

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 ***Tuesday, January 21, 2020 at 7:00 p.m.***

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

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

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

- a. Minutes of the City Council meeting of January 6, 2020
 - b. Minutes of the City Council briefing of January 6, 2020
 - c. Consider authorization of a NCTCOG Mutual Aid Agreement for Public Works Emergency Services
 - d. Consider authorization of an Ellis County Interlocal Agreement for Roadway Maintenance Work
 - e. Consider authorization of a NCTCOG Interlocal Agreement for the Waxahachie Creek Flood Risk Project
 - f. Consider Tax Increment Reinvestment Zone #1 recommended projects
 - g. Event Application for Poston Gardens Tulip weekend events to be held February 28, 2020 - April 15, 2020
 - h. Event Application for Poston Gardens Car Show to be held March 7, 2020, March 21, 2020, and March 28, 2020
 - i. Event Application for Foster Care Awareness Rally & Walk to be held May 16, 2020
6. ***Introduce*** Honorary Councilmember

7. **Public Hearing** on a request by Michael Martin, Bannister Engineering, for a Zoning Change from a Light Industrial-1 and Heavy Industrial to Planned Development-General Retail and Planned Development-Multi Family-2, with Concept Plan, located SW of Butcher Road at N Highway 77 (Property ID 189377, 189370, and 239005) - Owner: DMJ Properties LTD, Saldena Properties LP, and Citizens National Bank in Waxahachie (PD-19-0175)
8. **Consider** proposed Ordinance approving PD-19-0175
9. **Public Hearing** on a request by Amy Carlisle, Green Light Solar, for a Specific Use Permit (SUP) for **Rooftop Solar Panel System** use within a Planned Development-Single Family-2 zoning district located at 110 Broken Arrow Street (Property ID 267494) – Owner: Lisa H Barshofsky and Karen Hadley (SU-19-0164)
10. **Consider** proposed Ordinance approving SU-19-0164
11. **Public Hearing** on a request by Rostin Javahery, Equisolar, for a Specific Use Permit (SUP) for **Rooftop Solar Panel System** use within a Planned Development-Single Family-2 zoning district located at 510 Timber Drive (Property ID 222745) – Owner: Frederico Palafox and Emma Y Sigala (SU-19-0165)
12. **Consider** proposed Ordinance approving SU-19-0165
13. **Public Hearing** on a request by Chris Acker, Acker Construction, for a Zoning Change from a Light Industrial-1 zoning district to Planned Development-Light Industrial-1, with Concept Plan, located at 110 Lucas Street (Property ID 195216) - Owner: Crux Jefferson LLC (PD-19-0172)
14. **Consider** proposed Ordinance approving PD-19-0172
15. **Public Hearing** on a request by Stuart Shaw, Cypress Creek Waxahachie LP, for a Zoning Change from a Single Family-2 and Planned Development District-49-General Retail, Multi-Family-Two Family zoning district to Planned Development-Multiple Family-2, with Concept Plan, located NW of Post Oak Drive at Highway 287 (Property ID 184249) - Owner: AMERITAI PARTNERSHIP (PD-19-0174)
16. **Consider** proposed Ordinance approving PD-19-0174
17. **Consider** Development Agreement for PD-19-0174 located northwest of Post Oak Drive at Highway 287
18. **Continue Public Hearing** on a request by James Pool, Cross Development, for a Specific Use Permit (SUP) for **Auto Repair (Major)** use within a Commercial zoning district, located at 2001 Corporate Parkway (Property ID 273977) – Owner: LEDBETTER REAL ESTATE LTD (SU-19-0133)
19. **Consider** proposed Ordinance approving SU-19-0133

20. **Public Hearing** on a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to Article IV Definitions and Use Regulations, Section 4.01 Definitions, to Article IV Definitions and Use Regulations, Section 4.03 Use Charts, to Article V Development Standards, Section 5.01 Exterior Construction Requirements, and to Article V Development Standards, Section 5.07 Accessory Structures and Accessory Uses (TA-19-0177)
21. **Consider** proposed Ordinance approving TA-19-0177
22. **Consider** award of a professional engineering service contract to Freese and Nichols, Inc. for North College Street conceptual phase drainage improvement plans
23. Comments by Mayor, City Council, City Attorney and City Manager
24. 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 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, January 6, 2020 at 7:00 p.m.

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

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

1. Call to Order

Mayor David Hill called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

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

4. Public Comments

Ms. Cheryl Wilson, 2740 Solon Road, Waxahachie, expressed her concern and opposition for the continued operation of Oak Cliff Metals due to safety.

Mr. Alan Fox, 327 University, Waxahachie, expressed his concerns with the continued operation of Oak Cliff Metals due to the safety and magnitude of their recent fire.

Ms. Regina Bonner, 105 High School Drive, Waxahachie, spoke in opposition to the proposed apartments at the southwest corner of Northgate Drive at Stadium Drive. She reviewed her concerns regarding traffic, additional people, parking, and safety in the area. She asked council to consider condominiums instead of apartments.

Ms. Julia Eiland, 1585 Sandhurst, Waxahachie, spoke in support of Oak Cliff Metals noting she has been an employee for 17 years and the business is operated by a good family whose operation is keeping the streets and landfills clean because of their business.

Mr. Kevin Ivey, 1980 E. Highland Road, Waxahachie, expressed his hope to find a solution for the continued fires and thanked the first responders.

5. Consent Agenda

- a. Minutes of the City Council meeting of December 16, 2019
- b. Minutes of the City Council briefing of December 16, 2019

(5a)

- c. Event Application for SAGU Half Marathon to be held February 1, 2020
- d. Event Application for Mardi Gras 2020 to be held February 21-22, 2020
- e. Set City Council meeting of Tuesday, January 21, 2020

Action:

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

6. Introduce Honorary Councilmember

Councilmember Melissa Olson introduced Mr. Joshua Garcia as the first Honorary Councilmember of the decade. Mr. Garcia is a Senior at Global High School and is ranked 1st in his class with a GPA of 5.9540. He is the treasurer of the Interact Club at Global, which does service by helping in a variety of projects such as Kids Against Hunger and Hidden Miracles at the Cowboy Church. Mr. Garcia is also one of the Senior Class Officers, which help to organize senior activities, and a member of the Culture Club, National Honor Society, and works part-time at Braums. He plans on attending Brown University and recently received news that he's been awarded a nearly full ride scholarship through the Questbridge College Match Program.

7. First Public Hearing at 7:00 p.m. and second Public Hearing at 7:30 p.m. to consider requested annexation by Chip G. Boyd, Chief Operating Officer, JH-Development, LLC, for annexation of approximately 82+/- acres tract generally situated off of Farm to Market Road No. 877

At 7:00 p.m. Mayor Hill opened the First Public Hearing to consider requested annexation by Chip G. Boyd, Chief Operating Officer, JH-Development, LLC, for annexation of approximately 82+/- acres tract generally situated off of Farm to Market Road No. 877.

There being no others to speak for or against the First Public Hearing on the requested annexation, Mayor Hill closed the Public Hearing.

At 7:30 p.m. Mayor Hill opened the Second Public Hearing to consider requested annexation by Chip G. Boyd, Chief Operating Officer, JH-Development, LLC, for annexation of approximately 82+/- acres tract generally situated off of Farm to Market Road No. 877.

There being no others to speak for or against the Second Public Hearing on the requested annexation, Mayor Hill closed the Public Hearing.

8. Continue Public Hearing on a request by Dalton Bradbury, Southfork Capital, for a Zoning Change from a Planned Development-30-Office zoning district to Planned Development-Single Family-3, with Concept Plan, located at 315 N Rogers (Property ID 193492) - Owner: Southfork Capital LLC (PD-19-0147)

Mayor Hill continued the Public Hearing.

Planning Director Shon Brooks presented PD-19-0147 noting the applicant is requesting to create a Planned Development to construct five single-family homes on infill lots and staff recommended approval as presented.

(50)

There being no others to speak for or against PD-19-0147, Mayor Hill closed the Public Hearing.

9. Consider proposed Ordinance approving PD-19-0147

ORDINANCE NO. 3167

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-OFFICE (PD-O) TO PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF-3), WITH CONCEPT PLAN LOCATED AT 315 NORTH ROGERS STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 2.477 ACRES KNOWN AS PROPERTY ID 193492, LOT 1-9, BLOCK 23 OF THE TOWN SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Kevin Strength moved to approve Ordinance No. 3167. Councilmember Melissa Olson seconded, All Ayes.

10. Continue Public Hearing on a request by James Pool, Cross Development, for a Specific Use Permit (SUP) for Auto Repair (Major) use within a Commercial zoning district, located at 2001 Corporate Parkway (Property ID 273977) – Owner: LEDBETTER REAL ESTATE LTD (SU-19-0133)

Mayor Hill announced the applicant requested to continue SU-19-0133 to the January 21, 2020 City Council meeting.

11. Consider proposed Ordinance approving SU-19-0133

Action:

Mayor Pro Tem Mary Lou Shipley moved to continue a request by James Pool, Cross Development, for a Specific Use Permit (SUP) for Auto Repair (Major) use within a Commercial zoning district, located at 2001 Corporate Parkway (Property ID 273977) – Owner: LEDBETTER REAL ESTATE LTD (SU-19-0133) to the January 21, 2020 City Council meeting. Councilmember Melissa Olson seconded, All Ayes.

12. Consider request by Brian Shaw, Blue Bonnet Trail LLC, for a detailed Site Plan review for a proposed multi-family development, located at the SW corner of Northgate Drive at Stadium Drive (Property ID 239255) - Owner: Blue Bonnet Trail LLC (SP-19-0176)

Mr. Brooks presented SP-19-0176 noting the detailed site plan is a request to create a 49 unit multi-family residential development within an existing Planned Development zoning district. He explained the applicant agreed to ornamental iron fencing and a minimum of 50% masonry. He noted the plan meets all city requirements therefore; staff recommended approval as presented. Mr. Brooks explained letters of opposition were received for the initial Planned Development zoning change; however, due to the applicant adhering to the original 1985 multi-family zoning and current city requirements, the zoning case was rescinded.

Councilmember Kevin Strength asked staff to review signage on Stadium Drive.

(50)

Councilmember Olson expressed concern with parking for additional vehicles and inquired about a remote gated entry. Mr. Brooks reported the applicant agreed to add gates to both entrances of the property.

Mayor Hill confirmed the multi-family zoning was established in 1985 and they are not requesting a change; therefore, by right they can build the complex in compliance with city standards.

Action:

Councilmember Kevin Strength moved to approve a request by Brian Shaw, Blue Bonnet Trail LLC, for a detailed Site Plan review for a proposed multi-family development, located at the SW corner of Northgate Drive at Stadium Drive (Property ID 239255) - Owner: Blue Bonnet Trail LLC (SP-19-0176) including adding ornamental iron fencing as requested. Mayor Pro Tem Mary Lou Shipley seconded. The vote was as follows: Ayes: David Hill, Mary Lou Shipley, Chuck Beatty, and Kevin Strength. Noes: Melissa Olson.

The motion carried.

13. Consider Development Agreement for SP-19-0176 located at the SW corner of Northgate Drive at Stadium Drive

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve a Development Agreement for SP-19-0176 located at the SW corner of Northgate Drive at Stadium Drive with an amendment to include the following language in Section 3: a 6-foot ornamental iron fence with masonry column to be located around the entire perimeter of the development. Councilmember Chuck Beatty seconded. The vote was as follows: Ayes: David Hill, Mary Lou Shipley, Chuck Beatty, and Kevin Strength. Noes: Melissa Olson.

The motion carried.

14. Public Hearing on a request by Ronald E. Bunch, Attorney, for a Zoning Change from a Commercial zoning district to a Central Area zoning district located at 106 Monroe (Property ID 170381) - Owner: Getzendaner & Reed (ZC-19-0156)

Mayor Hill opened the Public Hearing.

Mr. Brooks presented ZC-19-0156 noting the applicant is requesting a zoning change from Commercial to Central Area to no longer have the parking requirement at the site and staff recommended approval as presented. The current property consists of retail/office space and a beauty shop with plans to add an antique shop.

There being no others to speak for or against ZC-19-0156, Mayor Hill closed the Public Hearing.

15. Consider proposed Ordinance approving ZC-19-0156

ORDINANCE NO. 3168

(5A)

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM COMMERCIAL (C) TO CENTRAL AREA (CA) LOCATED AT 106 S. MONROE STREET, PARCEL NUMBER 170381, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.236 ACRES KNOWN AS LOT 3B 2, BLOCK 6, OF THE ORIGINAL TOWN WAXAHACHIE SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Mayor Pro Tem Mary Lou Shipley moved to approve Ordinance No. 3168. Councilmember Melissa Olson seconded, All Ayes.

- 16. Public Hearing on a request by Kevin Cribley, Cribley Enterprises, Inc., for a Specific Use Permit (SUP) for Outside Storage use within a Commercial and Light Industrial-1 zoning district, located at 100 W Sterrett (Property ID 273754) – Owner: M AND M INVESTMENTS (SU-19-0155)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reviewed SU-19-0155 noting the applicant is requesting approval of a Specific Use Permit to allow the use of outside storage. Mr. Brooks reviewed the case history explaining Code Enforcement has issued eight citations to the applicant due to operating without approval of a Specific Use Permit and Certificate of Occupancy. Staff's opinion is that the outside storage of aggregate product is not the highest and best use of this property and staff recommends denial.

Mr. Kim Weins, 3800 Steeple Chase Court, Midlothian, spoke on behalf of the owner, and explained the long-term plan for the site is to develop a higher use but with currently no utilities they feel this a good option for the site.

Mr. Kevin Cribley, 12019 Nacodoches Road, San Antonio, requested approval and reported the landscaping and site plan have been updated to meet city standards.

There being no others to speak for or against SU-19-0155, Mayor Hill closed the Public Hearing.

- 17. Consider proposed Ordinance approving SU-19-0155**

ORDINANCE NO. 3169

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT OUTSIDE STORAGE USE WITHIN A COMMERCIAL (C) AND LIGHT INDUSTRIAL (LI) ZONING DISTRICT, LOCATED AT 100 W STERRETT ROAD, BEING PROPERTY ID 273754, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1, BLOCK A IN THE STERRETT INDUSTRIAL ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

(50)

Councilmember Kevin Strength moved to approve Ordinance No. 3169. Councilmember Chuck Beatty seconded. The vote was as follows: The vote was as follows: Ayes: Chuck Beatty, Kevin Strength, and Melissa Olson. Noes: David Hill and Mary Lou Shipley.

The motion carried.

18. **Public Hearing on a request by Jennifer Gansert, Kimley-Horn and Associates, Inc., for a Zoning Change from a Planned Development-General Retail zoning district to Planned Development-General Retail, with Concept Plan, located at 108 Broadhead Road (Property ID 245022) - Owner: Crepe Myrtle Enterprises LLC (PD-19-0159)**

Mayor Hill opened the Public Hearing.

Mr. Brooks presented PD-19-0159 noting the applicant is requesting to revise the existing Planned Development to construct an approximately 20,000 square foot addition to an existing 485,000 square foot movie theater. The addition includes an Arcade, which requires a Specific Use Permit in this zoning district. He noted staff recommended approval as presented.

There being no others to speak for or against PD-19-0159, Mayor Hill closed the Public Hearing.

19. **Consider proposed Ordinance approving PD-19-0159**

ORDINANCE NO. 3170

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) TO PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR), WITH CONCEPT PLAN LOCATED AT 108 BROADHEAD ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 11.14 ACRES KNOWN AS A PORTION OF PROPERTY ID 245022, LOT 1, BLOCK A, SHOWBIZ CINEMAS ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Councilmember Chuck Beatty moved to approve Ordinance No. 3170. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

20. **Convene into Executive Session for:**
 - a. **Consultation with City Attorney on Oak Cliff Metals Specific Use Permit as permitted by the Texas Government Code, Section 551.071**
 - b. **Deliberation regarding real property as permitted by the Texas Government Code Section 551.072**

Mayor Hill announced at 7:46 p.m. the City Council would convene into Executive Session for:

- a. Consultation with City Attorney on Oak Cliff Metals Specific Use Permit as permitted by the Texas Government Code, Section 551.071
- b. Deliberation regarding real property as permitted by the Texas Government Code Section 551.072

(54)

21. Reconvene

- a. **Take any possible action by City Council to initiate a zoning change under Section 2.04 and 7.03 of the Zoning Ordinance, and to consider calling public hearing to consider revocation of a Specific Use Permit held by Oak Cliff Metals**
- b. **Take any necessary action**

The meeting reconvened at 9:00 p.m.

Action:

- a. *Councilmember Kevin Strength moved to call for a public hearing no earlier than 90 days to consider revocation of a Specific Use Permit held by Oak Cliff Metals with hearings to be held on April 14, 2020 by the Planning and Zoning Commission and April 20, 2020 by the City Council. Councilmember Chuck Beatty seconded, All Ayes.*

Action:

- b. *Mayor Pro Tem Mary Lou Shipley moved to authorize City Manager to enter into negotiations for a Donation Agreement with Baylor Hospital Waxahachie. Councilmember Kevin Strength seconded, All Ayes.*

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

Councilmember Strength thanked Baylor Scott and White Health and their Board of Directors for the donation and positive impact on our city.

Councilmember Beatty thanked Baylor Scott and White Health for their donation.

City Manager Michael Scott explained the Specific Use Permit for Oak Cliff Metals couldn't be reviewed without a 90 day notice authorization from council. He noted council has taken the first step to begin that process.

Mayor Pro Tem Shipley expressed her excitement about the future use of the donated Baylor property.

Councilmember Olson echoed Mayor Pro Tem Shipley's sentiments. She also thanked the fire department for all their work with the recent fire at Oak Cliff Metals. She requested continued prayers for City Secretary Lori Cartwright.

City Attorney Robert Brown expressed his continued prayers for Ms. Cartwright.

Mayor Hill echoed council comments by thanking first responders, expressing his gratitude for the Baylor donation, and continued prayers for Ms. Cartwright.

23. Adjourn

There being no further business, the meeting adjourned at 9:07 p.m.

Respectfully submitted,

Amber Villarreal
Acting City Secretary

A briefing session of the Mayor and City Council of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, January 6, 2020 at 6:00 p.m.

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

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

1. Call to Order

Mayor David Hill called the meeting to order.

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

City Manager Michael Scott reviewed the following agenda items:

- Item 5c requested approval of event application for SAGU Half Marathon to be held February 1, 2020
- Item 5d requested approval of event application for Mardi Gras 2020 to be held February 21-22, 2020
- Item 5e setting the City Council meeting of Tuesday, January 21, 2020.

Planning Director Shon Brooks reviewed the following items:

- Voluntary annexation request from Chip G. Boyd on FM 877 just southeast of Lake Waxahachie. The land is proposed as a 110.484 acre single-family residential development. The total acreage of the requested annexation is approximately 81.454 acres. Mr. Scott noted the Service Plan will be presented with the ordinance at the February 3, 2020 meeting.
- PD-19-0147, applicant is requesting a Planned Development to construct five single-family homes on infill lots. Staff recommended approval as presented.
- SU-19-0133, applicant requested a continuance to the January 21, 2020 City Council meeting.
- SP-19-0176, applicant meets all requirements of the city's standards and agreed to 70% masonry and ornamental iron fencing for the property. Staff recommended approval as presented. Mr. Brooks also reviewed the concerns of the neighboring property owners.
- ZC-19-0156, applicant is requesting a zoning change from Commercial to Central Area which does not have a parking requirement at the site. Staff recommended approval.
- SU-19-0155, applicant is requesting approval of a Specific Use Permit to allow the use of outside storage. Mr. Brooks reviewed the case history noting the applicant's previous

(56)

request was denied by the Commission. Code Enforcement has issued eight citations to the applicant due to operating without approval of a Specific Use Permit and Certificate of Occupancy. Staff's opinion is that the outside storage of aggregate product is not the highest and best use of this property and staff recommends denial. Council inquired about additional stipulations and staff explained those can be included with the approval.

- PD-19-0159, applicant is requesting to revise the existing Planned Development to construct an approximately 20,000 square foot addition to an existing 485,000 square foot movie theater. The addition includes an Arcade which requires a Specific Use Permit in this zoning district. Staff recommended approval as presented.

Mr. Scott noted the executive session items on the agenda and explained Mr. Benjie Smith, President of Oak Cliff Recycling, wanted to address council.

Mr. Smith apologized for the recent fire and explained the \$180,000 fire suppression system he installed after the last fire failed. He thanked the fire department and all first responders for their efforts to extinguish the fire. He explained the fluff pile and shredding machine was the cause of the December 18, 2019 fire and all previous fires. Mr. Smith noted he is committed to permanently removing the shredding machine and asked for council to allow his recycling business to continue operations. Mr. Smith also expressed his commitment to a joint effort with the city and other property owners to get a water line to the area.

City Council thanked Mr. Smith for his attendance.

3. Adjourn

There being no further business, the meeting adjourned at 6:38 p.m.

Respectfully submitted,

Amber Villarreal
Acting City Secretary



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Assistant City Manager
Thru: Michael Scott, City Manager
Date: January 21, 2020
Re: Mutual Public Works Aid – City of Waxahachie / North Central Texas Council of Governments (NCTCOG)

A Mutual Public Works Aid item will appear before the City Council for consideration this evening. The item is between the City of Waxahachie, Texas, and other participating municipalities within the NCTCOG. The NCTCOG serves as the coordinator of the Mutual Public Works Aid Program. Mutual Public Works Aid is authorized under Chapter 791 of the Government Code of the State of Texas as well as the Texas Disaster Act of 1975 (as amended Chapter 418 of the Texas Government Code). Mutual Public Works Aid allows for all parties participating to secure for each party the benefits of Mutual Aid for the protection of life and property in the event of an emergency, disaster, or civil or public works emergency. All parties agree to the following:

All parties shall provide mutual aid (personnel, equipment, services and supplies) for the other in the event of an emergency, disaster, civil or public works emergency if able. Being a part of the agreement allows a City to receive free aid from other participating municipalities for a 36 hour period, but does not obligate the City of Waxahachie to perform aid and any party has the ability to dissolve their participation. City staff believe that this item will assist the City in our efforts to provide emergency public works services to the citizens of Waxahachie as well as other participating NCTCOG members in the event of a disaster or emergency.

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

Tommy Ludwig



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Assistant City Manager
Thru: Michael Scott, City Manager
Date: January 21, 2020
Re: Interlocal Cooperation – City of Waxahachie / Ellis County

An item for Interlocal Cooperation will appear before the City Council for consideration this evening. The item is executed annually between the City of Waxahachie, Texas, and Ellis County. This item allows for both parties to complete agreed upon work for the other entity. The term of the item is for a fixed period that will terminate on December 31, 2020.

