting electrical equipment for the Lake Waxahachie Raw Water Pump Station Number 2. The location will be determined as part of the design phase of this contract.

Currently neither the Howard Road Water Treatment Plant high service pump station nor the Lake Waxahachie Raw Water Pump Station Number 2 have a backup power supply. Without this redundancy in place, if power is lost 1) the High Service Pump Station cannot send a sufficient amount of treated water into the City's distribution

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system; 2) the Raw Water Pump Station Number 1 does not have the capacity to meet peak demands during summer months without power to the Raw Water Pump Station Number 2. This project will ensure power is always available to avoid any disruption in service.

This project will ultimately be funded through certificate of obligation bonds, which are anticipated to be sold prior to the end of this fiscal year. Certain project costs may be incurred in advance of the availability of the aforementioned bond proceeds; therefore to the extent that these costs may become due before bond funds are available, the Utilities Department will cash-flow these payments with surplus Working Capital. Current Working Capital balances are more than sufficient for the maximum amount of funds committed. There is a companion resolution to this agenda item authorizing a reimbursement to the Utilities Department operating fund from future bond sales.

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

Tommy Ludwig

(45)

RESOLUTION NO.

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR PROFESSIONAL SERVICES ASSOCIATED WITH THE DESIGN OF THE HOWARD ROAD HIGH SERVICE PUMP STATION ELECTRICAL IMPROVEMENTS AND EMERGENCY GENERATOR INSTALLATION AND THE LAKE WAXAHACHIE RAW WATER PUMP STATION NUMBER 2 EMERGENCY GENERATOR PROJECT

WHEREAS, the City of Waxahachie (the “City”) intends to issue debt to finance cost to be incurred for professional services associated with the design of the Howard Road High Service Pump Station electrical improvements and generator installation and Lake Waxahachie Raw Water Pump Station Number 2 Emergency Generator 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 reasonable expects to reimburse the Water Funds’ Working Capital with proceeds of debt hereafter to be issued by the City, and this resolution shall constitute a declaration of official intend 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 Working Capital in an amount not to exceed \$414,000

SECTION 3

That this resolution shall take effect immediately from and after the date of passage.

ADOPTED THIS 18th day of June, 2018.

MAYOR

ATTEST:

(45)

City Secretary