Specifically, this item will establish a cooperative purchasing program between the two entities. This will allow each party to purchase goods and services under each other's competitively bid contracts, proposals, statements of qualifications, and authorize each entity to perform general road maintenance and repair services for one another. This shall include contracts for the maintenance, repair, and construction of streets, roads, alleys, bridges, and parking areas, as well as the maintenance and construction of waterways and ditches. City staff believe that this item will assist the City in our efforts to complete infrastructure projects in the most efficient and effective manner possible.

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

Tommy Ludwig

(5e)



Memorandum

To: Honorable Mayor and City Council
 From: Tommy Ludwig, Assistant City Manager
 Thru: Michael Scott, City Manager
 Date: January 21, 2020
 Re: Interlocal Cooperation – City of Waxahachie / NCTCOG “Flood Risk Project for Waxahachie Creek”

An item authorizing Interlocal Cooperation between the City of Waxahachie and the North Central Texas Council of Governments (NCTCOG) will appear before the City Council for consideration this evening. The NCTCOG was awarded Federal Emergency Management Agency (FEMA) funding through the Cooperating Technical Partner (CTP) program to prepare a hydrologic and hydraulic study of Waxahachie Creek from the upstream end of the creek watershed (west of Midlothian) to the South Prong Creek (downstream of Lake Waxahachie Dam).

The overall project cost is \$520,060.00 and the local communities are responsible for 25% of the cost within their community (approx. 8.4 miles within Waxahachie city limits). The city is responsible for the amount not to exceed \$59,667.60. A total of \$65,000 is available in the City Engineer’s Capital Improvement Plan for FY20 to fund this project.

The project timeline is estimated to be the following:

- | | |
|--|-------------------------|
| o Project Management: | Beginning to Sept. 2022 |
| o Develop Hydrologic and Hydraulic Data: | Aug. 2020 to Sept. 2021 |
| o Mapping of Floodplain: | Feb. 2021 to Jan. 2022 |
| o Develop Flood Risk Products: | Aug. 2021 to Sept. 2022 |
| o Community Engagement and Outreach: | Oct 2019 to Sept. 2022 |

(5e)

Community engagement and project outreach will be coordinated with City staff and public outreach. The NCTCOG will act as FEMA contract manager for the floodplain mapping, engineering, community engagement and public outreach. City staff believe that this item will assist the City in our efforts to update the floodplain maps that were developed in the 1970s. This floodplain update will also help with future infrastructure projects in the most efficient and effective manner possible. Final results will be analyzed and any future updates / improvements will be addressed in future year Capital Improvement Programs.

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

Tommy Ludwig

(5f)



Memorandum

To: Honorable Mayor and City Council

From: Michael Scott, City Manager

Thru:

Date: January 14, 2020

Re: TIRZ recommended projects

On January 8, 2020, the Tax Increment Reinvestment Zone ("TIRZ") board convened to consider two items and both were recommended for City Council approval.

The first is a request from Covenant Life Church for funding to repair a drainage channel collapse and parking lot repair at their facility at 423 N. College. The drainage channel is on private property and thus, not a part of the City-owned drainage system. However, the community has enjoyed the use of this parking lot for various downtown/community events such as parking for Bethlehem Revisited and for staging and parking for parades. In the past, the TIRZ board has also assisted other not for profits with needed facility repairs that were beyond the organization's budgets to cover. The board voted for assistance from the TIRZ fund not to exceed \$100,000 for these repairs.

The other item approved and recommended to Council is the next round of Walk of Fame stars fabrication and installation—see accompanying memo from Amy Borders. This item totals \$6,200 in funding.

(5f)



Memorandum

To: Honorable Mayor and City Council
From: Amy Borders, Director of Communications and Marketing
Thru: Michael Scott, City Manager *[Signature]*
Date: January 2, 2020
Re: Downtown Walk of Fame

As in past years, I have come to the TIRZ Board to request funding to add stars to the Downtown Walk of Fame. This year, I am requesting funding for two additional stars. If approved, the two new stars will be dedicated during the Crossroads of Texas Film and Music Festival, April 23-26, 2020. They will be located in the 100 block of S. College Street, near the Pocket Park.

The first part of the request is the pricing for the granite from Giles Monument, a total not to exceed \$3,200.00. The second part of the request is for \$2,750.00 for two stones, by On-Site Construction. These two entities have been used in previous years and have done an outstanding job.

The total request is for up to \$6,200.00 to allow for unforeseen overages, although none are expected.



(59)

RECEIVED IN
CITY SECRETARY'S OFFICE
12-17-19
CITY OF WAXAHACHIE, TEXAS

Application for a Festival or Event Permit

Event Name and Description: POSTON GARDENS

TULIP GARDEN FOR TOURIST TO VISIT, PICK TULIPS,
TAKE PICTURES AND ENJOY WAXAHACHIE

Applicant Information

Name: JOHN B POSTON

Address: 818 CANTRELL ST.

City, State, Zip: WAXAHACHIE, TX 75165 Phone: 214 718 1945

E-mail Address: john@poston@gmail.com

Organization Information

Organization Name: POSTON GARDENS FOUNDATION

Address: 818 CANTRELL ST. WAXAHACHIE 75165

Authorized Head of Organization: JOHN B POSTON

Phone: 214 718 1945 E-mail Address: john@poston@gmail.com

Event Chairperson/Contact

Name: JOHN POSTON

Address: 818 CANTRELL ST.

City, State, Zip: WAXAHACHIE, TX 75165 Phone: 214 718 1945

E-mail Address: john@poston@gmail.com

Event Information

Event Location/Address: 900 CANTRELL ST. WAXAHACHIE 75165

Purpose: ATTRACT TOURISTS TO POSTON GARDENS, WAXAHACHIE + promote
DAYMARK LIVING

Event Start Date and Time: FEBRUARY 28, 2020
10 AM

Event End Date and Time: ⁽⁵⁹⁾ April 15, 2020

Approximate Number of Persons Attending Event Per Day: 20,000 - 40,000 expected over 6 week season

Site Preparation and Set-Up Date and Time: N/A

Clean-Up Completion Date and Time: N/A

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.

NONE

Will food and/or beverages be available and/or sold? YES / NO ON FRIDAY, SATURDAY &

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

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

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

Will dumpsters be needed? YES, I HAVE MY OWN

Will an Unmanned Aircraft Systems Unit (drone) be used? YES / NO 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

12/17/19
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).

(59)

Villarreal, Amber

From: Mosley, Laurie
Sent: Friday, December 27, 2019 11:31 AM
To: Villarreal, Amber
Cc: Ricky Boyd; Wade Goolsbey; Griffith, Thomas; Martinez, Jose; Hill, Krystyne; Scott, Michael; Lawrence, Albert; Ludwig, Tommy
Subject: Re: Event Application-Poston Gardens

I don't see any issues as it relates to the CVB department on this application. Thanks!

Sent from my iPhone

On Dec 26, 2019, at 1:58 PM, Villarreal, Amber <avillarreal@waxahachie.com> wrote:

Please review the attached event application and send me your comments/concerns.

Thank you,

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

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Attention Public Officials: A "Reply to All" of this email message could lead to violations of the Texas Open Meetings Act. If replying, please reply only to the sender.

<Event Application-Poston Gardens.pdf>

(59)

Villarreal, Amber

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Thursday, December 26, 2019 3:46 PM
To: Villarreal, Amber
Subject: Re: Event Application-Poston Gardens

I have no concerns with this request.

Sent from my iPhone

On Dec 26, 2019, at 13:58, Villarreal, Amber <avillarreal@waxahachie.com> wrote:

Please review the attached event application and send me your comments/concerns.

Thank you,

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

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<Event Application-Poston Gardens.pdf>

(59)

Villarreal, Amber

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Thursday, December 26, 2019 4:41 PM
To: Villarreal, Amber
Subject: RE: Event Application-Poston Gardens

Amber,
I have no issues. Thanks.

Wade G. Goolsby
Chief of Police
Waxahachie Police Department
630 Farley St.
Waxahachie, TX 75165
469-309-4414

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Thursday, December 26, 2019 1:58 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Hill, Krystyne <khill@waxahachie.com>
Cc: Michael Scott <msscott@waxahachie.com>; Albert Lawrence <alawrence@waxahachie.com>; Tommy Ludwig <tludwig@waxahachie.com>
Subject: Event Application-Poston Gardens

Please review the attached event application and send me your comments/concerns.

Thank you,

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

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(59)

Villarreal, Amber

From: Hill, Krystyne
Sent: Friday, December 27, 2019 8:25 AM
To: Villarreal, Amber
Subject: RE: Event Application-Poston Gardens

Yes, permitted food trucks. Not sure if he would need to contact TABC for alcohol

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Thursday, December 26, 2019 1:58 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Hill, Krystyne <khill@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>
Subject: Event Application-Poston Gardens

Please review the attached event application and send me your comments/concerns.

Thank you,

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

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(5)

RECEIVED IN
CITY SECRETARY'S OFFICE
12-17-19
CITY OF WAXAHACHIE, TEXAS

Application for a Festival or Event Permit

Event Name and Description: POSTON GARDENS CAR SHOW
DOWNTOWN WAXAHACHIE

Applicant Information

Name: JOHN B POSTON
Address: 818 CANTRELL ST
City, State, Zip: WAXAHACHIE, TX 75165 Phone: 214-718-1945
E-mail Address: johnbposton@gmail.com

Organization Information

Organization Name: POSTON GARDENS
Address: ~~818~~ 900 CANTRELL ST., WAXAHACHIE 75165
Authorized Head of Organization: JOHN B POSTON
Phone: 214-718-1945 E-mail Address: johnbposton@gmail.com

Event Chairperson/Contact

Name: JOHN B POSTON
Address: 818 CANTRELL ST
City, State, Zip: WAXAHACHIE TX 75165 Phone: 214 718 1945
E-mail Address: johnbposton@gmail.com

Event Information

Event Location/Address: 900 CANTRELL ST. DOWNTOWN WAXAHACHIE
Purpose: TOURISM & CATALITY
Event Start Date and Time: MARCH 7, 2019
9 AM - 1 PM

(5h)

Event End Date and Time: SOME DAY AT 1 PM

Approximate Number of Persons Attending Event Per Day: 50-500 (FIRST YEAR SO NOT SURE)

Site Preparation and Set-Up Date and Time: N/A

Clean-Up Completion Date and Time: SAME DAY 1:30 PM (SHOULD BE MINIMAL)

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.

NO STREET CLOSURES. WE WILL PARK CARS IN PARKING SPACES DESIGNATED BY CITY.

NO MORE THAN 100 CARS. ANTICIPATE 4-50 CARS EACH SATURDAY.

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

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

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

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

Will dumpsters be needed? No

Will an Unmanned Aircraft Systems Unit (drone) be used? YES/NO 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

12/17/19
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).

(5h)

Villarreal, Amber

From: johnbposton@gmail.com
Sent: Friday, December 27, 2019 10:28 AM
To: Villarreal, Amber
Subject: Re: Event Application-Poston Gardens Car Shows

Hi Amber. Thanks for your email.

I inadvertently requested March 14. I am not going to utilize downtown for parking cars that day. I'm going to advertise Sweethearts and Orphans on my social media to help create awareness about Mr Kollie's event.

Yes, I will keep the city informed of how many parking spaces will be needed each weekend and confirm the number at their requested time.

Thank you!

John

John B Poston
214-718-1945 cell

On Dec 26, 2019, at 2:21 PM, Villarreal, Amber <avillarreal@waxahachie.com> wrote:

Good afternoon Mr. Poston,

Our Downtown Development Director had a couple of questions regarding your event application. Please see below and send me your responses and I will forward to her.

Thank you,

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

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Attention Public Officials: A "Reply to All" of this email message could lead to violations of the Texas Open Meetings Act. If replying, please reply only to the sender.

From: Simpson, Anita <asimpson@waxahachie.com>
Sent: Thursday, December 26, 2019 2:08 PM
To: Villarreal, Amber <avillarreal@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>
Cc: Scott, Michael <mScott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>;

(5h)

Villarreal, Amber

From: Simpson, Anita
Sent: Thursday, December 26, 2019 2:08 PM
To: Villarreal, Amber; Ricky Boyd; Wade Goolsbey; Griffith, Thomas; Mosley, Laurie
Cc: Scott, Michael; Lawrence, Albert; Ludwig, Tommy
Subject: RE: Event Application-Poston Gardens Car Shows

The City Council has already approved the Sweethearts & Orphans car show on March 14th in the same space that Mr. Poston is asking for. He had asked me for Mr. Kollie's contact information and I sent it to him. Did he indicate whether they had agreed to combine the events that weekend?

Will Mr. Poston provide more information about how many spaces need to be blocked each weekend as time gets closer or are we supposed to block 50-100 each weekend?



From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Thursday, December 26, 2019 1:56 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Simpson, Anita <asimpson@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>
Subject: Event Application-Poston Gardens Car Shows

Please review the attached event application and send me your comments/concerns.

Thank you,

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

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Villarreal, Amber

(5h)

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Thursday, December 26, 2019 3:47 PM
To: Villarreal, Amber
Subject: Re: Event Application-Poston Gardens Car Shows

I have no concerns with this request.

Sent from my iPhone

On Dec 26, 2019, at 13:56, Villarreal, Amber <avillarreal@waxahachie.com> wrote:

Please review the attached event application and send me your comments/concerns.

Thank you,

Amber Villarreal, TRMC, CMC
Acting City Secretary
City of Waxahachie
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
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<Event Application-Poston Gardens Car Shows.pdf>

(5h)

Villarreal, Amber

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Thursday, December 26, 2019 4:39 PM
To: Villarreal, Amber
Subject: RE: Event Application-Poston Gardens Car Shows

Amber,
I don't have any issues... thanks.

Wade G. Goolsby
Chief of Police
Waxahachie Police Department
630 Farley St.
Waxahachie, TX 75165
469-309-4414

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Thursday, December 26, 2019 1:56 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Simpson, Anita <asimpson@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>
Cc: Michael Scott <msscott@waxahachie.com>; Albert Lawrence <alawrence@waxahachie.com>; Tommy Ludwig <tludwig@waxahachie.com>
Subject: Event Application-Poston Gardens Car Shows

Please review the attached event application and send me your comments/concerns.

Thank you,

Amber Villarreal, TRMC, CMC
Acting City Secretary
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Villarreal, Amber

(5h)

From: Mosley, Laurie
Sent: Friday, December 27, 2019 11:29 AM
To: Villarreal, Amber
Cc: Simpson, Anita; Ricky Boyd; Wade Goolsbey; Griffith, Thomas; Scott, Michael; Lawrence, Albert; Ludwig, Tommy
Subject: Re: Event Application-Poston Gardens Car Shows

My only question about the Poston Gardens Car Show series is the same as Anita's - can we make it work with the Sweethearts & Orphans?

Thank you all!!

Sent from my iPhone

On Dec 26, 2019, at 2:14 PM, Villarreal, Amber <avillarreal@waxahachie.com> wrote:

I wasn't hear when he dropped off his applications but there wasn't a note with the application saying he had contacted Mr. Kollie.

I'll follow up with Mr. Poston about March 14th and how many spaces he is wanting blocked each weekend.

Thank you Anita.

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

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From: Simpson, Anita <asimpson@waxahachie.com>
Sent: Thursday, December 26, 2019 2:08 PM
To: Villarreal, Amber <avillarreal@waxahachie.com>; Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Mosley, Laurie <lmosley@waxahachiecvb.com>
Cc: Scott, Michael <mScott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>
Subject: RE: Event Application-Poston Gardens Car Shows

The City Council has already approved the Sweethearts & Orphans car show on March 14th in the same space that Mr. Poston is asking for. He had asked me for Mr. Kollie's contact information and I sent it to him. Did he indicate whether they had agreed to combine the events that weekend?

(51)

Application for a Festival or Event Permit

Event Name and Description: Foster Care Awareness Rally + Walk
(This is an opportunity to inform our community of foster care needs + statistics. We also offer wrap around support info to the foster care community.)

Applicant Information

Name: SWAGG Programs / Nikeesia Ranson
Address: 1025 Ovilla Road
City, State, Zip: Waxahachie TX 75167 Phone: (972) 213-8212
E-mail Address: swaggprograms@gmail.com

Organization Information

Organization Name: SWAGG Programs
Address: (same as above)
Authorized Head of Organization: Nikeesia N. Ranson
Phone: 972-213-8212 E-mail Address: swaggprograms@gmail.com

Event Chairperson/Contact

Name: Nikeesia Ranson
Address: (same as above)
City, State, Zip: _____ Phone: _____
E-mail Address: _____

Event Information

Event Location/Address: SWAGG Programs 1025 Ovilla Waxahachie, TX 75167
Purpose: To inform our community of the needs of foster care.
Event Start Date and Time: _____

Saturday, May 16, 2020
8am - 2pm

Received in
City Secretary's Office
1/3/2020 KV
City of Waxahachie, Texas

(51)

Event End Date and Time: 8am - 2pm - Big Pavillion Requested

Approximate Number of Persons Attending Event Per Day: 100-150 people

Site Preparation and Set-Up Date and Time: 8am - 9am Sat. 5/16/20

Clean-Up Completion Date and Time: 2pm - 3pm Sat 5/16/20

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

We will have foster families + community people come to gather information from different booths to learn about wrap around support services available to them. We will have popcorn and drinks available to the kids. They will also have the opportunity to play on bounce houses and receive balloon art.

Vendor booths: Child Placing Agencies / Post Adoption Services / Churches / Local Police & Fire Departments

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

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

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

Will dumpsters be needed? trashcans (about 4)

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.

[Handwritten Signature]

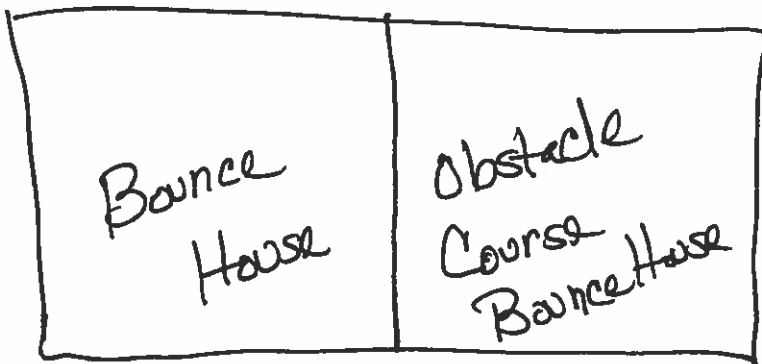
1/1/20

Signature of Applicant

Date

(51)

SWAGG's Foster Care
Awareness Rally + Walk
Saturday, May 16, 2020



(51)

Villarreal, Amber

From: Smith, John
Sent: Friday, January 03, 2020 1:40 PM
To: Villarreal, Amber; Ricky Boyd; Wade Goolsbey; Hill, Krystyne; Martinez, Jose; Griffith, Thomas
Cc: Scott, Michael; Lawrence, Albert; Ludwig, Tommy
Subject: RE: Event Application-Foster Care Awareness Rally & Walk

They have made contact and we have the date reserved. I approve the event.

Thanks,
John

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Friday, January 3, 2020 12:23 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Smith, John <jsmith@waxahachie.com>; Hill, Krystyne <khill@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>
Subject: Event Application-Foster Care Awareness Rally & Walk

Please review the attached event application and send me your comments/questions.

Thank you,

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

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(51)

Villarreal, Amber

From: Smith, John
Sent: Thursday, January 02, 2020 1:20 PM
To: Villarreal, Amber
Subject: FW: Big Pavillion May 16th
Attachments: SWAGG Programs May 16.pdf

One note on this event, the walk will extend out of the park and on the trail to Rogers St. and back.

Thanks,
John

From: Nikeesia Ranson <swaggprograms@gmail.com>
Sent: Wednesday, January 1, 2020 2:05 PM
To: Smith, John <jsmith@waxahachie.com>
Subject: Big Pavillion May 16th

Please see the attachments.

Thank you for your assistance. Please confirm that we are able to reserve the Big Pavillion.

Blessing It Forward! It is a true honor to serve our community!

Nikeesia N. Ranson, CEO/ Founder 972-213-8212

Supporting Homeless and Foster Children. Visit www.SWAGGPrograms.com

Changing Lives for His Purpose. Visit www.CherishedImpressionscpa.com.

"As each has received a gift, use it to serve one another, as good stewards of God's varied grace". I Peter 4:10

(51)

Villarreal, Amber

From: Boyd, Ricky <RBoyd@waxahachiefire.org>
Sent: Friday, January 03, 2020 12:29 PM
To: Villarreal, Amber
Subject: RE: Event Application-Foster Care Awareness Rally & Walk

I have no concerns with this request.

Ricky Boyd, Fire Chief

Waxahachie Fire-Rescue

214-463-9335

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Friday, January 3, 2020 12:23 PM
To: Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Smith, John <jsmith@waxahachie.com>; Hill, Krystyne <khill@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Scott, Michael <mScott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>
Subject: Event Application-Foster Care Awareness Rally & Walk

Please review the attached event application and send me your comments/questions.

Thank you,

Amber Villarreal, TRMC, CMC

Acting City Secretary

City of Waxahachie

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

www.waxahachie.com

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Attention Public Officials: A "Reply to All" of this email message could lead to violations of the Texas Open Meetings Act. If replying, please reply only to the sender.

(51)

Villarreal, Amber

From: Wade Goolsby <wgoolsby@waxahachiepd.org>
Sent: Friday, January 03, 2020 12:54 PM
To: Villarreal, Amber
Subject: RE: Event Application-Foster Care Awareness Rally & Walk

Amber,
I have no issues. Thanks.

Wade G. Goolsby
Chief of Police
Waxahachie Police Department
630 Farley St.
Waxahachie, TX 75165
469-309-4414

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Friday, January 3, 2020 12:23 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsby <wgoolsby@waxahachiepd.org>; John Smith <jsmith@waxahachie.com>; Hill, Krystyne <khill@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Michael Scott <mScott@waxahachie.com>; Albert Lawrence <alawrence@waxahachie.com>; Tommy Ludwig <tludwig@waxahachie.com>
Subject: Event Application-Foster Care Awareness Rally & Walk

Please review the attached event application and send me your comments/questions.

Thank you,

Amber Villarreal, TRMC, CMC
Acting City Secretary
City of Waxahachie
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168
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(51)

Villarreal, Amber

From: Hill, Krystyne
Sent: Monday, January 06, 2020 9:52 AM
To: Villarreal, Amber
Subject: RE: Event Application-Foster Care Awareness Rally & Walk

Okay well thank you!

If it's a popcorn machine that only they will be handling then that is fine. they'll just need to obtain a permit in our department. No documentation will be required other than the driver's license of person applying/responsible and the application.

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Monday, January 6, 2020 8:58 AM
To: Hill, Krystyne <khill@waxahachie.com>
Subject: RE: Event Application-Foster Care Awareness Rally & Walk

That is correct!

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

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Attention Public Officials: A "Reply to All" of this email message could lead to violations of the Texas Open Meetings Act. If replying, please reply only to the sender.

From: Hill, Krystyne <khill@waxahachie.com>
Sent: Monday, January 06, 2020 8:18 AM
To: Villarreal, Amber <avillarreal@waxahachie.com>
Subject: RE: Event Application-Foster Care Awareness Rally & Walk

Jus to clarify because I just thought about it, we send our responses to you and you send them to the applicant for everyone? I don't know why I just thought of this haha im sorry!

From: Villarreal, Amber <avillarreal@waxahachie.com>
Sent: Friday, January 3, 2020 12:23 PM
To: Ricky Boyd <rboyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Smith, John <jsmith@waxahachie.com>; Hill, Krystyne <khill@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>; Griffith, Thomas <john.griffith@waxahachie.com>
Cc: Scott, Michael <mScott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>
Subject: Event Application-Foster Care Awareness Rally & Walk

Please review the attached event application and send me your comments/questions.

(7+8)



Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager

Date: January 8, 2020

Re: PD-19-0175 – Victron Park

On January 8, 2020, the applicant requested to continue case no. PD-19-0175 to the January 28, 2020 Planning and Zoning meeting and the February 3, 2020 City Council meeting agenda.

(9)

Planning & Zoning Department

Zoning Staff Report



Case: SU-19-0164

MEETING DATE(S)

Planning & Zoning Commission: January 14, 2020

City Council: January 21, 2020

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held January 14, 2020, the Commission voted 6-0 to recommend approval of zoning change SU-19-0164, as presented.

CAPTION

Public Hearing on a request by Amy Carlisle, Green Light Solar, for a Specific Use Permit (SUP) for **Rooftop Solar Panel System** use within a Planned Development-Single Family-2 zoning district located at 110 Broken Arrow Street (Property ID 267494) – Owner: Lisa H Barshofsky and Karen Hadley (SU-19-0164)

APPLICANT REQUEST

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

CASE INFORMATION

Applicant: Amy Carlisle, Green Light Solar
Property Owner(s): Lisa Barshofsky
Site Acreage: 0.175 acres
Current Zoning: Planned Development-Single Family-2
Requested Zoning: Planned Development-Single Family-2 with SUP

SUBJECT PROPERTY

General Location: 110 Broken Arrow St
Parcel ID Number(s): 267494
Existing Use: Single Family Residence
Adjoining Zoning & Uses:

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

(9)

Future Land Use Plan:

Low Density Residential

Comprehensive Plan:

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

Thoroughfare Plan:

This property is accessible via Broken Arrow St.

Site Image:



PLANNING ANALYSIS

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

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 33 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PROPERTY OWNER NOTIFICATION RESPONSES

Staff received one (1) letter of support for the proposed rooftop solar panel system.

(9)

RECOMMENDATION

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

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

ATTACHED EXHIBITS

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

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
Chris Webb
Planner
cwebb@waxahachie.com

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

Case SU-19-0164
 Responses Received Inside Required 2007 Notification Area
 Support: 1 Oppose: 0

Property ID	Owner's Name	Acreage	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
228887	CLEMENS DAVID & KAREN	0.181	LOT 23 BLK F BUFFALO RIDGE ADDN PH 1 0.181 AC	7881 SARA RD NE	PIEDMONT	OK	73078	112 EAGLE FEATHER DR WAXAHACHIE TX 75165
228901	HOWARD SONJA M	0.173	LOT 20 BLK E BUFFALO RIDGE ADDN PH 1 .173 AC	113 EAGLE FEATHER DR	WAXAHACHIE	TX	75165	113 EAGLE FEATHER DR WAXAHACHIE TX 75165
228902	DYKE DAVID M & CINDY M	0.173	LOT 21 BLK E BUFFALO RIDGE ADDN PH 1 0.173 AC	111 EAGLE FEATHER DR	WAXAHACHIE	TX	75165	111 EAGLE FEATHER DR WAXAHACHIE TX 75165
228903	INMAN AARON & ELYSE	0.173	LOT 22 BLK E BUFFALO RIDGE ADDN PH 1 0.173 AC	109 EAGLE FEATHER DR	WAXAHACHIE	TX	75165	109 EAGLE FEATHER DR WAXAHACHIE TX 75165
228908	KAVANAUGH RYAN M & VERONIC G	0.209	LOT 5 BLK E BUFFALO RIDGE ADDN PH 1 0.209 AC	102 BROKEN ARROW ST	WAXAHACHIE	TX	75165	102 BROKEN ARROW ST WAXAHACHIE TX 75165
228909	HARRYMAN ASHLEY & TREVOR	0.18	LOT 6 BLK E BUFFALO RIDGE ADDN PH 1 .18 AC	104 BROKEN ARROW ST	WAXAHACHIE	TX	75165	104 BROKEN ARROW ST WAXAHACHIE TX 75165
228910	KILLINGSWORTH CODY	0.173	LOT 7 BLK E BUFFALO RIDGE ADDN PH 1 .173 AC	106 BROKEN ARROW ST	WAXAHACHIE	TX	75165	106 BROKEN ARROW ST WAXAHACHIE TX 75165
228924	TEEL JENA N	0.173	LOT 15 BLK D BUFFALO RIDGE ADDN PH 1 0.173 AC	105 BROKEN ARROW ST	WAXAHACHIE	TX	75165	105 BROKEN ARROW ST WAXAHACHIE TX 75165
262632	TAYLOR CATHY R	0.1997	LOT 14 BLK E BUFFALO RIDGE ADDN PH IIB .1997 AC	127 EAGLE FEATHER DR	WAXAHACHIE	TX	75165	127 EAGLE FEATHER DR WAXAHACHIE TX 75165
262633	GREENE MARQUITA	0.173	LOT 15 BLK E BUFFALO RIDGE ADDN PH IIB .173 AC	123 EAGLE FEATHER DR	WAXAHACHIE	TX	75165	123 EAGLE FEATHER DR WAXAHACHIE TX 75165
262634	FORNEY MARK & CYNTHIA M	0.173	LOT 16 BLK E BUFFALO RIDGE ADDN PH IIB .173 AC	121 EAGLE FEATHER DR	WAXAHACHIE	TX	75165	121 EAGLE FEATHER DR WAXAHACHIE TX 75165
262635	EASTERLING ANTONIO	0.173	LOT 17 BLK E BUFFALO RIDGE ADDN PH IIB .173 AC	119 EAGLE FEATHER DR	WAXAHACHIE	TX	75165	119 EAGLE FEATHER DR WAXAHACHIE TX 75165
262636	BARSHOFKY NATHAN L & DEBRA L	0.173	LOT 18 BLK E BUFFALO RIDGE ADDN PH IIB .173 AC	117 EAGLE FEATHER DR	WAXAHACHIE	TX	75165	117 EAGLE FEATHER DR WAXAHACHIE TX 75165
262637	SUTTON ERIN R & RYAN S	0.173	LOT 19 BLK E BUFFALO RIDGE ADDN PH IIB .173 AC	115 EAGLE FEATHER DR	WAXAHACHIE	TX	75165	115 EAGLE FEATHER DR WAXAHACHIE TX 75165
262640	SIMMONS FAMILY TRUST	0.181	LOT 19 BLK F BUFFALO RIDGE ADDN PH IIB .181 AC	P O BOX 1362	LOS BANOS	CA	93635	120 EAGLE FEATHER DR WAXAHACHIE TX 75165
262641	LEW DARREN J & SHIRLEY H C/O REBECCA ANN LATIMER	0.181	LOT 20 BLK F BUFFALO RIDGE ADDN PH IIB .181 AC	118 EAGLE FEATHER DR	WAXAHACHIE	TX	75165	118 EAGLE FEATHER DR WAXAHACHIE TX 75165
262642	GARCIA PRISCILLA	0.181	LOT 21 BLK F BUFFALO RIDGE ADDN PH IIB 0.181 AC	116 EAGLE FEATHER DR	WAXAHACHIE	TX	75165	116 EAGLE FEATHER DR WAXAHACHIE TX 75165
262643	PINON DANIEL	0.181	LOT 22 BLK F BUFFALO RIDGE ADDN PH IIB .181 AC	114 EAGLE FEATHER DR	WAXAHACHIE	TX	75165	114 EAGLE FEATHER DR WAXAHACHIE TX 75165
267481	GARCIA GERARDO S & ROSA M	0.168	LOT 3 BLK D BUFFALO RIDGE ADDN PH IIIA .168 AC	104 LARIAT TRL	WAXAHACHIE	TX	75165	104 LARIAT TRL WAXAHACHIE TX 75165
267482	MARTINEZ JOSE F	0.175	LOT 4 BLK D BUFFALO RIDGE ADDN PH IIIA 0.175 AC	106 LARIAT TRL	WAXAHACHIE	TX	75165	106 LARIAT TRL WAXAHACHIE TX 75165
267483	RANDALL MICHELLE & JASON M	0.175	LOT 5 BLK D BUFFALO RIDGE ADDN PH IIIA 0.175 AC	108 LARIAT TRL	WAXAHACHIE	TX	75165	108 LARIAT TRL WAXAHACHIE TX 75165
267484	DERRICK STACY J & CARMEN HERNANDEZ DERRICK	0.175	LOT 6 BLK D BUFFALO RIDGE ADDN PH IIIA .175 AC	110 LARIAT TRL	WAXAHACHIE	TX	75165	110 LARIAT TRL WAXAHACHIE TX 75165
267488	WAITES TIFFANY	0.175	LOT 10 BLK D BUFFALO RIDGE ADDN PH IIIA .175 AC	115 BROKEN ARROW ST	WAXAHACHIE	TX	75165	115 BROKEN ARROW ST WAXAHACHIE TX 75165
267489	SOTO ANTHONY E L	0.175	LOT 11 BLK D BUFFALO RIDGE ADDN PH IIIA .175 AC	113 BROKEN ARROW ST	WAXAHACHIE	TX	75165	113 BROKEN ARROW ST WAXAHACHIE TX 75165
267490	BUSSEY MONTESSA L & JACQUELYN W	0.175	LOT 12 BLK D BUFFALO RIDGE ADDN PH IIIA 0.175 AC	111 BROKEN ARROW ST	WAXAHACHIE	TX	75165	111 BROKEN ARROW ST WAXAHACHIE TX 75165
267491	AINO DALLAS LLC	0.175	LOT 13 BLK D BUFFALO RIDGE ADDN PH IIIA 0.175 AC	103 FOULK RD STE 900	WILMINGTON	DE	19803	109 BROKEN ARROW ST WAXAHACHIE TX 75165
267492	RAMIREZ BRANDY R & REBECCA A MC COLLUM	0.168	LOT 14 BLK D BUFFALO RIDGE ADDN PH IIIA .168 AC	107 BROKEN ARROW ST	WAXAHACHIE	TX	75165	107 BROKEN ARROW ST WAXAHACHIE TX 75165
267493	PROVAN PHILLIP E & REBECCA A	0.175	LOT 8 BLK E BUFFALO RIDGE ADDN PH IIIA .175 AC	108 BROKEN ARROW ST	WAXAHACHIE	TX	75165	108 BROKEN ARROW ST WAXAHACHIE TX 75165
267495	STRATTON KERRY L	0.175	LOT 10 BLK E BUFFALO RIDGE ADDN PH IIIA 0.175 AC	P.O. BOX 562	MIDLOTHIAN	TX	76085	112 BROKEN ARROW ST WAXAHACHIE TX 75165
267496	RIPPEY BOBBY & SHANNON	0.175	LOT 11 BLK E BUFFALO RIDGE ADDN PH IIIA .175 AC	114 BROKEN ARROW ST	WAXAHACHIE	TX	75165	114 BROKEN ARROW ST WAXAHACHIE TX 75165
267497	SFR JV-1 PROPERTY LLC	0.175	LOT 12 BLK E BUFFALO RIDGE ADDN PH IIIA 0.175 AC	PO BOX 15087	SANTA ANA	CA	92735	116 BROKEN ARROW ST WAXAHACHIE TX 75165
267498	SALAZAR JERRY & SALAZAR SHOPE MONICA L	0.199	LOT 13 BLK E BUFFALO RIDGE ADDN PH IIIA .199 AC	118 BROKEN ARROW ST	WAXAHACHIE	TX	75165	118 BROKEN ARROW ST WAXAHACHIE TX 75165
274450	MULTIPLE OWNERS	0.173	LOT 2 BLK D BUFFALO RIDGE ADDN PH 1 .173 AC					102 LARIAT TRL WAXAHACHIE TX 75165

(6)

(9)

RECEIVED
12/30/19



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: SU-19-0164

BARSHOFSKY NATHAN L & DEBRA L
117 EAGLE FEATHER DR
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, January 14, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Tuesday, January 21, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Amy Carlisle, Green Light Solar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-2 zoning district located at 110 Broken Arrow Street (Property ID 267494) – Owner: Lisa H Barshofsky and Karen Hadley (SU-19-0164)

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

Case Number: SU-19-0164

City Reference: 262636

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

SUPPORT

OPPOSE

Comments:
Solar Power is the future and we support the effort

[Handwritten Signature]
Signature

12/26/19
Date

Barshofsky Nathan L & Debra L
Printed Name and Title

117 Eagle Feather Dr., Waxahachie
Address

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

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

(10)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF-2) ZONING DISTRICT, LOCATED AT 110 BROKEN ARROW STREET, BEING PROPERTY ID 267494, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 9 BLK E IN THE BUFFALO RIDGE ADDITION PHASE IIIA SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

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

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number SU-19-0164. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from PD-SF-2 to PD-SF-2, with an SUP in order to permit a Rooftop Solar Panel System use on the following property: Lot 9 Blk E in the Buffalo Ridge Addition Phase IIIA subdivision, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B.

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

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

PASSED, APPROVED AND ADOPTED on this _____ day of _____, 2020.

(10)

MAYOR

ATTEST:

City Secretary



Exhibit A - Location Map

0 125 250 500 750 1,000 Feet

SU-19-0164



DESIGN & DRAFTING BY:
 DANA HAJEDIMOS
 NABCEP: PV-100414-010500

REVISIONS		
DESCRIPTION	DATE	REV
ORIGINAL	1/14/2019	A

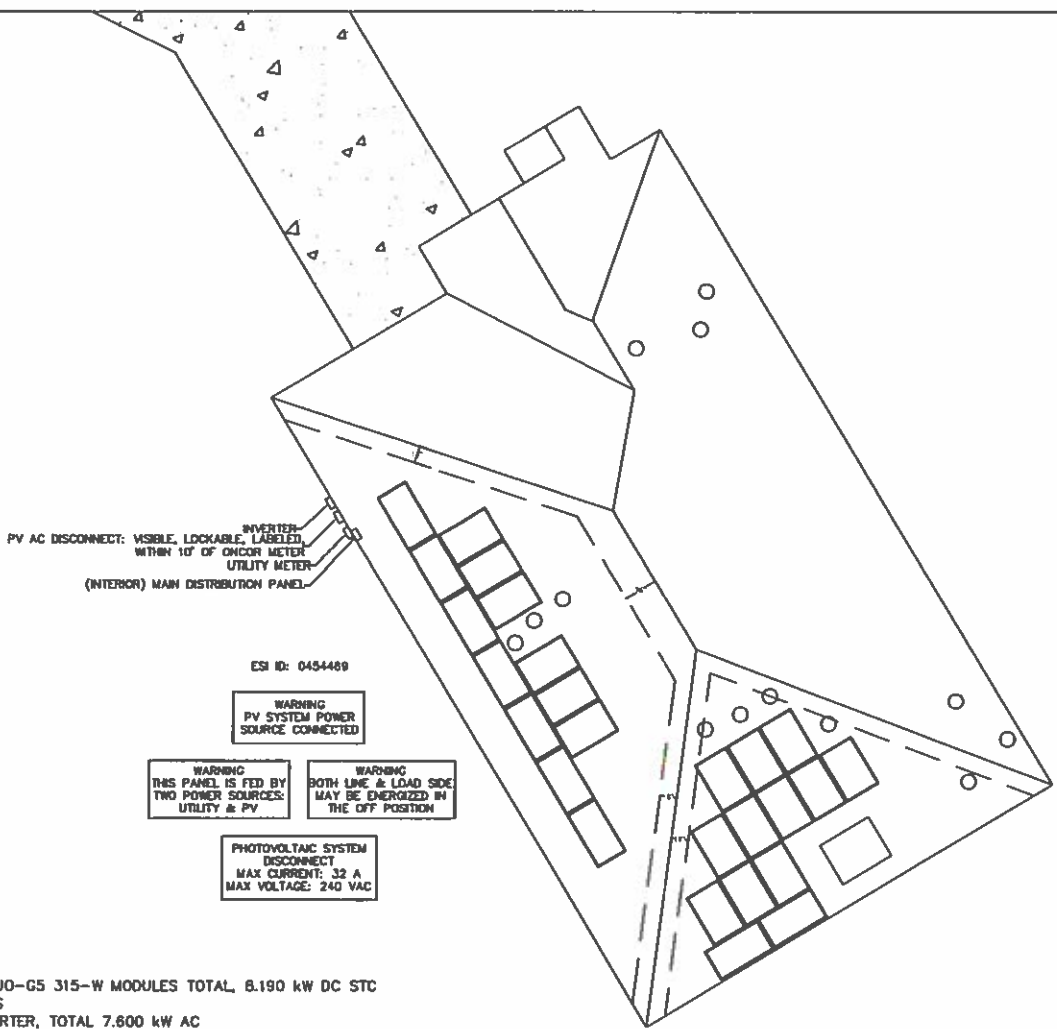


PROJECT NAME
 BARSHOFSKY RESIDENCE
 110 BROKEN ARROW STREET
 WAXAHACHIE, TX, 75165

SHEET NAME
 SITE MAP

SHEET SIZE
 11" x 17"

SHEET NUMBER
 PV-2



SITE PLAN

- (26) HANWHA Q CELLS Q.PEAK DUO-G5 315-W MODULES TOTAL, 8.190 kW DC STC
- (26) SOLAREEDGE P320 OPTIMIZERS
- (1) SOLAREEDGE SE7600H-US INVERTER, TOTAL 7.600 kW AC

SINGLE STORY ACCESS

FLUSH MOUNTED ROOF ARRAYS: COMP SHINGLE ROOFING
 ROOF/ARRAY #1 - 30°Pitch, 239°Azimuth - (13) MODULES
 ROOF/ARRAY #2 - 30°Pitch, 149°Azimuth - (13) MODULES

DRAWING SCALE: 3/32"=1'-0"

Exhibit B - Site Plan

(11)

Planning & Zoning Department

Zoning Staff Report



Case: SU-19-0165

MEETING DATE(S)

Planning & Zoning Commission: January 14, 2020
City Council: January 21, 2020

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held January 14, 2020, the Commission voted 6-0 to recommend approval of zoning change SU-19-0165, as presented.

CAPTION

Public Hearing on a request by Rostin Javahery, Equisolar, for a Specific Use Permit (SUP) for **Rooftop Solar Panel System** use within a Planned Development-Single Family-2 zoning district located at 510 Timber Drive (Property ID 222745) – Owner: Frederico Palafox and Emma Y Sigala (SU-19-0165)

APPLICANT REQUEST

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

CASE INFORMATION

Applicant: Rostin Javahery, Equisolar
Property Owner(s): Frederico and Emma Palafox
Site Acreage: 0.191 acres
Current Zoning: Planned Development-Single Family-2
Requested Zoning: Planned Development-Single Family-2 with SUP

SUBJECT PROPERTY

General Location: 510 Timber Drive
Parcel ID Number(s): 222745
Existing Use: Single Family Residence

Adjoining Zoning & Uses:

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

Future Land Use Plan: Low Density Residential

(11)

Comprehensive Plan:

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

Thoroughfare Plan:

This property is accessible via Timber Dr.

Site Image:



PLANNING ANALYSIS

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

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 19 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PROPERTY OWNER NOTIFICATION RESPONSES

Staff received three (3) letter of support for the proposed rooftop solar panel system.

RECOMMENDATION

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

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

(11)

ATTACHED EXHIBITS

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

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:
Chris Webb
Planner
cwebb@waxahachie.com

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

(11)

Tract#	Owner's Name	Areaage	Legal Description	Owner's Address	Owner's P.M.	Owner's City	Owner's State	Owner's ZIP	Physical Address
184248	AMERITA PARTNERSHIP	68.49	393 J GOOCH & S J B & A ADAMS	1015 FERRIS AVE		WAXAHACHIE	TX	75165	HIGHWAY 287 WAXAHACHIE TX 75165
222691	SINGLETON MARVIN E JR	2.9	393 J GOOCH 2.9 ACRES	PO BOX 717		WAXAHACHIE	TX	75165	BROADHEAD RD WAXAHACHIE TX 75165
222745	PALAFIX FREDERICK & EMMA Y SIGALA	0.191	LOT 72 BLK A RIVER OAKS 4 .191 AC	516 TIMBER DR		WAXAHACHIE	TX	75165	516 TIMBER DR WAXAHACHIE TX 75165
222746	ANDERSON ANDREW R & MEGAN N	0.126	LOT 73 BLK A RIVER OAKS 4 .126 AC	508 TIMBER DR		WAXAHACHIE	TX	75165	508 TIMBER DR WAXAHACHIE TX 75165
222747	SMITH STEVEN A & JANA L	0.126	LOT 74 BLK A RIVER OAKS 4 .126 AC	101 MUSTANG CREEK DR		WAXAHACHIE	TX	75165	508 TIMBER DR WAXAHACHIE TX 75165
222748	MARTINSON SHANNON	0.126	LOT 75 BLK A RIVER OAKS 4 .126 AC	504 TIMBER DR		WAXAHACHIE	TX	75165	504 TIMBER DR WAXAHACHIE TX 75165
222749	PIERRO ISMELDA	0.126	LOT 76 BLK A RIVER OAKS 4 .126 AC	502 TIMBER DR		WAXAHACHIE	TX	75165	502 TIMBER DR WAXAHACHIE TX 75165
222751	VACA CHRISTOPHER	0.151	LOT 67 BLK A RIVER OAKS 4 0.151 AC	91 ELMWOOD TRL		WAXAHACHIE	TX	75165	91 ELMWOOD TRL WAXAHACHIE TX 75165
222753	KING JEROME D & JAMIE H	0.152	LOT 66 BLK A RIVER OAKS 4 0.152 AC	93 ELMWOOD TRL		WAXAHACHIE	TX	75165	93 ELMWOOD TRL WAXAHACHIE TX 75165
222764	FERRIE GENEVIVE Y J &	0.162	LOT 69 BLK A RIVER OAKS 4 0.162 AC	817 HARVEST TRL		WAXAHACHIE	TX	75165	93 ELMWOOD TRL WAXAHACHIE TX 75165
222766	OWENS JONATHAN D & REBECCA L	0.164	LOT 70 BLK A RIVER OAKS 4 0.164 AC	87 ELMWOOD TRL		WAXAHACHIE	TX	75165	87 ELMWOOD TRL WAXAHACHIE TX 75165
222756	AMH 2014-2 BORROWER LLC	0.265	LOT 71 BLK A RIVER OAKS 4 .265 AC	30801 AGOURA RD	STE 200	AGOURA HILLS	CA	91301	512 TIMBER DR WAXAHACHIE TX 75165
222753	RAMIREZ ALVARO M	0.126	LOT 57 BLK A RIVER OAKS 4 0.126 AC	85 POST OAK DR		WAXAHACHIE	TX	75165	85 POST OAK DR WAXAHACHIE TX 75165
222764	COMPTON JAMES D	0.152	LOT 58 BLK A RIVER OAKS 4 0.152 AC	87 POST OAK DR		WAXAHACHIE	TX	75165	87 POST OAK DR WAXAHACHIE TX 75165
222765	COCKERHAM ROY L	0.184	LOT 59 BLK A RIVER OAKS 4 0.184 AC	96 ELMWOOD TRL		WAXAHACHIE	TX	75165	96 ELMWOOD TRL WAXAHACHIE TX 75165
222766	HUFF JUDY H	0.153	LOT 60 BLK A RIVER OAKS 4 0.153 AC	94 ELMWOOD TRL		WAXAHACHIE	TX	75165	94 ELMWOOD TRL WAXAHACHIE TX 75165
222858	CARTER CHRISTOPHER & CARRIE	0.152	1 E RIVER OAKS 4 0.152 ACRES	101 POST OAK DR		WAXAHACHIE	TX	75165	101 POST OAK DR WAXAHACHIE TX 75165
222859	HEGAR FRANK A JR	0.126	2 E RIVER OAKS 4 0.126 ACRES	5069 FM 85		ENNIS	TX	75119	103 POST OAK DR WAXAHACHIE TX 75165
230711	BARNETT TIMOTHY L & KATHI S CARPENTER	0.153	LOT 61 BLK A RIVER OAKS 4 0.153 AC	82 ELMWOOD TRL		WAXAHACHIE	TX	75165	82 ELMWOOD TRL WAXAHACHIE TX 75165

(11)

RECEIVED
12/30/19



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: SU-19-0165

PALAFIX FREDERICO & EMMA Y SIGALA
510 TIMBER DR
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, January 14, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Tuesday, January 21, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. Request by Rostin Javahery, Equisolar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-2 zoning district located at 510 Timber Drive (Property ID 222745) – Owner: Frederico Palafox and Emma Y Sigala (SU-19-0165)

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

Case Number: SU-19-0165

City Reference: 222745

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

SUPPORT

OPPOSE

Comments:

will attend the hearing

Signature

Frederico Palafox Owner

Printed Name and Title

Date

12-30-19

510 Timber Dr.

Address *waxahachie, TX 75165*

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

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

(11)

RECEIVED
1/7/2020



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: SU-19-0165

FERRIE GENEVIVE Y J &
517 HARVEST TRL
MIDLOTHIAN, TX 76065

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, January 14, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Tuesday, January 21, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Rostin Javahery, Equisolar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-2 zoning district located at 510 Timber Drive (Property ID 222745) – Owner: Frederico Palafox and Emma Y Sigala (SU-19-0165)

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

Case Number: SU-19-0165

City Reference: 222754

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

SUPPORT

OPPOSE

Comments:


Signature

1.7.20
Date

CHRIS FERRER
Printed Name and Title

95 ELMWOOD TRL
Address WAXAHACHIE TX 75165

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

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

(11)

RECEIVED
1/8/2020



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: SU-19-0165

OWENS JONATHAN D & REBECCA L
97 ELMWOOD TRL
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, January 14, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Tuesday, January 21, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. Request by Rostin Javahery, Equisolar, for a Specific Use Permit (SUP) for Rooftop Solar Panel System use within a Planned Development-Single Family-2 zoning district located at 510 Timber Drive (Property ID 222745) – Owner: Frederico Palafox and Emma Y Sigala (SU-19-0165)

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

Case Number: SU-19-0165

City Reference: 222755

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

SUPPORT

OPPOSE

Comments:

Jonathan Owens
Signature

1-8-2020
Date

Jonathan Owens
Printed Name and Title

97 Elmwood Tr.
Address

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

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

(18)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A ROOFTOP SOLAR PANEL SYSTEM USE WITHIN A PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF-2) ZONING DISTRICT, LOCATED AT 510 TIMBER DRIVE, BEING PROPERTY ID 222745, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 72, BLOCK A IN THE RIVER OAKS #4 SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

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

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number SU-19-0165. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from PDSF-2 to PD-SF-2, with an SUP in order to permit a Rooftop Solar Panel System use on the following property: Lot 72, Block A of the River Oaks #4 subdivision, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B.

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

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

PASSED, APPROVED AND ADOPTED on this _____ day of _____, 2020.

(12)


MAYOR

ATTEST:

City Secretary



Exhibit A - Location Map

 SU-19-0165

THIS IS NOT A LEGAL SURVEY. DESIGNER/ENGINEER ASSUMES NO LIABILITY FOR PROPERTY LINE OR SETBACK LOCATIONS. SURVEY PROPERTY LINES AND LOCATION OF STRUCTURE ON PROPERTY ARE APPROXIMATE.

SU-19-0165

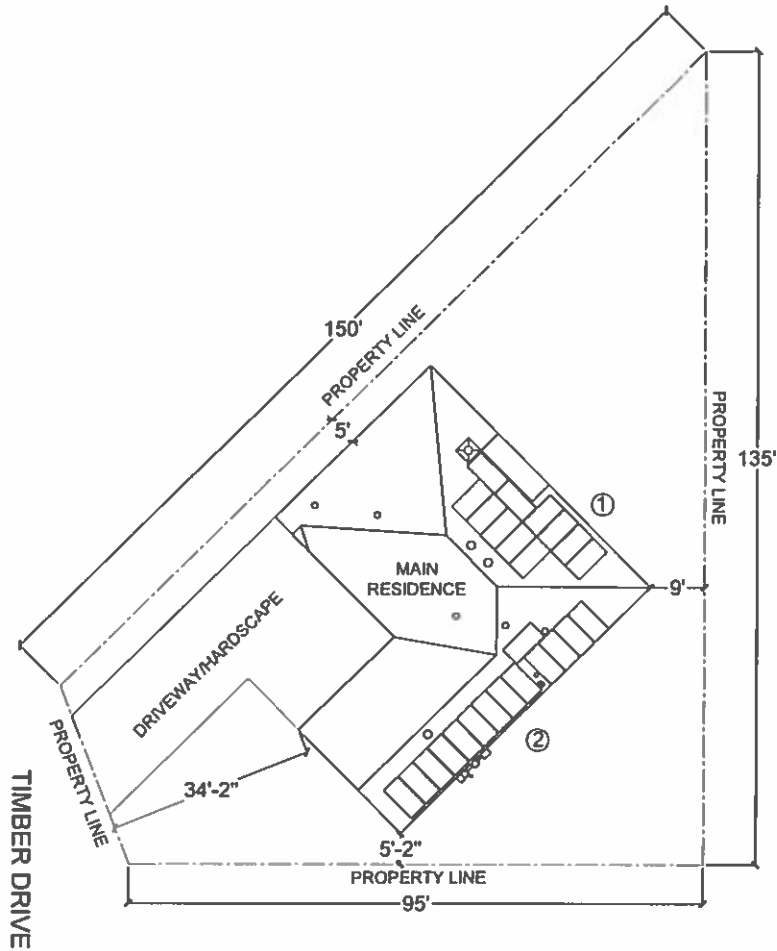


Exhibit B - Site Plan

ADDITIONAL NOTES:

- NO ENCROACHMENT INTO EASEMENTS BY NEW SCOPE OF WORK (SOLAR PANELS, RACK/RAIL SYSTEMS & EQUIPMENT).

SYSTEM INFORMATION					
ARRAY	MOUNT	ROOF PITCH	ARRAY TILT	MAGNETIC ORIENTATION	TRUE ORIENTATION
① AR-01	FLUSH	4/12	18.43°	41.9°	45°
② AR-02	FLUSH	4/12	18.43°	131.9°	135°
③ AR-03					
④ AR-04					

11/12/2019

REVISIONS	BY
11.15.2019	CM

Equisolar
 16550 Ventura Blvd Suite 104
 Encino, CA 91436
 818.784.2300
 LICENSE EC-30083

EQUISOLAR
 SOLAR POWER FOR EVERYONE

9.875kW (DC) Photovoltaic System

PROJECT
 PALAFOX, FREDERICO & EMMA
 510 TIMBER DRIVE,
 WAXAHACHIE, TX 75165

Sheet Size 11x17

Scale 1" = 20'

Drawn by CM

Title SITE PLAN

Project Number 1961

Sheet PV-01

1 SITE PLAN
 PV-02 SCALE: 1" = 20'

(19)

Planning & Zoning Department

Zoning Staff Report



Case: PD-19-0172

MEETING DATE(S)

Planning & Zoning Commission: January 14, 2020

City Council: January 21, 2020

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held January 14, 2020, the Commission voted 6-0 to recommend approval of case number PD-19-0172, subject to staff comments.

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

CAPTION

Public Hearing on a request by Chris Acker, Acker Construction, for a Zoning Change from a Light Industrial-1 zoning district to Planned Development-Light Industrial-1, with Concept Plan, located at 110 Lucas Street (Property ID 195216) - Owner: Crux Jefferson LLC (PD-19-0172)

APPLICANT REQUEST

The applicant is requesting approval for a Planned Development as the storage structures do not meet the setback requirements for the zoning district.

CASE INFORMATION

<i>Applicant:</i>	Chris Acker, Acker Construction
<i>Property Owner(s):</i>	Crux Jefferson LLC
<i>Site Acreage:</i>	0.729 acres
<i>Current Zoning:</i>	Light Industrial-1
<i>Requested Zoning:</i>	Planned Development-Light Industrial-1

SUBJECT PROPERTY

<i>General Location:</i>	110 Lucas St.
<i>Parcel ID Number(s):</i>	195216
<i>Existing Use:</i>	Existing storage structures (Partially developed Crux Self Storage)
<i>Development History:</i>	N/A

(13)

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	C	Southwestern Bell Telephone Company
East	PD-LI1	Holleman Construction
South	SF2	Baylor Scott & White Surgery Center
West	C	Medical Plaza

Future Land Use Plan: Office

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

Thoroughfare Plan: The subject property is accessible via Lucas St.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting approval for a Planned Development as the storage structures do not meet the setback requirements for the zoning district.

Proposed Use:

In August 2019, the applicant received building permits to construct three (3) 80 ft. long storage structures at 110 Lucas St. Once the structures were erected on the site, staff and the applicant realized that the structures were 13 ft. and 3 in. longer (93 ft. 3 in.) than originally planned. Due to this, the applicant recognized that the required setbacks for the Light Industrial-1 zoning district could not be met. To be compliant with the City of Waxahachie, the applicant is requesting to create a Planned Development for the subject property.

(13)

Development Standards:

The applicant is proposing a base zoning district of Light Industrial-1 (LI1). Allowed uses shall be those provided within the City of Waxahachie Zoning Ordinance for Light Industrial-1.

Per Table 2, the applicant is proposing deviations from the zoning ordinance.

Table 2: Proposed Planned Development Standards (Light Industrial-1)

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

Standard	City of Waxahachie	Crux Self Storage	Meets Y/N
Min. Lot Area (Sq. Ft.)	7,000	33,150	Yes
Min. Front Yard (Ft.)	40	48	Yes
Min. Side Yard (Ft.)	30	15 ft. 6 in.	No
Min. Rear Yard (Ft.)	30	11	No
Max. Height	6 stories	12 ft. (1 story)	Yes
Max. Lot Coverage (%)	60	34	Yes
Parking (Mini-Warehouse or Self-Storage)	5	6	Yes

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 10 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

STAFF CONCERNS

1. Due to the increase in the size of the buildings, the drainage cannot be provided per the original design. A drainage plan must be approved by city staff, and installed prior to Certificate of Occupancy approval.

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. A drainage plan must be approved and installed prior to Certificate of Occupancy approval.

ATTACHED EXHIBITS

1. Ordinance
2. Location Exhibit
3. Site Plan
4. Landscape Plan

(13)

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

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

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

(14)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM LIGHT INDUSTRIAL-1 (LI-1) TO PLANNED DEVELOPMENT-LIGHT INDUSTRIAL-1 (PD-LI1), WITH CONCEPT PLAN LOCATED AT 110 LUCAS STREET, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.729 ACRES KNOWN AS PROPERTY ID 195216, LOT 2, BLOCK 1 OF THE MANSION ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number PD-19-0172. 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 to PD-LI1, 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 to PD-LI-1, with Concept Plan in order to facilitate development of the subject property in a manner that allows self-storage structures on the following property: Property ID 195216, Lot 2, Block 1 of the Mansion Addition, which is shown on Exhibit A, in accordance with the Site Plan attached as Exhibit B, and the Landscape Plan attached as Exhibit C.

PLANNED DEVELOPMENT

Purpose and Intent

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

Development Standards

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

(14)

the locations shown on the approved Site Plan (Exhibit B).

Development Regulations

1. The Site Plan shall conform as approved by the City Council under case number PD-19-0172.
2. A drainage plan must be approved and installed prior to Certificate of Occupancy approval.
3. Any zoning, land use requirement, or restriction not contained within this zoning ordinance shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan and Exhibit C – Landscape Plan. Where regulations are not specified in Exhibit B, Exhibit C, or in this ordinance, the regulations of Light Industrial-1 zoning district of the City of Waxahachie Zoning Ordinance shall apply to this development.
4. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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

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

PASSED, APPROVED, AND ADOPTED on this 21st day of January, 2020.

MAYOR

ATTEST:

City Secretary

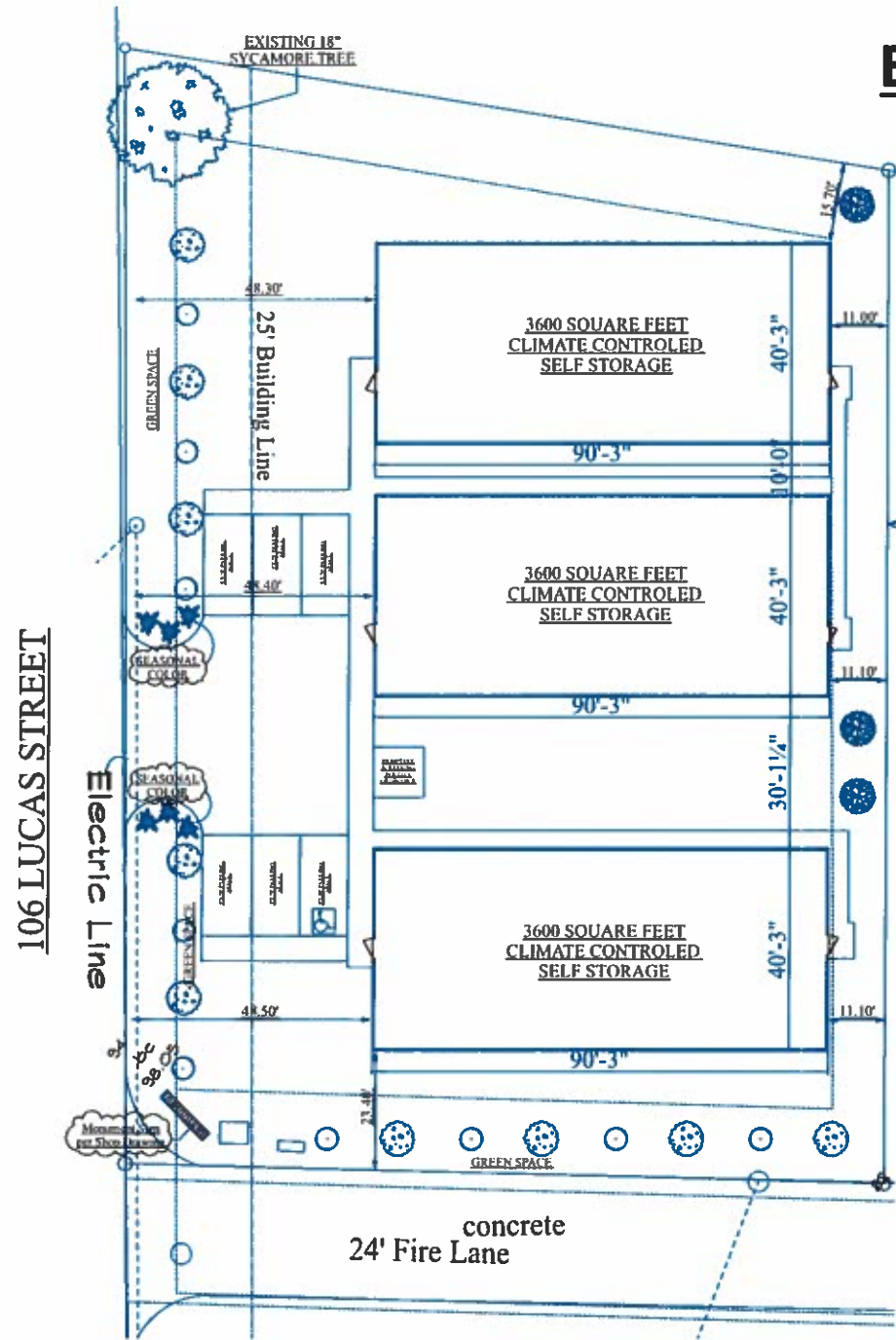


Exhibit A - Location Exhibit

0 200 400 800 1,200 1,600 Feet

PD-19-0172

Exhibit B - Site Plan



PLANNING DEPARTMENT
 ALL PLANS SHALL BE REVIEWED AND APPROVED BY THE PLANNING DEPARTMENT BEFORE ANY CONSTRUCTION BEGINS.

NO FENCING WILL BE INSTALLED ON THIS PROPERTY

PLANT	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	REMARKS
1	18" SYCAMORE TREE	18" SYCAMORE	1	18"	EXISTING TREE
2	18" SYCAMORE TREE	18" SYCAMORE	1	18"	EXISTING TREE
3	18" SYCAMORE TREE	18" SYCAMORE	1	18"	EXISTING TREE
4	18" SYCAMORE TREE	18" SYCAMORE	1	18"	EXISTING TREE
5	18" SYCAMORE TREE	18" SYCAMORE	1	18"	EXISTING TREE
6	18" SYCAMORE TREE	18" SYCAMORE	1	18"	EXISTING TREE
7	18" SYCAMORE TREE	18" SYCAMORE	1	18"	EXISTING TREE
8	18" SYCAMORE TREE	18" SYCAMORE	1	18"	EXISTING TREE
9	18" SYCAMORE TREE	18" SYCAMORE	1	18"	EXISTING TREE
10	18" SYCAMORE TREE	18" SYCAMORE	1	18"	EXISTING TREE
11	18" SYCAMORE TREE	18" SYCAMORE	1	18"	EXISTING TREE
12	18" SYCAMORE TREE	18" SYCAMORE	1	18"	EXISTING TREE

LANDSCAPE NOTES

MAINTENANCE NOTES

SOLID SOIL NOTES

- 1. ALL PLANTINGS SHALL BE INSTALLED BY THE CONTRACTOR WITHIN 14 DAYS OF THE START OF CONSTRUCTION.
- 2. ALL PLANTINGS SHALL BE INSTALLED AT THE CONTRACTOR'S EXPENSE.
- 3. ALL PLANTINGS SHALL BE INSTALLED AT THE CONTRACTOR'S EXPENSE.
- 4. ALL PLANTINGS SHALL BE INSTALLED AT THE CONTRACTOR'S EXPENSE.
- 5. ALL PLANTINGS SHALL BE INSTALLED AT THE CONTRACTOR'S EXPENSE.
- 6. ALL PLANTINGS SHALL BE INSTALLED AT THE CONTRACTOR'S EXPENSE.
- 7. ALL PLANTINGS SHALL BE INSTALLED AT THE CONTRACTOR'S EXPENSE.
- 8. ALL PLANTINGS SHALL BE INSTALLED AT THE CONTRACTOR'S EXPENSE.
- 9. ALL PLANTINGS SHALL BE INSTALLED AT THE CONTRACTOR'S EXPENSE.
- 10. ALL PLANTINGS SHALL BE INSTALLED AT THE CONTRACTOR'S EXPENSE.
- 11. ALL PLANTINGS SHALL BE INSTALLED AT THE CONTRACTOR'S EXPENSE.
- 12. ALL PLANTINGS SHALL BE INSTALLED AT THE CONTRACTOR'S EXPENSE.

LANDSCAPE TABULATIONS:
 THIS PROJECT IS DESIGNED TO AND SHALL MEET OR EXCEED THE CITY OF INDIANAPOLIS LANDSCAPE DESIGN CRITERIA

REQUIREMENT	PROVIDED	PROVIDED
1. 10' EXISTING TREE ON THIS PROPERTY	1	1
2. 30% OF PROPOSED BUILDING SHALL BE REQUIRED INTERIOR LANDSCAPE	3600 S.F.	3600 S.F.
3. 75% OF THE REQUIRED INTERIOR LANDSCAPE SHALL BE IN THE FRONT AND SIDE YARD	2700 S.F.	2700 S.F.
4. ONE (1) CANOPY TREE PER 3000 S.F. OF REQUIRED LANDSCAPE AREA	1	1
5. ONE (1) SHRUB PER 400 S.F. OF REQUIRED LANDSCAPE AREA	9	9
6. 15% OF REQUIRED LANDSCAPE AREA SHALL BE GROUND COVER	540 S.F.	540 S.F.
7. 2% OF REQUIRED LANDSCAPE AREA SHALL BE SEASONAL COLOR	72 S.F.	72 S.F.
8. 25 S.F. LANDSCAPE (15%)	25 S.F.	25 S.F.
9. 10' LANDSCAPE BUFFER	10'	10'
10. ONE (1) TREE, 4" CAL. PER 20 L.F.	1	1
11. 25 S.F. LANDSCAPE (15%)	25 S.F.	25 S.F.
12. 10' LANDSCAPE BUFFER	10'	10'
13. ONE (1) TREE, 4" CAL. PER 20 L.F.	1	1
14. 25 S.F. LANDSCAPE (15%)	25 S.F.	25 S.F.
15. 10' LANDSCAPE BUFFER	10'	10'
16. ONE (1) TREE, 4" CAL. PER 20 L.F.	1	1

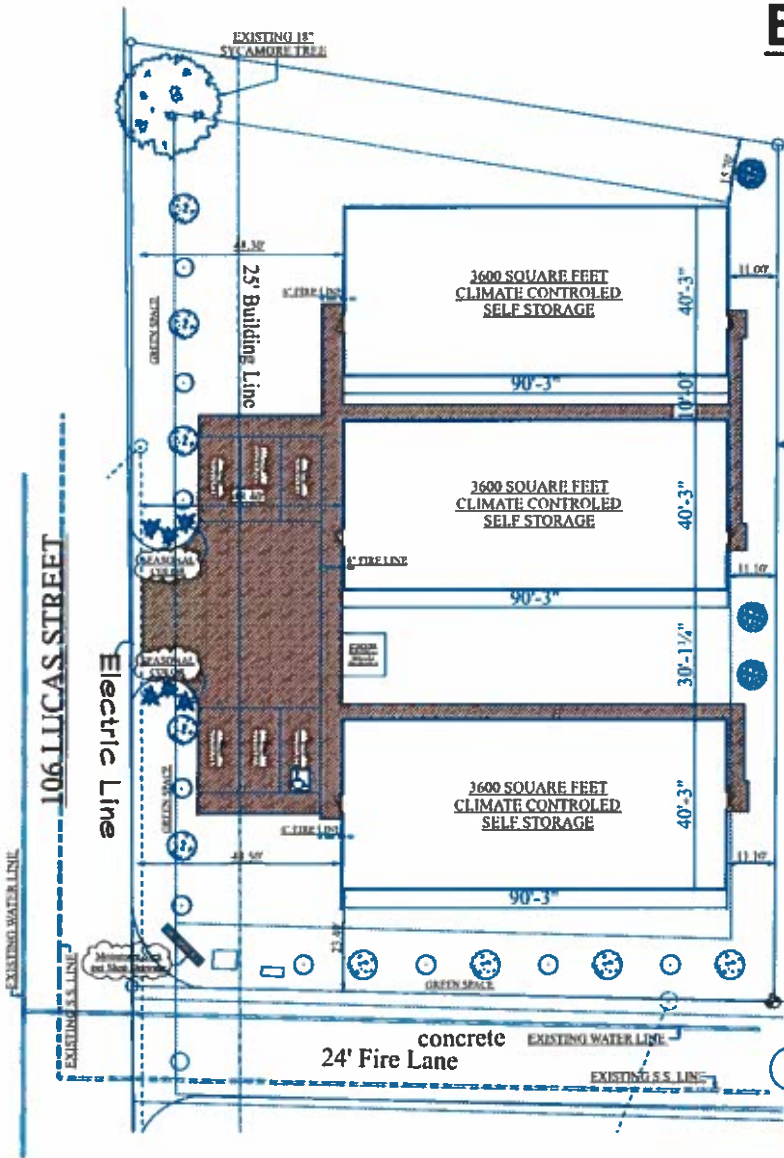
SITE PLAN
 SCALE: 1" = 15'-0"

PLANNING DEPARTMENT
 106 LUCAS STREET
 INDIANAPOLIS, IN 46204
 THE CITY OF INDIANAPOLIS
 PLANNING DEPARTMENT

APPROVED FOR THE CITY OF INDIANAPOLIS
 PLANNING DEPARTMENT

(14)

Exhibit C - Landscape Plan



PLANTING SPECIFICATIONS
 (SEE PLANTING SCHEDULE FOR SPECIFICATIONS)
 (SEE PLANTING SCHEDULE FOR SPECIFICATIONS)

SYMBOL	PLANT NAME	PLANTING RATE	QTY	SIZE	REMARKS
1	PLANT NAME	PLANTING RATE	QTY	SIZE	REMARKS
2	PLANT NAME	PLANTING RATE	QTY	SIZE	REMARKS
3	PLANT NAME	PLANTING RATE	QTY	SIZE	REMARKS
4	PLANT NAME	PLANTING RATE	QTY	SIZE	REMARKS
5	PLANT NAME	PLANTING RATE	QTY	SIZE	REMARKS
6	PLANT NAME	PLANTING RATE	QTY	SIZE	REMARKS
7	PLANT NAME	PLANTING RATE	QTY	SIZE	REMARKS
8	PLANT NAME	PLANTING RATE	QTY	SIZE	REMARKS
9	PLANT NAME	PLANTING RATE	QTY	SIZE	REMARKS
10	PLANT NAME	PLANTING RATE	QTY	SIZE	REMARKS
11	PLANT NAME	PLANTING RATE	QTY	SIZE	REMARKS
12	PLANT NAME	PLANTING RATE	QTY	SIZE	REMARKS

LANDSCAPE NOTES

1. ALL PLANTING SHALL BE DONE BY THE CONTRACTOR AND SHALL BE SUBJECT TO THE SUPERVISOR'S APPROVAL.
2. ALL PLANTING SHALL BE DONE WITHIN THE SPECIFIED TIME FRAME AND SHALL BE SUBJECT TO THE SUPERVISOR'S APPROVAL.
3. ALL PLANTING SHALL BE DONE WITHIN THE SPECIFIED TIME FRAME AND SHALL BE SUBJECT TO THE SUPERVISOR'S APPROVAL.
4. ALL PLANTING SHALL BE DONE WITHIN THE SPECIFIED TIME FRAME AND SHALL BE SUBJECT TO THE SUPERVISOR'S APPROVAL.
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9. ALL PLANTING SHALL BE DONE WITHIN THE SPECIFIED TIME FRAME AND SHALL BE SUBJECT TO THE SUPERVISOR'S APPROVAL.
10. ALL PLANTING SHALL BE DONE WITHIN THE SPECIFIED TIME FRAME AND SHALL BE SUBJECT TO THE SUPERVISOR'S APPROVAL.

MAINTENANCE NOTES

1. ALL PLANTING SHALL BE MAINTAINED BY THE CONTRACTOR FOR A PERIOD OF 12 MONTHS.
2. ALL PLANTING SHALL BE MAINTAINED BY THE CONTRACTOR FOR A PERIOD OF 12 MONTHS.
3. ALL PLANTING SHALL BE MAINTAINED BY THE CONTRACTOR FOR A PERIOD OF 12 MONTHS.
4. ALL PLANTING SHALL BE MAINTAINED BY THE CONTRACTOR FOR A PERIOD OF 12 MONTHS.
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9. ALL PLANTING SHALL BE MAINTAINED BY THE CONTRACTOR FOR A PERIOD OF 12 MONTHS.
10. ALL PLANTING SHALL BE MAINTAINED BY THE CONTRACTOR FOR A PERIOD OF 12 MONTHS.

GENERAL NOTES

1. ALL PLANTING SHALL BE DONE WITHIN THE SPECIFIED TIME FRAME AND SHALL BE SUBJECT TO THE SUPERVISOR'S APPROVAL.
2. ALL PLANTING SHALL BE DONE WITHIN THE SPECIFIED TIME FRAME AND SHALL BE SUBJECT TO THE SUPERVISOR'S APPROVAL.
3. ALL PLANTING SHALL BE DONE WITHIN THE SPECIFIED TIME FRAME AND SHALL BE SUBJECT TO THE SUPERVISOR'S APPROVAL.
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9. ALL PLANTING SHALL BE DONE WITHIN THE SPECIFIED TIME FRAME AND SHALL BE SUBJECT TO THE SUPERVISOR'S APPROVAL.
10. ALL PLANTING SHALL BE DONE WITHIN THE SPECIFIED TIME FRAME AND SHALL BE SUBJECT TO THE SUPERVISOR'S APPROVAL.

LANDSCAPE REGULATIONS

THE PROPERTY IS LOCATED IN THE CITY OF PALM BEACH AND SHALL BE SUBJECT TO THE CITY OF PALM BEACH LANDSCAPE SPACING ORDINANCE.

1. 10' LANTING FREE ON THIS PROPERTY
2. 10' LANTING FREE ON THIS PROPERTY
3. 10' LANTING FREE ON THIS PROPERTY
4. 10' LANTING FREE ON THIS PROPERTY
5. 10' LANTING FREE ON THIS PROPERTY
6. 10' LANTING FREE ON THIS PROPERTY
7. 10' LANTING FREE ON THIS PROPERTY
8. 10' LANTING FREE ON THIS PROPERTY
9. 10' LANTING FREE ON THIS PROPERTY
10. 10' LANTING FREE ON THIS PROPERTY

REQUIRED LOT LANDSCAPE

1. 20 S.F. OF LANDSCAPE PER FRONT SPACE
2. 20 S.F. OF LANDSCAPE PER FRONT SPACE
3. 20 S.F. OF LANDSCAPE PER FRONT SPACE

REQUIREMENT	REQUIREMENT	REQUIREMENT
1. 20 S.F. OF LANDSCAPE PER FRONT SPACE	1. 20 S.F. OF LANDSCAPE PER FRONT SPACE	1. 20 S.F. OF LANDSCAPE PER FRONT SPACE
2. 20 S.F. OF LANDSCAPE PER FRONT SPACE	2. 20 S.F. OF LANDSCAPE PER FRONT SPACE	2. 20 S.F. OF LANDSCAPE PER FRONT SPACE
3. 20 S.F. OF LANDSCAPE PER FRONT SPACE	3. 20 S.F. OF LANDSCAPE PER FRONT SPACE	3. 20 S.F. OF LANDSCAPE PER FRONT SPACE
4. 20 S.F. OF LANDSCAPE PER FRONT SPACE	4. 20 S.F. OF LANDSCAPE PER FRONT SPACE	4. 20 S.F. OF LANDSCAPE PER FRONT SPACE
5. 20 S.F. OF LANDSCAPE PER FRONT SPACE	5. 20 S.F. OF LANDSCAPE PER FRONT SPACE	5. 20 S.F. OF LANDSCAPE PER FRONT SPACE
6. 20 S.F. OF LANDSCAPE PER FRONT SPACE	6. 20 S.F. OF LANDSCAPE PER FRONT SPACE	6. 20 S.F. OF LANDSCAPE PER FRONT SPACE
7. 20 S.F. OF LANDSCAPE PER FRONT SPACE	7. 20 S.F. OF LANDSCAPE PER FRONT SPACE	7. 20 S.F. OF LANDSCAPE PER FRONT SPACE
8. 20 S.F. OF LANDSCAPE PER FRONT SPACE	8. 20 S.F. OF LANDSCAPE PER FRONT SPACE	8. 20 S.F. OF LANDSCAPE PER FRONT SPACE
9. 20 S.F. OF LANDSCAPE PER FRONT SPACE	9. 20 S.F. OF LANDSCAPE PER FRONT SPACE	9. 20 S.F. OF LANDSCAPE PER FRONT SPACE
10. 20 S.F. OF LANDSCAPE PER FRONT SPACE	10. 20 S.F. OF LANDSCAPE PER FRONT SPACE	10. 20 S.F. OF LANDSCAPE PER FRONT SPACE

LANDSCAPE PLAN
 SCALE: 1" = 15'-0"

DATE: 10/15/2024
 PROJECT: 24' FIRE LANE
 LOCATION: 106 LUCAS STREET
 THE LANDSCAPE ARCHITECT'S SEAL AND SIGNATURE SHALL BE PLACED IN THIS SPACE.
 THE LANDSCAPE ARCHITECT'S SEAL AND SIGNATURE SHALL BE PLACED IN THIS SPACE.
 THE LANDSCAPE ARCHITECT'S SEAL AND SIGNATURE SHALL BE PLACED IN THIS SPACE.

(14)

(15)

Planning & Zoning Department

Zoning Staff Report

Case: PD-19-0174



MEETING DATE(S)

Planning & Zoning Commission: January 14, 2020

City Council: January 21, 2020

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held January 14, 2020, the Commission voted 5-1 to recommend approval of case number PD-19-0174, subject to staff comments.

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

CAPTION

Public Hearing on a request by Stuart Shaw, Cypress Creek Waxahachie LP, for a Zoning Change from a Single Family-2 and Planned Development District-49-General Retail, Planned Development-Multi Family-One, Multi-Family-Two Family zoning district to Planned Development-Multiple Family-2, with Concept Plan, located NW of Post Oak Drive at Highway 287 (Property ID 184249) - Owner: AMERITAI PARTNERSHIP (PD-19-0174)

APPLICANT REQUEST

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

CASE HISTORY

The initial request for a Planned Development for multi-family residential was heard at the Planning & Zoning Commission meeting, held November 12, 2019, the Commission voted 5-1 to recommend approval for the proposed development, pending staff comments were met by the applicant.

At the City Council meeting, held November 18, 2019, the Council voted 4-0 to deny the proposed development.

At the January 14, 2020 Planning and Zoning Commission meeting, the Commission voted 5-1 to recommend approval of case number PD-19-0174 (revised submittal), subject to staff comments.

(15)

CASE INFORMATION

Applicant: Stuart Shaw, Cypress Creek Waxahachie LP

Property Owner(s): Ameritai Partnership

Site Acreage: 68.49 acres

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

Requested Zoning: Planned Development-Multiple Family-2

SUBJECT PROPERTY

General Location: NW of Post Oak Drive at Highway 287

Parcel ID Number(s): 184249

Existing Use: Currently Undeveloped

Development History: N/A

Table 1: Adjoining Zoning & Uses

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

Future Land Use Plan: Low Density Residential and Office

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

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

Thoroughfare Plan: The subject property is accessible via US Highway 287.

Site Image:**PLANNING ANALYSIS****Purpose of Request:**

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

Proposed Use:

The applicant is requesting approval for a zoning change to accommodate development of a 168 unit multi-family residential complex on 10.3 acres located Northwest of Post Oak Drive at Highway 287. The apartment buildings height will range between 2-3 stories, and a common area will be provided within the development.

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

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

Conformance with the Comprehensive Plan:

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

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

(15)

Development Standards:

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

Permitted Uses:

- Multi-Family Apartments

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

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

Standard	City of Waxahachie	Cypress Creek Proposed	Meets Y/N
Max. Density	18 DU per acre	16.23 DU per acre	Yes
Min. Lot Area (Sq. Ft.)	7,260/Lot	10.35 acres	Yes
Min. Dwelling Unit	1 bedroom – 600 SF 2 bedroom – 700 SF *min. 100 SF required for each additional bedroom over one	1 bedroom – 708 SF 2 bedroom – 1,044 SF 3 bedroom – 1,210 SF 4 bedroom – 1,361 SF	Yes
Min. Lot Width (Ft.)	60	745	Yes
Min. Lot Depth (Ft.)	120	660	Yes
Min. Front Yard (Ft.)	25 (75>2) SF 25 (100>2)	100	Yes
Min. Side Yard (Ft.)	50 (75>2) SF 25 (100>2)	75 ft.	Yes
Min. Rear Yard (Ft.)	50 (75>2) SF	75 (north side of property; 100 ft. req.)	No
Max. Height	3 stories	3 stories	Yes
Max. Lot Coverage (%)	40	22.7	Yes

Table 3: Apartment Unit Breakdown

Unit Description	Unit Count	Unit Sq. Ft. W/Out Patio	Patio Sq. Ft.
1 BD/1BATH	68	708	58
2 BD/2 BATH	24	1,044	89
2 BD/2 BATH	40	1,044	81
3 BD/2 BATH	28	1,210	81
3 BD/2 BATH	4	1,210	93
4 BD/2 BATH	4	1,361	93

Table 4: Unit Percentage Breakdown

Unit Description	Unit Count	Percentage Breakdown
1 Bedroom	68	40%
2 Bedroom	64	38%
3 Bedroom	32	19%
4 Bedroom	4	2%

(15)

Changes Made Since November 18, 2019 City Council Meeting:

- A minimum of 90% masonry will be provided for the development.
- 168 detached garages will be provided for the development.
- An 8ft. masonry fence is required adjacent to the single family River Oaks subdivision. A 6ft. decorative ornamental fence is required along the remainder of the property (front, sides, and rear).
- Connectivity shall be provided to the adjacent hike/bike trail (Brown Singleton Trail).

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

- Accessory structures such as garages and carports are allowed in front of primary structure.
- Structures taller than two (2) stories are requested to be less than the 100 ft. setback requirement.
- Trash enclosure is proposed in the building setback.

PON RESPONSES

Staff has received nine (9) letters of opposition for the proposed development.

PUBLIC NOTIFICATIONS

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

STAFF CONCERNS

1. Staff has no outstanding concerns for the applicant.

APPLICANT RESPONSE TO CONCERNS

1. The applicant has addressed staff's concerns.

RECOMMENDATION

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

- Denial
- Approval, as presented.
- Approval, per the following comments:
 1. Per the applicant's request, a Developer's Agreement will be required for the property.
 2. A minimum of ninety percent (90%) masonry is required for each building within the development.
 3. A minimum of 168 detached garages are required for the development.
 4. An 8ft. masonry fence is required adjacent to the single family River Oaks subdivision. A 6ft. decorative ornamental fence is required along the remainder of the property (front, sides, and rear).
 5. Connectivity shall be provided by a five foot concrete trail to the adjacent hike/bike trail (Brown Singleton Trail).
 6. A 7:12 roof pitch is required for each elevation.
 7. 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.

(15)

ATTACHED EXHIBITS

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

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

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

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

Property ID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
173505	LINSCHIED LESLIE TEL CONTINGENT TRUST SANDRA J HARTNESS 1	0.1721	LOT 51 GINGERBREAD VILLAGE PH 1 0.1721 AC	500 ALLVIEW TERRACE	LAGUNA BEACH	CA	92651	313 ETTA AVE WAXAHACHIE TX 75165
173506	MYERS TIMOTHY W & THELMA SUE	0.3097	LOT 52R GINGERBREAD VILLAGE PH 1 0.3097 AC	315 ETTA AVE	WAXAHACHIE	TX	75165	315 ETTA AVE WAXAHACHIE TX 75165
173507	SMITH PAUL R	0.2213	LOT 55R GINGERBREAD VILLAGE PH 1 0.2213 AC	316 ETTA AVE	WAXAHACHIE	TX	75165	316 ETTA AVE WAXAHACHIE TX 75165
173508	OCHOA JAVIER	0.1721	LOT 56 GINGERBREAD VILLAGE PH 1 & 2 .1721 AC	314 ETTA AVE	WAXAHACHIE	TX	75165	314 ETTA AVE WAXAHACHIE TX 75165
173541	GONZALEZ CHRISTOPHER & JENNIFER	0.229	LOT 17R GINGERBREAD VILLAGE PH 1 0.229 AC	214 AUDRA AVE	WAXAHACHIE	TX	75165	214 AUDRA AVE WAXAHACHIE TX 75165
173552	TYNER ROY & JENNIFER	0.1721	LOT 18 GINGERBREAD VILLAGE PH 1 0.1721 AC	212 AUDRA AVE	WAXAHACHIE	TX	75165	212 AUDRA AVE WAXAHACHIE TX 75165
173550	CRAWFORD WILLIAM A & DOROTHY R	0.171	126RR GINGERBREAD VILLAGE PH I REV0.171 ACRES	125 VANDERBILT LN	WAXAHACHIE	TX	75165	318 MYRTLE AVE WAXAHACHIE TX 75165
173551	MITCHELL JAMES M	0	LOT 107 GINGERBREAD VILLAGE PH 1 & 2	314 MYRTLE AVE	WAXAHACHIE	TX	75165	314 MYRTLE AVE WAXAHACHIE TX 75165
173558	SIEG LINDA ANN	0	102 GINGERBREAD VILLAGE PH I REV	315 MYRTLE AVE	WAXAHACHIE	TX	75165	315 MYRTLE AVE WAXAHACHIE TX 75165
173559	THELFORD RONALD & REGINA	0	103R GINGERBREAD VILLAGE PH I REV	317 MYRTLE AVE	WAXAHACHIE	TX	75165	317 MYRTLE AVE WAXAHACHIE TX 75165
173686	REGAS DIONYSIOS & MARIORA SPAHO	0	163 GINGERBREAD VILLAGE PHII REV	317 MODENE AVE	WAXAHACHIE	TX	75165	317 MODENE AVE WAXAHACHIE TX 75165
173687	DAVIS KENT & BARBARA A	0	164R GINGERBREAD VILLAGE PHII REV	PO BOX 531	WAXAHACHIE	TX	75168	319 MODENE AVE WAXAHACHIE TX 75165
173688	DAVIS DAWN C	0	LOT 167R GINGERBREAD VILLAGE PH 1 & 2	318 MODENE AVE	WAXAHACHIE	TX	75165	318 MODENE AVE WAXAHACHIE TX 75165
173689	CRANDALL LOUIS & ROSE MARIE	0	168 GINGERBREAD VILLAGE PHII REV	316 MODENE AVE	WAXAHACHIE	TX	75165	316 MODENE AVE WAXAHACHIE TX 75165
173692	RADCHMACHER ERIC	0	LOT 162 GINGERBREAD VILLAGE PH I & 2	315 MODENE AVE	WAXAHACHIE	TX	75165	315 MODENE AVE WAXAHACHIE TX 75165
173724	GROUILL ROBIN S	0	227 GINGERBREAD VILLAGE PHII REV	317 MORENE AVE	WAXAHACHIE	TX	75165	317 MORENE AVE WAXAHACHIE TX 75165
173725	RODGERS MICHAEL L & LOJITA L	0	228R GINGERBREAD VILLAGE PHII REV	319 MORENE AVE	WAXAHACHIE	TX	75165	319 MORENE AVE WAXAHACHIE TX 75165
179000	BUFFALO CREEK PLAZA LLC	30.479	5 J B & A ADAMS,393 J GOOCH 30.479 ACRES	440 GINGERBREAD LN	WAXAHACHIE	TX	75165	S FM 813 WAXAHACHIE TX 75165
184231	WOODARD LEGERRON	7.46	393 J GOOCH 7.46 ACRES	304 PENSACOLA AVE	WAXAHACHIE	TX	75165	HIGHWAY 287 WAXAHACHIE TX 75165
184238	VIEI LADD	0.54	393 J GOOCH 0.54 ACRES	1015 FERRIS AVE	WAXAHACHIE	TX	75165	1110 BROWN ST WAXAHACHIE TX 75165
184247	ALLEN MARTHA JEAN	4.04	393 J GOOCH 4.04 ACRES	411 ROYAL ST	WAXAHACHIE	TX	75165	FM 813 WAXAHACHIE TX 75165
184249	AMERITAI PARTNERSHIP	68.49	393 J GOOCH & 5 J B & A ADAMS 68.49 ACRES	1015 FERRIS AVE	WAXAHACHIE	TX	75165	HIGHWAY 287 WAXAHACHIE TX 75165
193401	ELLIS COUNTY WATER CONTROL & IMP DIST	2.05	5 J B & A ADAMS 2.05 ACRES	P O BOX 757	WAXAHACHIE	TX	75168	HIGHWAY 287 WAXAHACHIE TX 75165
202875	FARLEY STREET BAPTIST CHURCH	14.669	LOT 3 & 4B LITTLETON ESTATE 14.669 AC	1116 BROWN ST	WAXAHACHIE	TX	75165	1116 & 1316 BROWN ST WAXAHACHIE TX 75165
202878	CHURCH OF GOD WAXAHACHIE	5.334	LOT 4A LITTLETON ESTATE REV 5.334 AC	PO BOX 602	WAXAHACHIE	TX	75168	1320 BROWN ST WAXAHACHIE TX 75165
205009	VIEI LADD	2.14	LOT 2 LITTLETON EST 2.14 AC	1015 FERRIS AVE	WAXAHACHIE	TX	75165	BROWN ST WAXAHACHIE TX 75165
207721	ROYE FAMILY ENTERPRISES L P	6	1 ROYE ADDN 6 ACRES	1324 BROWN ST, #A	WAXAHACHIE	TX	75165	1324 BROWN ST WAXAHACHIE TX 75165
219305	MCBEE LARRY W & DIANA L	0.158	105RR GINGERBREAD VILLAGE PH I REV0.158 ACRES	725 LOCUST DR	RED OAK	TX	75154	318 MYRTLE AVE WAXAHACHIE TX 75165
222680	WAXAHACHIE DEVELOPMENT CO	2.519	5 J B & A ADAMS 2.519 ACRES	PO BOX 717	WAXAHACHIE	TX	75168	HIGHWAY 287 WAXAHACHIE TX 75165
222681	SINGLETON MARVIN R JR	2.8	393 J GOOCH 2.8 ACRES	PO BOX 717	WAXAHACHIE	TX	75168	BROADHEAD RD WAXAHACHIE TX 75165
222745	PALAZO FREDERICO & EMMA Y SIGALA	0.181	LOT 72 BLK A RIVER OAKS 4 .181 AC	510 TIMBER DR	WAXAHACHIE	TX	75165	510 TIMBER DR WAXAHACHIE TX 75165
222746	ANDERSON ANDREW R & MEGAN N	0.128	LOT 73 BLK A RIVER OAKS 4 .128 AC	508 TIMBER DR	WAXAHACHIE	TX	75165	508 TIMBER DR WAXAHACHIE TX 75165
222751	VACA CHRISTOPHER	0.151	LOT 67 BLK A RIVER OAKS 4 0.151 AC	91 ELMWOOD TRL	WAXAHACHIE	TX	75165	91 ELMWOOD TRL WAXAHACHIE TX 75165
222753	KING JEROME D & JAMIE H	0.152	LOT 68 BLK A RIVER OAKS 4 0.152 AC	93 ELMWOOD TRL	WAXAHACHIE	TX	75165	93 ELMWOOD TRL WAXAHACHIE TX 75165
222754	FERRIE GENEVIVE Y J &	0.152	LOT 69 BLK A RIVER OAKS 4 0.152 AC	517 HARVEST TRL	MIDLOTHIAN	TX	76085	95 ELMWOOD TRL WAXAHACHIE TX 75165
222755	OWENS JONATHAN D & REBECCA L	0.184	LOT 70 BLK A RIVER OAKS 4 0.184 AC	97 ELMWOOD TRL	WAXAHACHIE	TX	75165	97 ELMWOOD TRL WAXAHACHIE TX 75165
222756	AMH 2014-2 BORROWER LLC	0.265	LOT 71 BLK A RIVER OAKS 4 .265 AC	30601 AGOURA RD, STE 200	AGOURA HILLS	CA	91301	512 TIMBER DR WAXAHACHIE TX 75165
222757	HOOD GREGOARY & HEIDI BORDEN	0.153	LOT 82 BLK A RIVER OAKS 4 0.153 AC	90 ELMWOOD TRL	WAXAHACHIE	TX	75165	90 ELMWOOD TRL WAXAHACHIE TX 75165
222758	SMITH ERICA	0.134	LOT 83 BLK A RIVER OAKS 4 0.134 AC	88 ELMWOOD TRL	WAXAHACHIE	TX	75165	88 ELMWOOD TRL WAXAHACHIE TX 75165
222759	MC GEHEE JESSICA & BUDDY D	0.229	LOT 84 BLK A RIVER OAKS 4 .229 AC	86 ELMWOOD TRL	WAXAHACHIE	TX	75165	86 ELMWOOD TRL WAXAHACHIE TX 75165
222760	AMERICAN RESIDENTIAL LEASING COMPANY LLC	0.158	LOT 85 BLK A RIVER OAKS 4 0.158 AC	PO BOX 85997	LAS VEGAS	NV	89193	87 ELMWOOD TRL WAXAHACHIE TX 75165
222761	WHITTEN COURTNEY M & ASHLEY N	0.149	LOT 86 BLK A RIVER OAKS 4 0.149 AC	89 ELMWOOD TRL	WAXAHACHIE	TX	75165	89 ELMWOOD TRL WAXAHACHIE TX 75165
222765	COCKERHAM ROYL	0.184	LOT 89 BLK A RIVER OAKS 4 0.184 AC	86 ELMWOOD TRL	WAXAHACHIE	TX	75165	86 ELMWOOD TRL WAXAHACHIE TX 75165
222766	HUFF JUDY M	0.153	LOT 80 BLK A RIVER OAKS 4 0.153 AC	84 ELMWOOD TRL	WAXAHACHIE	TX	75165	84 ELMWOOD TRL WAXAHACHIE TX 75165
230711	BARNETT TIMOTHY L & KATHI S CARPENTER	0.153	LOT 81 BLK A RIVER OAKS 4 0.153 AC	92 ELMWOOD TRL	WAXAHACHIE	TX	75165	92 ELMWOOD TRL WAXAHACHIE TX 75165
265603	SINGLETON MARVIN R JR	4.49	5 J B & A ADAMS 4.490 ACRES	PO BOX 717	WAXAHACHIE	TX	75168	HIGHWAY 287 WAXAHACHIE TX 75165

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RECEIVED
12/30/19



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **PD-19-0174**

TYNER ROY & JENNIFER
212 AUDRA AVE
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, January 14, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Tuesday, January 21, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Stuart Shaw, Cypress Creek Waxahachie LP, for a Zoning Change from a Single Family-2 and Planned Development District-49-General Retail, Multi-Family-Two Family zoning district to Planned Development-Multiple Family-2, with Concept Plan, located NW of Post Oak Drive at Highway 287 (Property ID 184249) - Owner: Ameritai Partnership (PD-19-0174)

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

Case Number: **PD-19-0174**

City Reference: 173542

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

SUPPORT

OPPOSE

Comments:

We have lived in our home for 20 years, and we believe that this property will encroach on the peace and quiet of our neighborhood and our quality of life as we approach retirement. The city is already

Jennifer Tyner
Signature

12/27/2019
Date

Jennifer Tyner - Homeowner
Printed Name and Title

212 Audra Avenue, Waxahachie, TX 75165
Address

inviting and encouraging more foot traffic near our home with the new walking trail, and we believe this will only exacerbate the issue.

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

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

(15)

RECEIVED
1/16/2020



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **PD-19-0174**

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

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Case Number: **PD-19-0174**

City Reference: 173550

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SUPPORT OPPOSE

Comments:

AREA TOO CLOSE TO SCHOOLS, VERY CONGESTED AREA ALREADY FOR ENTRANCE TO 287 AND EXIT 287 AS WELL AS BROWN ST,

Signature

01-03-2020

Date

WILLIAM A CRAWFORD & DOROTHY R

Printed Name and Title

125 VANDERBILT
Address 316 MYRTLE ST.
WAXAHACHIE, TX 75165

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

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

(15)

RECEIVED
12/30/19



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: PD-19-0174

MITCHELL JAMES M
314 MYRTLE AVE
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, January 14, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Tuesday, January 21, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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Case Number: PD-19-0174

City Reference: 173551

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

SUPPORT

OPPOSE

Comments:

Signature

Dec. 26, 2019
Date

JAMES M. Mitchell
Printed Name and Title

314 Myrtle Ave
Address

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

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

Case Number: **PD-19-0174**

City Reference: 173559

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

RECEIVED
1/6/2020

SUPPORT

OPPOSE

Comments:

*Do Not ~~add~~ want apartments that close to single family dwellings.
Will increase crime in area and de-value property. Displace
what little area with life was.*

Ronald A. Theod Ford
Signature

12-31-19
Date

RONALD A. THEOD FORD
Printed Name and Title

317 MYRTLE AVE
Address

(15)

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

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

(15)

RECEIVED
1/13/2020



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: PD-19-0174

RADERMACHER ERIC
315 MODENE AVE
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, January 14, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Tuesday, January 21, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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

Case Number: PD-19-0174

City Reference: 173696

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SUPPORT

OPPOSE

Comments:

THIS AREA WOULD BE BETTER SERVED BY A GAS STATION,
CONVENIENCE STORE OR A STEAKHOUSE.

[Signature]
Signature

1-4-2020
Date

ERIC RADERMACHER, Homeowner
Printed Name and Title

315 MODENE
Address

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

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

(15)

RECEIVED
12/30/19



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **PD-19-0174**

PALAFXO FREDERICO & EMMA Y SIGALA
510 TIMBER DR
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, January 14, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Tuesday, January 21, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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Case Number: **PD-19-0174**

City Reference: 222745

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

SUPPORT

OPPOSE

Comments:

Rather have retail stores or
single family residence.

Signature

Frederico Palafox Owner

Printed Name and Title

Date

12-30-19
510 Timber Dr.
Waxahachie TX 75165

Address

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

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

(15)

RECEIVED
1/17/2020



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: PD-19-0174

FERRIE GENEVIVE Y J &
517 HARVEST TRL
MIDLOTHIAN, TX 76065

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, January 14, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Tuesday, January 21, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

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Case Number: PD-19-0174

City Reference: 222754

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

SUPPORT

OPPOSE

Comments:

Signature

Chris Ferrie
Printed Name and Title

1.7.20
Date

95 Elmwood Trl
Address Waxahachie TX 75165

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

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

(5)

RECEIVED
1/8/2020



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: PD-19-0174



OWENS JONATHAN D & REBECCA L
97 ELMWOOD TRL
WAXAHACHIE, TX 75165

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Case Number: PD-19-0174

City Reference: 222755

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SUPPORT

OPPOSE

Comments:

Lack of infrastructure, Major increase in congestion to an already congested area, we bought this property to be away from apartments concerned with increase of crime

Jonathan Owens
Signature

1-8-2020
Date

Jonathan Owens
Printed Name and Title

97 Elmwood Tr
Address

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

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

Case Number: **PD-19-0174**

City Reference: 222766

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RECEIVED
01/08/2020

SUPPORT

OPPOSE

Comments:

I know it won't do any good but Thank God for the park or we'd be surrounded Waxahachie will do anything for REVENUE!
12-30-19

Signature

Date

Judy Huff

94 Elmwood

Printed Name and Title

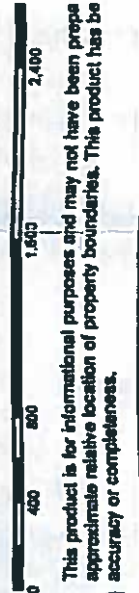
Address

If I had a title, would that matter?

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

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

How much is Cyprus Greek paying you!



Planny addition + Appotements without fixing
Parky Street.

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

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

(5)

(10)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-2 (SF2), PLANNED DEVELOPMENT-49-GENERAL RETAIL (PD-49-GR), PLANNED DEVELOPMENT-MULTI FAMILY-1 (PD-MF1), AND MULTI FAMILY-2 (MF2) TO PLANNED DEVELOPMENT-MULTI-FAMILY-2 (PD-MF2), WITH CONCEPT PLAN LOCATED AT THE NORTHWEST CORNER OF POST OAK DRIVE AT HIGHWAY 287 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 68.49 ACRES KNOWN AS A PORTION OF PROPERTY ID 184249 OF THE 393 J GOOCH & 5 J B & A ADAMS ABSTRACT, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number PD-19-0174. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from SF2, PD-49-GR, PD-MF1 & MF2 to PD-MF2, with Concept Plan; and

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

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

NOW, THEREFORE, this property is rezoned from SF2, PD-49-GR, PD-MF1 & MF2 to PD-MF2, with Concept Plan in order to facilitate development of the subject property in a manner that allows multi-family (apartment) structures on the following property: a portion of Property ID 184249 of the 393 J Gooch & 5 J B & A Adams Abstract, which is shown on Exhibit A, in accordance with the Site Plan attached as Exhibit B, and Elevation/Façade Plan attached as Exhibit C.

PLANNED DEVELOPMENT

Purpose and Intent

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

Development Standards

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

(10)

the locations shown on the approved Site Plan (Exhibit B).

Development Regulations

1. Per the applicant's request, a Developer's Agreement will be required for the property.
2. A minimum of ninety percent (90%) masonry is required for each building within the development.
3. A minimum of one hundred sixty-eight (168) detached garages shall be provided for the development.
4. An 8ft. masonry fence is required adjacent to the single family River Oaks subdivision. A 6ft. decorative ornamental fence is required along the remainder of the property (front, sides, and rear).
5. Connectivity shall be provided to the adjacent hike/bike trail (Brown Singleton Trail).
6. A 7:12 roof pitch is required for each elevation.
7. The Site Plan shall conform as approved by the City Council under case number PD-19-0174.
8. Any zoning, land use requirement, or restriction not contained within this zoning ordinance shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan and Exhibit C – Elevation/Façade Plan. Where regulations are not specified in Exhibit B, Exhibit C, or in this ordinance, the regulations of Multi Family-2 zoning district of the City of Waxahachie Zoning Ordinance shall apply to this development.
9. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
10. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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

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

PASSED, APPROVED, AND ADOPTED on this 21st day of January, 2020.

MAYOR

ATTEST:

City Secretary

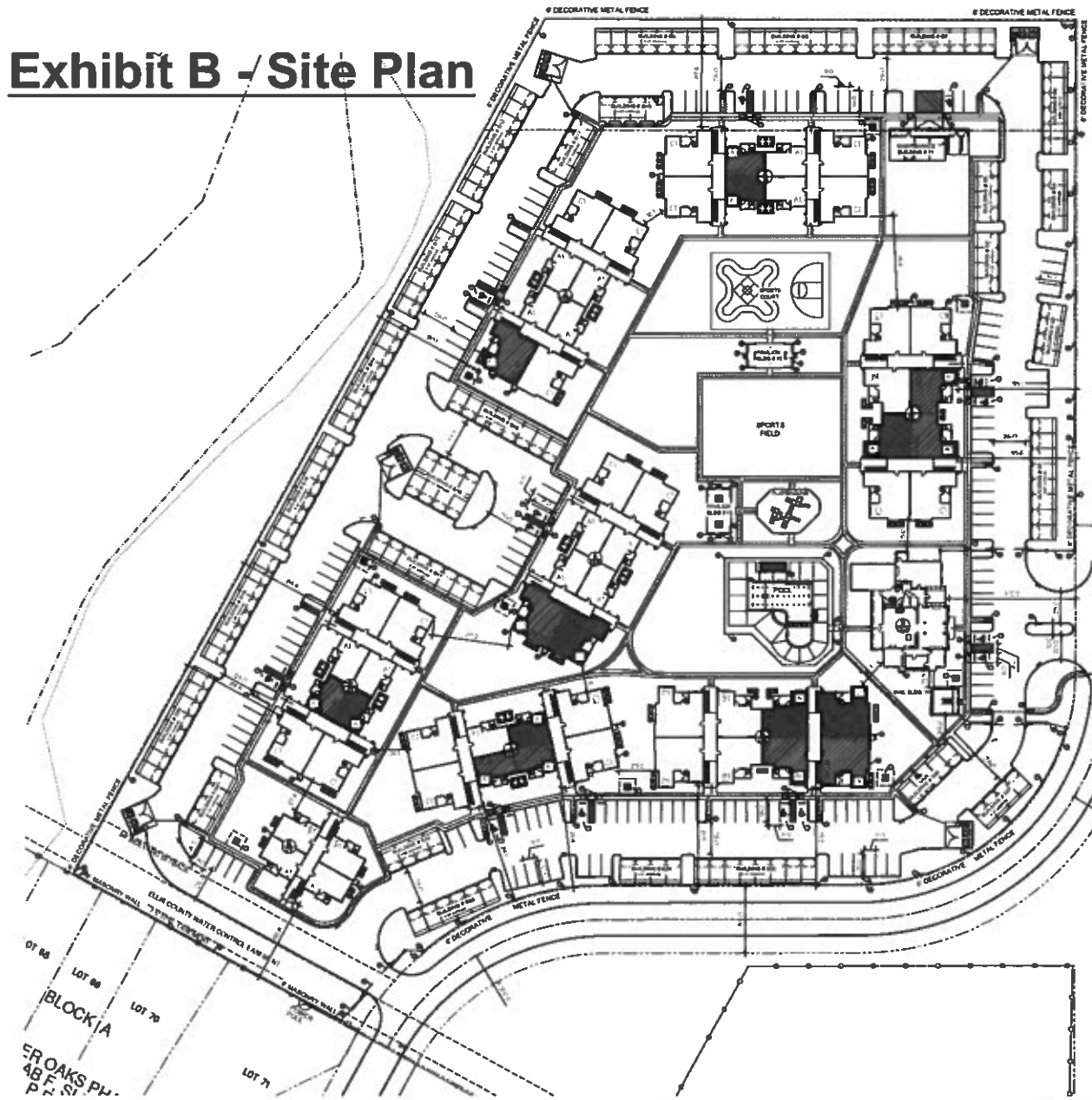


Exhibit A - Location Exhibit

0 400 800 1,600 2,400 3,200 Feet

PD-19-0174

Exhibit B - Site Plan



UNIT TABULATIONS

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

UNIT	DESCRIPTION	UNIT COUNT	UNIT SQ FT (NET FINISH)	PARSO SQ FT	UNIT GROUND SQ FT
A1	1 BEDROOM	48	785	88	8,100
B1	2 BEDROOM	36	1,044	88	9,200
B2	2 BEDROOM	36	1,044	88	9,200
C1	3 BEDROOM	36	1,734	81	15,800
C2	3 BEDROOM	4	1,734	88	4,800
D1	4 BEDROOM	4	1,911	88	1,800
TOTAL		188			75,500

TOTAL UNIT NET FINISH SQ. FT. 75,500

BLDG. TYPE	WORKSHEET	BLDG. QTY	A1	B1	B2	C1	C2	D1	TOTAL UNITS
2 SF	1	1	48	36	36	4	4	4	128
3 SF	1	1	36	36	36	4	4	110	
TOTAL			84	72	72	8	8	8	238

UNIT	CLASSIFY	REQ	TOTAL	PARKING REQUIREMENTS				TOTAL
				STANDARD	HC	54H HC	57H	
1 BEDROOM UNITS (A1)	02	1.5 SPACED	72	108	18	0	0	126
2 BEDROOM UNITS (B1, B2)	04	1.5 SPACED	72	108	0	0	0	108
3 BEDROOM UNITS (C1, C2)	32	2.5 SPACED	40	100	1	1	1	103
4 BEDROOM UNITS (D1)	4	3.0 SPACED	12	36	1	1	1	40
TOTAL			188	352	20	2	2	376

CS UB 4,800 SF
 MAIL 480 SF
 PAULKICH 740 SF
 MAINTENANCE 1,810 SF
 SITE DENSITY: 188 UNITS ON 10.35 ACRES = 18.23 UNITS PER ACRE
 SITE USE: MULTIFAMILY RESIDENTIAL
 SITE AREA: 10.35 ACRES
 LOT WIDTH: 745' AVERAGE
 LOT DEPTH: 680' AVERAGE

THIS DEVELOPMENT IS TO COMPLY WITH THE CITY OF WAXAHACHIE LANDSCAPE REQUIREMENTS PER CODE OF ORDINANCES APPENDIX A, ARTICLE V, SECTION 5.84

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

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

LEGAL DESCRIPTION
 Being a 10.35 acre tract of land situated in the J B & ANN ADAMS SURVEY, ABSTRACT No. 5, and the JOHN GOOCH SURVEY ABSTRACT No. 303, of Ellis County, Texas, and being a part of the certain 58.639 acre tract of land conveyed by deed to AMERITAI PARTNERSHIP, as recorded in Vol. 1890, Pg. 871 of the Deed Records of Ellis County, Texas, located in the City Limits of Waxahachie, Texas, and being more particularly described by metes and bounds as follows:

SITE PLAN 10.35 ACRES

KELLY GROSSMAN



OT 88
 LOT 86
 BLOCK A
 ER OAKS PH
 48 F 21
 P

Exhibit C - Elevation/Facade Plan



① FRONT ELEVATION- BLDG TYPE I
BUILDING # 1 1/8"



② LEFT ELEVATION- BLDG TYPE I
BUILDING # 1 1/8"



③ RIGHT ELEVATION- BLDG TYPE I
BUILDING # 1 1/8"



④ REAR ELEVATION- BLDG TYPE I
BUILDING # 1 1/8"

ADDRESS NUMBERS AT LEAST 6" HIGH
MUST BE VISIBLE FROM THE STREET.
UNIT NUMBERS MUST BE AT LEAST 4" HIGH

EXTERIOR MATERIAL LEGEND	
STONE 048	
BRICK 048	
4" EXPOSURE GRANED LAP SIDING EXPOSURE ALL PATIOS & BALCONIES 0'	
6" EXPOSURE GRANED LAP SIDING ALL EXTERIORS 0'	
COMPOSITE ROOF	

NO JAMB TRIM WHERE SUITORS ARE ADDED.

DRAWN BY:
MAR

CHECKED BY:
JK

PROJECT NO.
18-2285

PROGRESS PRINT
FOR 2 SHEETS OF 24 SHEETS TOTAL
PREPARED BY: KELLY GROSSMAN
DATE: 11/20/20

BONNER
CARRINGTON
901 SOUTH MOFAC
EXPRESSWAY, BLDG 17,
STE 180, AUSTIN,
TEXAS 78748
512-250-9999

KELLY GROSSMAN
ARCHITECT
CYPRESS CREEK
APARTMENT HOMES
AT WAXAHACHIE

REVISIONS
△
△
△
△
ISSUED FOR PERMIT
ISSUED FOR BID
ISSUED FOR CONST.
DWG. NAME A4.15 TYPE I ELEVATIONS
DATE 12-30-18
DESCRIPTION TYPE I EXTERIOR ELEVATIONS
SHEET A4.15



① FRONT ELEVATION- BLDG TYPE II
BUILDING # 2 & 3 1/8"



② LEFT ELEVATION- BLDG TYPE II
BUILDING # 2 & 3 1/8"



③ RIGHT ELEVATION- BLDG TYPE II
BUILDING # 2 & 3 1/8"



④ REAR ELEVATION- BLDG TYPE II
BUILDING # 2 & 3 1/8"

ADDRESS NUMBERS AT LEAST 8" HIGH
MUST BE VISIBLE FROM THE STREET.
DIST NUMBERS MUST BE AT LEAST 4" HIGH.

EXTERIOR MATERIAL LEGEND	
STONE 25%	
SHEDD 67%	
6" EXPOSURE GRAINED LAP SIDING EXPOSURE ALL PATIOS & BALCONIES 6"	
10" EXPOSURE GRAINED LAP SIDING ALL BREEDHATS 10"	
COMPOSITE ROOF	

NO JABS TRIM WHERE SHUTTERS ARE ADDED.

DRAWN BY:
MAB
CHECKED BY:
JC

PROJECT NO.
18-2285

PROGRESS PRINT
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REVISIONS MUST BE SHOWN WITH DATE AND BY WHOM.
E.S.P.
11/09/20

BONNER CARRINGTON
801 BOULDER BLVD
KENTWOOD, TEXAS 75142
817-539-6888

KELLY GROSSMAN
ARCHITECTURE
10000 W. HIGHTWAY 190, SUITE 100
DALLAS, TEXAS 75241
972-412-1111

CYPRESS CREEK
APARTMENT HOMES
AT WAXAHACHIE

REVISIONS
△
△
△

ISSUED FOR PERMIT

ISSUED FOR BID

ISSUED FOR CONST

DWG. NAME
A4.25

DATE
12-20-14

DESCRIPTION
TYPE - EXTERIOR ELEVATIONS

SHEET
A4.25

Exhibit C - Elevation/Facade Plan



① FRONT ELEVATION- BLDG TYPE IIA
BUILDING # 7 1/8"



② LEFT ELEVATION- BLDG TYPE IIA
BUILDING # 7 1/8"



③ RIGHT ELEVATION- BLDG TYPE IIA
BUILDING # 7 1/8"



④ REAR ELEVATION- BLDG TYPE IIA
BUILDING # 7 1/8"

ADDRESS NUMBERS AT LEAST 6" HIGH
MUST BE VISIBLE FROM THE STREET.
NET NUMBERS MUST BE AT LEAST 4"
HIGH.

EXTERIOR MATERIAL LEGEND

- STONE
- STUCCO
- 6" EXPOSURE GRANED LAP SIDING EXPOSURE ALL PATIOS & BALCONIES 6"
- 12" EXPOSURE GRANED LAP SIDING ALL BREEDWAYS 12"
- COMPOSITE ROOF

NO JAMB TRIM WHERE SHUTTERS ARE ADDED.

DRAWN BY:
MAB
CHECKED BY:
JC

PROJECT NO.:
18-2285

PROGRESS PRINT
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BONNER
CARRINGTON
901 SOUTH BROAD
APARTMENT # 1100 ST.
5TH FLOOR, AUSTIN,
TEXAS 78748
615-590-6999

KELLY GROSSMAN
ARCHITECTURE

CYPRESS CREEK
HOMES
APARTMENT HOMES
AT WAXAHACHIE

REVISIONS

- △
- △
- △
- △

ISSUED FOR PERMIT

ISSUED FOR BID

ISSUED FOR CONST.

DRWG. NAME
A4.25

DATE
12-20-14

DESCRIPTION

TYPE = EXTERIOR
ELEVATIONS

A4.25A

Exhibit C - Elevation/Facade Plan



① FRONT ELEVATION- BLDG TYPE III
BUILDING # 0 1/8"



② LEFT ELEVATION- BLDG TYPE III
BUILDING # 0 1/8"



③ RIGHT ELEVATION- BLDG TYPE III
BUILDING # 0 1/8"



④ REAR ELEVATION- BLDG TYPE III
BUILDING # 0 1/8"

ADDRESS NUMBERS AT LEAST 6" HIGH
MUST BE VISIBLE FROM THE STREET.
DIST NUMBERS MUST BE AT LEAST 4" HIGH.

EXTERIOR MATERIAL LEGEND	
STONE 30%	
STUCCO 10%	
6" EXPOSURE BRANDED LAP SIDING EXPOSURE. ALL PATIOS & BALCONIES 6"	
12" EXPOSURE BRANDED LAP SIDING. ALL BREEZEWAYS 12"	
COMPOSITE ROOF	

NO JAMB TRIM WHERE SHUTTERS ARE ADDED.

DRAWN BY:
MAR

CHECKED BY:
JK

PROJECT NO.:
18-2289

PROGRESS PRINT
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NO CONSTRUCTION
10/20/2018 BY: MAR
10/20/2018 BY: JK

BONNER CARRINGTON
881 BOWEN BLVD
DALLAS, TEXAS 75248
817-520-0000

KELLY GROSSMAN
ARCHITECTURE
1000 W. WYOMING AVE. SUITE 100
DALLAS, TEXAS 75201
972-354-1111

CYPRESS CREEK
APARTMENT HOMES
AT WAXAHACHIE

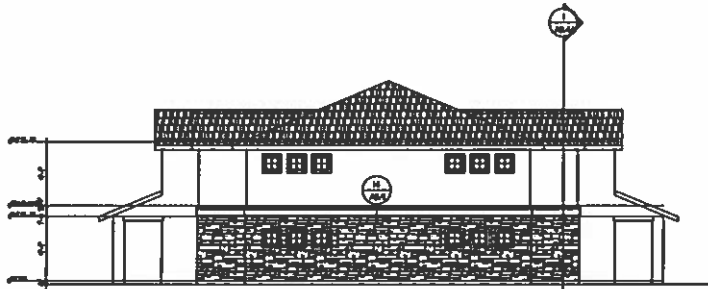
REVISIONS
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△
△
ISSUED FOR PERMIT
ISSUED FOR BID
ISSUED FOR CONST.
DWG. NAME A435 TYPE III
DATE 12-20-18
DESCRIPTION TYPE III EXTERIOR ELEVATIONS
SHEET

A435

Exhibit C - Elevation/Facade Plan



① FRONT ELEVATION- BLDG TYPE IV
BUILDING # 6 1/8"



② LEFT ELEVATION- BLDG TYPE IV
BUILDING # 6 1/8"



③ RIGHT ELEVATION- BLDG TYPE IV
BUILDING # 6 1/8"



④ REAR ELEVATION- BLDG TYPE IV
BUILDING # 6 1/8"

ADDRESS NUMBERS AT LEAST 6" HIGH
MUST BE VISIBLE FROM THE STREET.
SUITE NUMBERS MUST BE AT LEAST 4" HIGH.

EXTERIOR MATERIAL LEGEND	
STONE SIB	
BRICK	
6" EXPOSURE GRABED LAF	
6" EXPOSURE GRABED LAF	
CONCRETE ROOF	

NO JMS TRN HERE SHUTTERS ARE
ADDED.

DRAWN BY:
MAR

CHECKED BY:
JK

PROJECT NO.:
16-2269

PROGRESS PRINT
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FOR CONSTRUCTION

EXP:
11/20/20

BONNER
CARRINGTON
801 RAYBURN BOULEVARD
SUITE 100, AUSTON,
TEXAS 79708
817-839-6666

KELLY GROSSMAN
ARCHITECT

CYPRESS CREEK
APARTMENT HOMES
AT WAXAHACHIE

REVISIONS

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- △
- △
- △

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ISSUED FOR BID

ISSUED FOR CONST.

DNB. NAME
ALA

DATE
12-20-19

DESCRIPTION
TYPE IV
ELEVATIONS

SHEET

A444

Exhibit C - Elevation/Facade Plan

DRAWN BY:
MAR
CHECKED BY:
JK
PROJECT NO.:
18-2285

PROGRESS PRINT
NOT TO BE USED FOR CONSTRUCTION
REVISIONS SHALL BE MADE BY THE ARCHITECT
DATE: 11/08/18

BONNER
CARRINGTON
REAL ESTATE GROUP, INC.
1000 WEST 10TH AVENUE, SUITE 100, AUSTIN, TEXAS 78748
817-559-6888

KELLY GROSSMAN
ARCHITECTURE

CYPRESS CREEK
APARTMENT HOMES
AT WAXAHACHIE

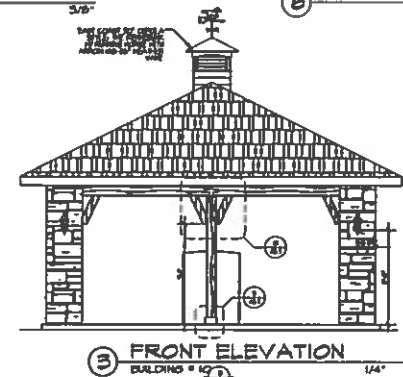
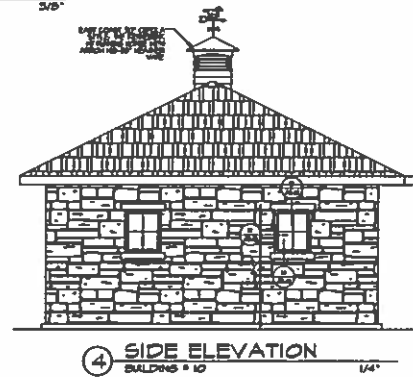
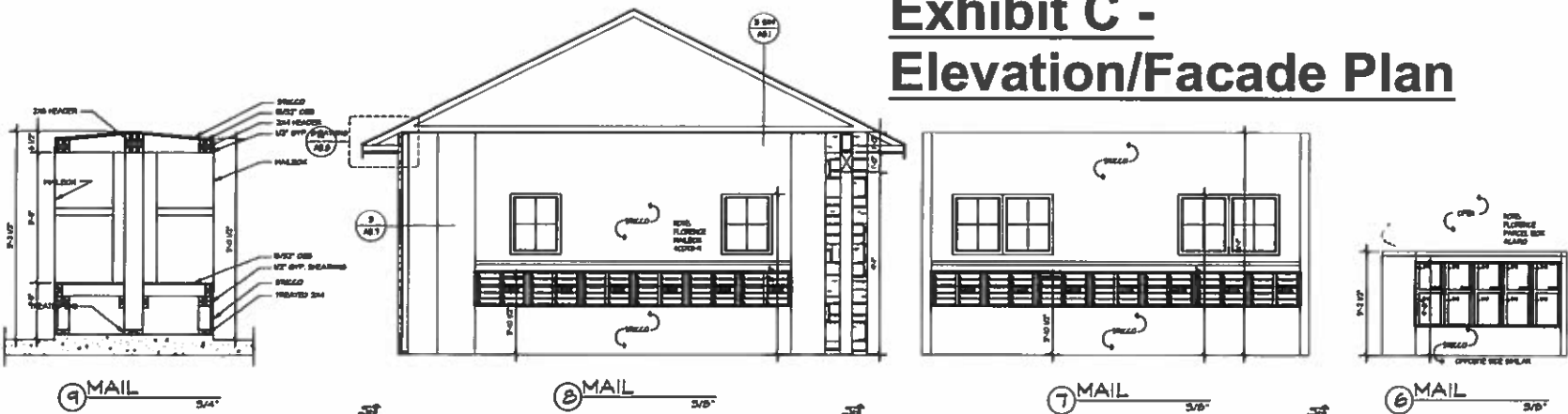
REVISIONS
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ISSUED FOR PERMIT
ISSUED FOR BID

ISSUED FOR CONST.

DWG. NAME:
A451
DATE:
02-20-18
DESCRIPTION:

MAIL BUILDING
SHEET
A451

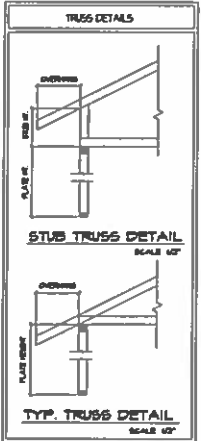


EXTERIOR MATERIAL LEGEND

STONE MOOR	
SINGCO	
6" EXPOSURE GRAINED LAP SIDING EXPOSED, ALL PATIOS & BALCONIES 6"	
12" EXPOSURE GRAINED LAP SIDING, ALL BREEZINGAYS 12"	
COMPOSITE ROOF	

SOFFIT LEGEND

CRRAFTSTOP	
FLAT CEILING	
SLOPED CEILING	
SOFFIT	

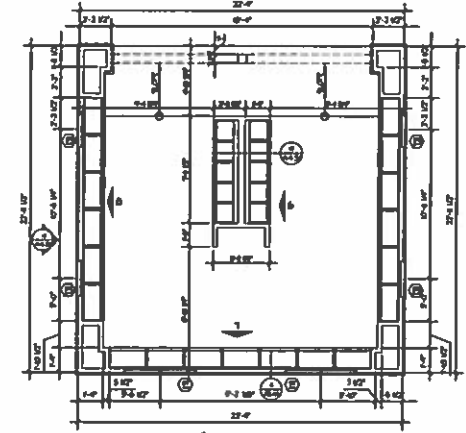
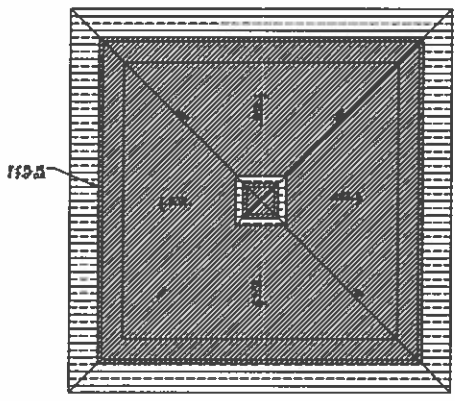


HALL MATERIAL LEGEND

SIDING	
HAGONRY	
SINGCO	
STAGGERED 5/8\"/>	

DRY IN NOTE

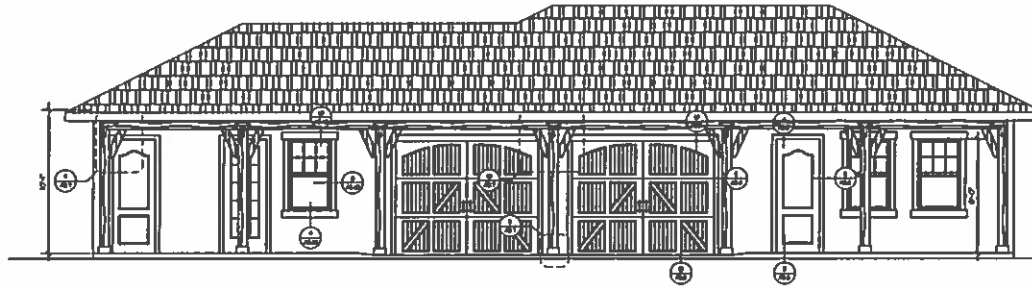
THE ENTIRE BUILDING ENVELOPE (INCLUDING ROOF, WALLS & FLOOR) TO BE DRIED IN PRIOR TO THE STORAGE AND INSTALLATION OF INTERIOR FINISH MATERIALS, INCLUDING GYPSUM HALL BOARD AND INSULATION. IN ADDITION, THE GENERAL CONTRACTOR IS RESPONSIBLE FOR VERIFYING THAT THERE HAS BEEN NO EVIDENCE OF WATER PENETRATING THE BUILDING ENVELOPE OR WATER LEAKS, FROM MECHANICAL AND/OR FIRE SPRINKLER SYSTEMS PRIOR TO ENCLOSING THE WALL, CEILING, OR ROOF CAVITIES.



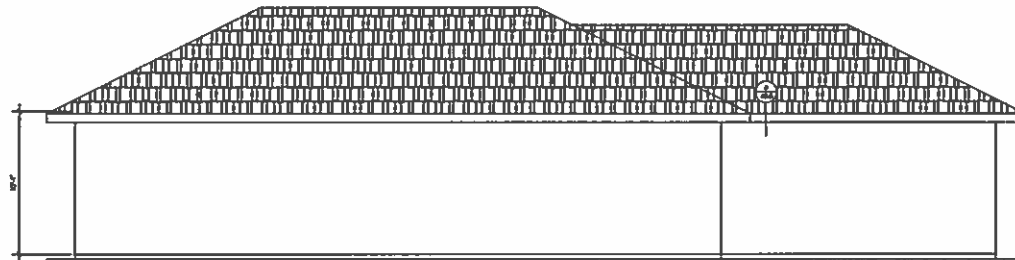
2 MAIL BUILDING BUILDING # 10 1/4"

1 MAIL BUILDING BUILDING # 10 1/4"

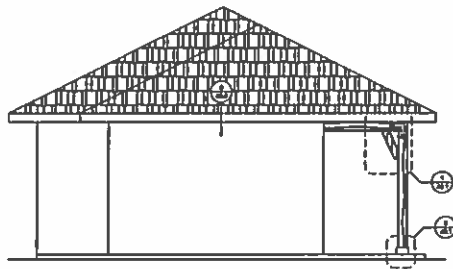
Exhibit C - Elevation/Facade Plan



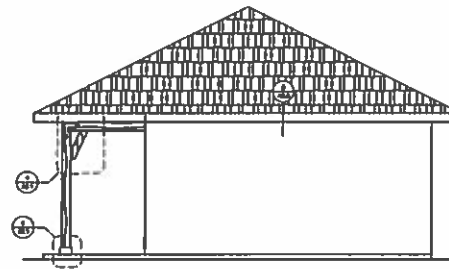
① FRONT ELEVATION
LAUNDRY/MAINT. BLDG #1 1/4"



② REAR ELEVATION
LAUNDRY/MAINT. BLDG #1 1/4"



③ LEFT SIDE ELEVATION
LAUNDRY/MAINT. BLDG #1 1/4"



④ RIGHT SIDE ELEVATION
LAUNDRY/MAINT. BLDG #1 1/4"

EXTERIOR MATERIAL LEGEND	
STONE	STONE
SHINGLES	SHINGLES
6" EXPOSURE GRAINED LAP SIDING	6" EXPOSURE GRAINED LAP SIDING
10" EXPOSURE GRAINED LAP SIDING	10" EXPOSURE GRAINED LAP SIDING
COMPOSITE ROOF	COMPOSITE ROOF

ALL PUBLIC AND COMMON SPACES ARE ACCESSIBLE PER TAG 114.06

DRAWN BY:	MAE
CHECKED BY:	JK
PROJECT NO.:	18-2285

PROGRESS PRINT
FOR 2024-2025 PERMITS
EXPIRES 11/03/25

BONNER CARRINGTON
881 SOUTH MEXICO
STREET, BLDG 17,
DALLAS, TEXAS 75248
817-255-8888

KELLY GROSSMAN
ARCHITECTURE
11111 RICHMOND AVE, SUITE 100
DALLAS, TEXAS 75243
972-443-1111

CYPRESS CREEK
APARTMENT HOMES
AT WAXAHACHIE

REVISIONS
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ISSUED FOR CONST.

CHG. NAME
A452A

DATE
12-20-24

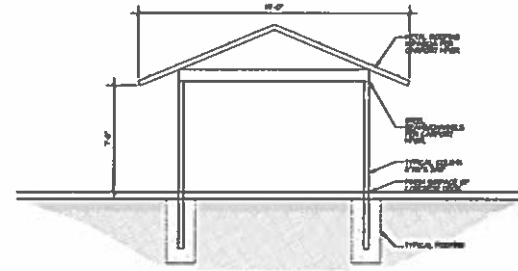
DESCRIPTION

MAINTENANCE
BUILDING

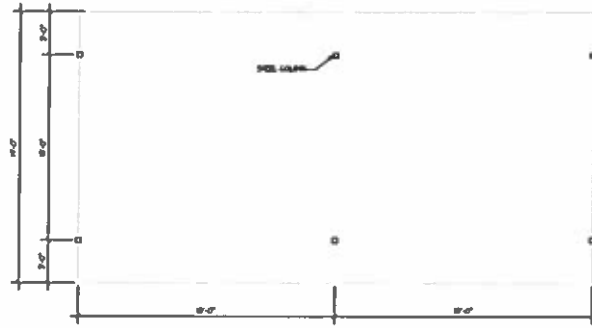
SHEET

A452A

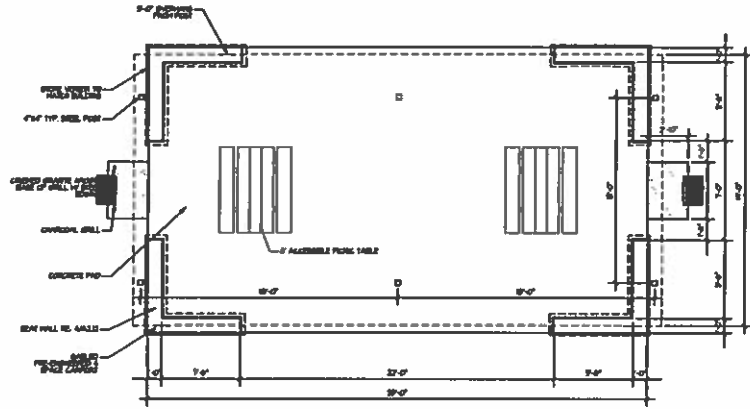
Exhibit C - Elevation/Facade Plan



② PICNIC PAVILION
BUILDING #S 12 & 13 1/4"



③ PICNIC PAVILION PLAN
BUILDING #S 12 & 13 1/4"



① PICNIC PAVILION
BUILDING #S 12 & 13 1/4"

CONFORM STYLE WITH OWNER PRIOR TO CONSTRUCTION

PRIOR TO CONSTRUCTION SENT TO ARCHITECT SHOP DRAWINGS STAMPED BY AN ENGINEER REGISTERED IN THE STATE OF TEXAS.

DRAWN BY: MAB
CHECKED BY: JK
PROJECT NO: 18-2285

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CONTRACTOR.
EXPIRES 06/24 11:59:59 AM
EXP: 11/20/20

BONNER
CARRINGTON
801 SOUTH WINDYBROOK
LITTLEFIELD, TEXAS, TX
77648
713-230-8800

KELLY GROSSMAN
ARCHITECTURE, P.C.
1100 W. WINDYBROOK
LITTLEFIELD, TEXAS 77648

CYPRESS CREEK
APARTMENT HOMES
AT WAXAHACHIE

REVISIONS
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△
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ISSUED FOR BID

ISSUED FOR CONST.

DWG. NAME
A453

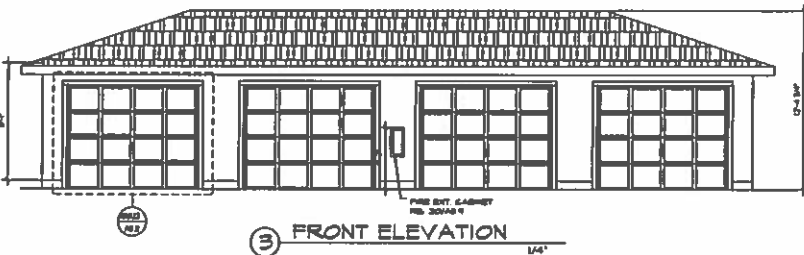
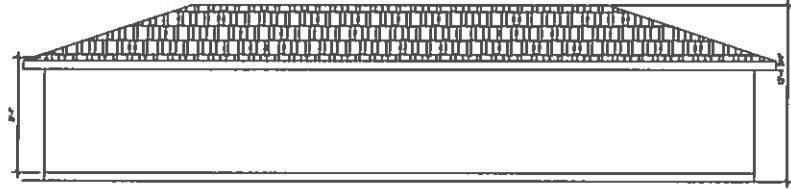
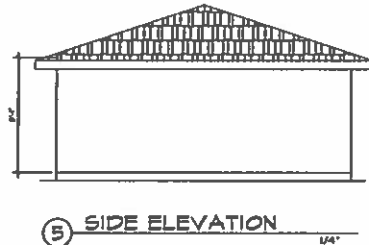
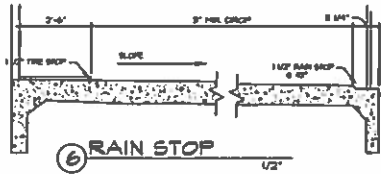
DATE
12-20-14

DESCRIPTION

PICNIC PAVILION

SHEET
A453

Exhibit C - Elevation/Facade Plan



EXTERIOR MATERIAL LEGEND

STONE	
SHUCCO	
6" EXPOSURE GRANED LAP SIDING EXPOSURE ALL PATIOS & BALCONIES 6"	
10" EXPOSURE GRANED LAP SIDING ALL BREEZEWAYS 10"	
COMPOSITE ROOF	

ROOF VENTILATION CALCULATIONS

SQUARE FOOTAGE OF ROOF AREA SERVED = 14 SQUARE INCHES / 300 FREE AREA OF ROOF VENTILATOR REQUIRED HALF OF THIS AREA MUST BE PROVIDED IN SOFFIT AND THE OTHER HALF NEAR THE RIDGE

$S/2 = \text{FREE AREA} / \text{ROOF AREA}$ IN SQ. FT. = VENTS REQUIRED NEAR RIDGE
 $L \times S / 2 = \text{LINEAR FEET OF SOFFIT} \times 3 \text{ EFFICIENCY} = \text{AMOUNT OF SOFFIT VENT PROVIDED}$

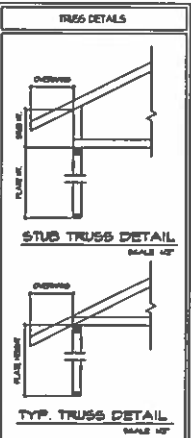
AREA A
 $100' \times 144' / 300 = 48 \text{ SQ. FT.}$
 $(144' / 2) / 60 = 1.2 = 2 \text{ VENTS NEEDED}$
 $24 \times 5 = 120 \text{ SQ. FT. PROV.}$

HALL MATERIAL LEGEND

STONE	
MAGNET	
SHUCCO	
STAGGERED GRID WALL	

HALL TYPE LEGEND

A	1 HR EXTERIOR HALL-GYP ON HOOD STUD MUSTICCO RE. 10/ASJ
B	1 HR EXTERIOR HALL-GYP ON HOOD STUD MUSTICCO RE. 4/ASJ
C	1 HR INTERIOR PARTITION HALL-GYP ON HOOD STUD RE. 2/ASJ
D	1 HR TENANT SEP HALL-GYP ON HOOD STUD RE. 1/ASJ
E	1 HR EXTERIOR HALL-GYP ON HOOD STUD MPALX STONE RE. 10/ASJ
F	1 HR BREEZEWAY HALL ASSEMBLY RE. 12/ASJ

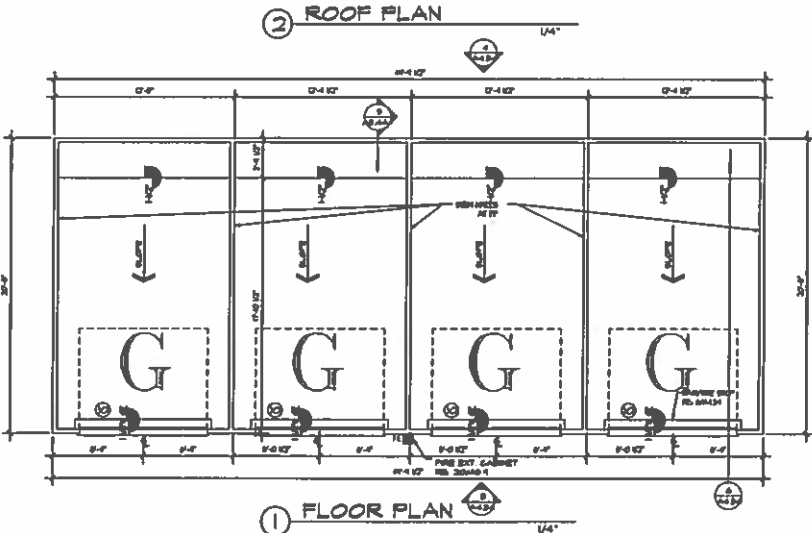
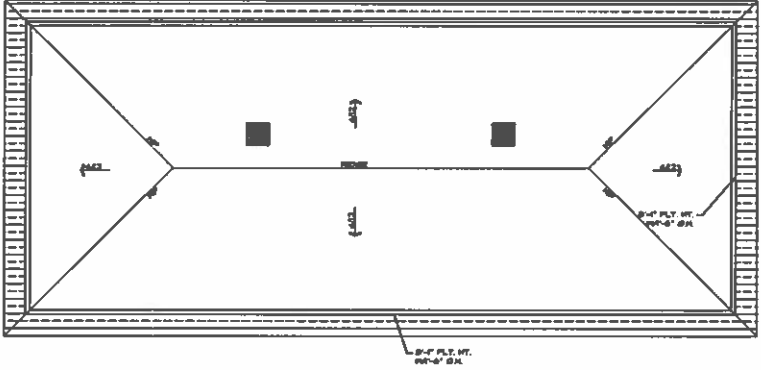


SOFFIT LEGEND

DRAFTSHOP	
FLAT CEILING	
SLOPED CEILING	
SOFFIT	

DRY IN NOTE

THE ENTIRE BUILDING ENVELOPE (INCLUDING ROOF, WALLS & FLOORS) TO BE DRIED IN PRIOR TO THE STORAGE AND INSTALLATION OF INTERIOR FINISH MATERIALS, INCLUDING GYPSUM HALL BOARD AND INSULATION. IN ADDITION, THE GENERAL CONTRACTOR IS RESPONSIBLE FOR VERIFYING THAT THERE HAS BEEN NO EVIDENCE OF WATER PENETRATING THE BUILDING ENVELOPE OR WATER LEAKS FROM MECHANICAL AND/OR FIRE SPRINKLER SYSTEMS PRIOR TO ENCLAVING THE HALL, CEILING, OR ROOF CAVITIES.



DRAWN BY: MAR
 CHECKED BY: JC
 PROJECT NO.: 18-2289

PROGRESS PRIT
 TOP SHEET OF 14 SHEETS
 PREPARED BY: KELLY GROSSMAN
 11/09/20

BONNER CARRINGTON
 801 SOUTH MIDWAY
 DEPARTMENT ST. BIRMINGHAM, AL 35203
 TEL: 205-988-8888

KELLY GROSSMAN
 11/09/20

CYPRESS CREEK APARTMENT HOMES AT WAXAHACHIE

REVISIONS:
 △
 △
 △

ISSUED FOR PERMIT
 ISSUED FOR BID
 ISSUED FOR CONST.

Draw. NAME: A454
 DATE: 12-20-14
 DESCRIPTION: GARAGE 4 & 10 GARAGE BUILDING
 SHEET: A454

Exhibit C - Elevation/Facade Plan

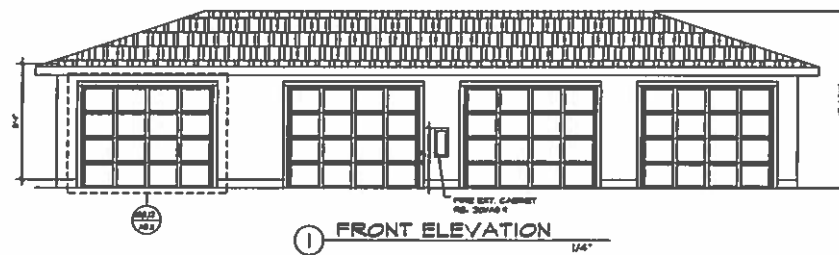
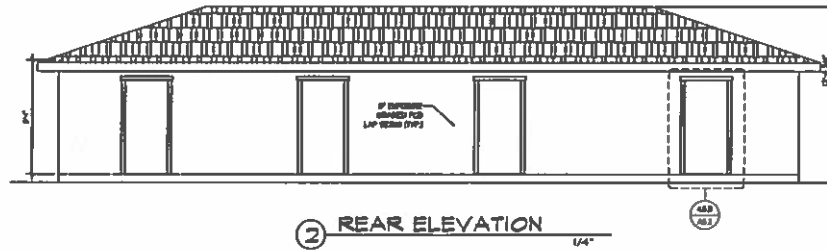
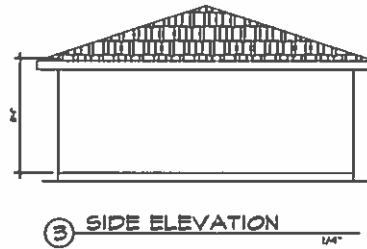
EXTERIOR MATERIAL LEGEND	
STONE	
STEEL ROOF	
6" EXPOSURE GRADED LAP SIDING EXPOSURE ALL PATIOS & BALCONIES 6"	
12" EXPOSURE GRADED LAP SIDING ALL BREZZWAYS 12"	
COMPOSITE ROOF	

DRAWN BY: MAR
CHECKED BY: JK
PROJECT NO. 18-2269
PROGRESS PRINT NOT FOR CONSTRUCTION NO. 18-2269-01 DATE: 12-20-18 BY: MAR
EXP 11/02/20

BONNER CARRINGTON
 901 BRITTE BOWAC
 ROCKPORT, TEXAS 75787
 872 E. AUSTIN, TEXAS 75748
 817-520-5888

KELLY GROSSMAN
 ARCHITECT
 1000 W. WASHINGTON ST. SUITE 100
 WAXAHACHIE, TEXAS 75165
 972-869-1111

CYPRESS CREEK APARTMENT HOMES AT WAXAHACHIE



REVISIONS
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△
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ISSUED FOR BID
ISSUED FOR CONST.
DNB. NAME A454B
DATE 12-20-18
DESCRIPTION GARAGE 6 BUILDING
SHEET A454B

Exhibit C - Elevation/Facade Plan

EXTERIOR MATERIAL LEGEND	
SHAKE	
BRICK 100%	
6" EXPOSURE GRABED LAF SANDS EXPOSURE, ALL PATIOS & BALCONIES 6".	
12" EXPOSURE GRABED LAF SANDS, ALL DECKINGWAYS 12"	
COMPOSITE ROOF	

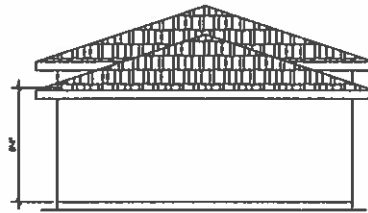
DRAWN BY: MSE
CHECKED BY: JC
PROJECT No.: 18-2280
PROGRESS PRINT NOT TO BE USED FOR CONSTRUCTION REVISIONS SHALL BE SHOWN IN RED REVISIONS SHALL BE SHOWN IN RED
EXP: 11.02.20

**BONNER
CARRINGTON**
801 SOUTH WILSON
HOUSTON, TEXAS 77068
713-237-6888

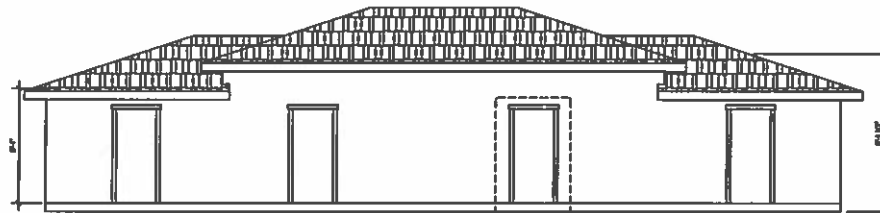
KELLY GROSSMAN
ARCHITECT

**CYPRESS CREEK
APARTMENT HOMES
AT WAXAHACHIE**

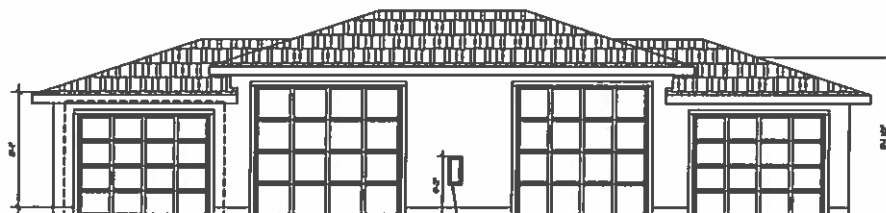
REVISIONS
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△
△
ISSUED FOR PERMIT
ISSUED FOR BID
ISSUED FOR CONST.
DWG. NAME A454D
DATE 12-20-18
DESCRIPTION VAN IC- GARAGE & SPACE
SHEET A454D



③ SIDE ELEVATION 1/4"

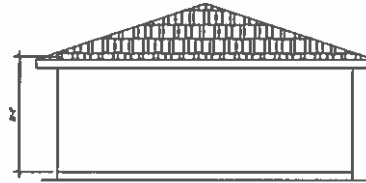


② REAR ELEVATION 1/4"

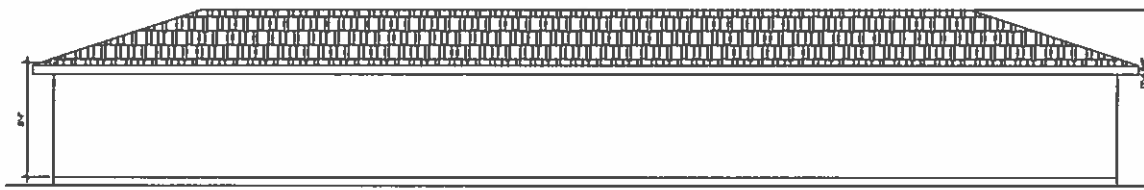


① FRONT ELEVATION 1/4"

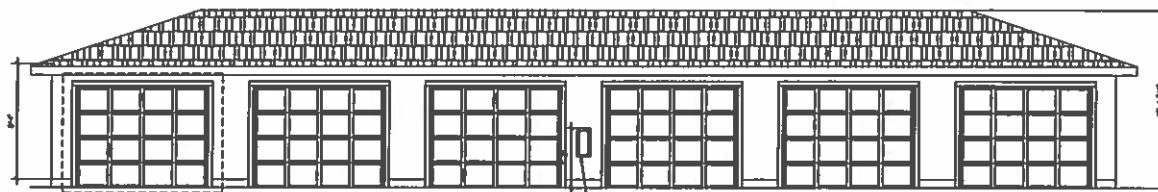
Exhibit C - Elevation/Facade Plan



③ SIDE ELEVATION 1/4"



② REAR ELEVATION 1/4"



① FRONT ELEVATION 1/4"

EXTERIOR MATERIAL LEGEND	
STONE	
STUCCO	
6" EXPOSURE GRANED LAP SIDING EXPOSURE ALL PATIOS & BALCONIES 6"	
12" EXPOSURE GRANED LAP SIDING ALL BREZEWAYS 12"	
COMPOSITE ROOF	

DRAWN BY: MAR
CHECKED BY: JC
PROJECT NO.: 18-2285
PROGRESS PERIT FOR REVIEW ONLY NOT FOR CONSTRUCTION REVISIONS MUST BE MADE IN ACCORDANCE WITH PERMIT
EXP 11/20/20

BONNER CARRINGTON
601 BOONER ROAD
KENTWOOD, MISSISSIPPI
39206
TEL: 601-888-1000
FAX: 601-888-1000

KELLY GROSSMAN
ARCHITECT
1000 W. WASHINGTON ST.
SUITE 100
MEMPHIS, TN 38103
TEL: 901-525-1000
FAX: 901-525-1000

CYPRESS CREEK APARTMENT HOMES AT WAXAHACHIE

REVISIONS
△
△
△
△

ISSUED FOR PERMIT

ISSUED FOR BID

ISSUED FOR CONST.

DWG. NAME
A454F

DATE
03-20-18

DESCRIPTION

VAN HO- GARAGE & SPACE

SHEET

A454F

Exhibit C - Elevation/Facade Plan

EXTERIOR MATERIAL LEGEND	
STONE	
STEEL 100%	
6" EXPOSURE GRAINED LAP SIDING EXPOSURE ALL PATIOS & BALCONIES 6"	
10" EXPOSURE GRAINED LAP SIDING ALL BREEZEWAYS 10"	
COMPOSITE ROOF	

DRAWN BY: MAR
CHECKED BY: JK
PROJECT NO. 18-2263
PROGRESS PRINT NOT FOR CONSTRUCTION FOR REVIEW ONLY NO FIELD CHANGES PERMITTED REVISIONS MUST BE APPROVED BY ARCHITECT
EXP 11/02/20

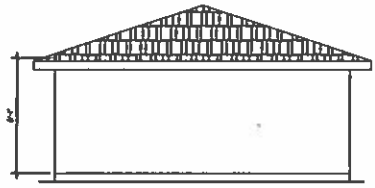
BONNER CARRINGTON
901 BROOKS BOULEVARD
DALLAS, TEXAS 75246
817-250-0000

KELLY GROSSMAN
ARCHITECT
1000 WEST 19TH AVENUE
DENVER, CO 80202
303-733-1100

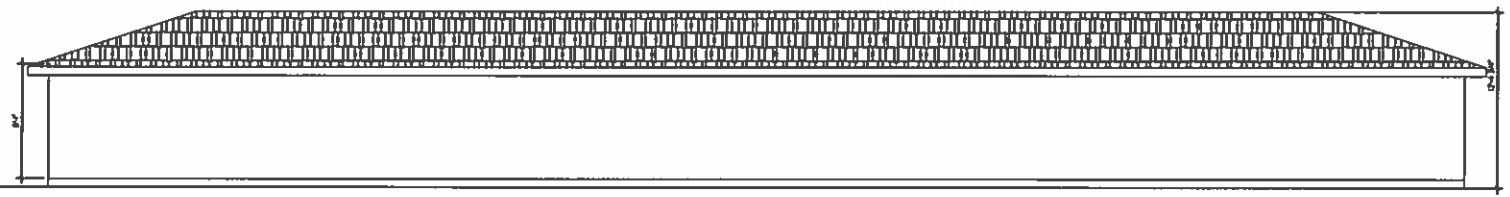
CYPRESS CREEK APARTMENT HOMES AT WAXAHACHE

REVISIONS
△
△
△
△
ISSUED FOR PERMIT
ISSUED FOR BID
ISSUED FOR CONST

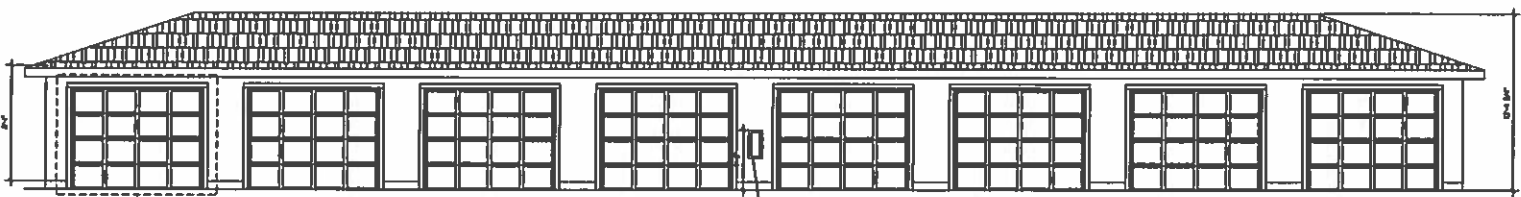
DWG. NAME A4346
DATE 12-20-18
DESCRIPTION 2 SPACE GARAGE
SHEET A4.54H



③ SIDE ELEVATION 1/4"



② REAR ELEVATION 1/4"



① FRONT ELEVATION 1/4"

Exhibit C - Elevation/Facade Plan

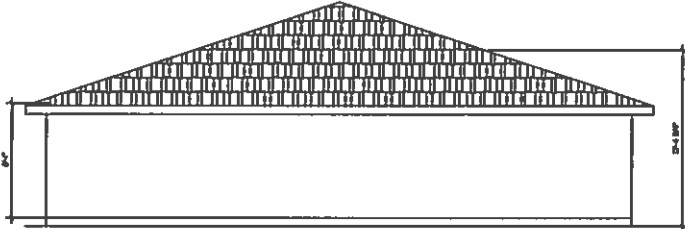
EXTERIOR MATERIAL LEGEND	
SIDE	
SHCO ROOF	
6" EXPOSURE GRATED LAP SIDING EXPOSURE ALL PATIOS & BALCONIES 6"	
12" EXPOSURE GRATED LAP SIDING ALL DRESSWAYS 12"	
COMPOSITE ROOF	

DRAWN BY: JCF
CHECKED BY: JK
PROJECT NO. 18-2285
PROGRESS PRINT NOT A FINAL DRAWING PROVIDED FOR REVIEW ONLY CONSTRUCTION NO CONTRACTOR TO BE USED WITHOUT THE WRITTEN APPROVAL OF THE ARCHITECT
EXP 11/00/20

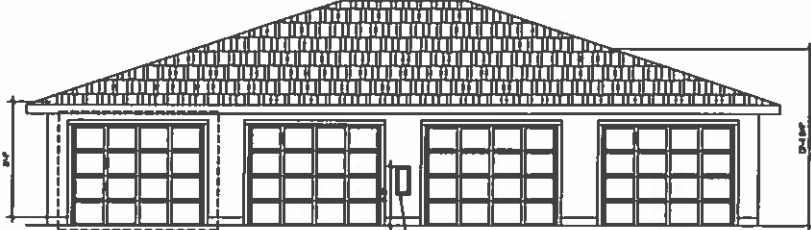
**BONNER
CARRINGTON**
601 WHITE SWAG
HOUSTON, TEXAS 77068
813-850-0000

KELLY GROSSMAN
ARCHITECT
10000 WESTHEIMER BOULEVARD, SUITE 1000
HOUSTON, TEXAS 77042
713-865-1111

**CYPRESS CREEK
APARTMENT HOMES
AT WAXAHACHIE**

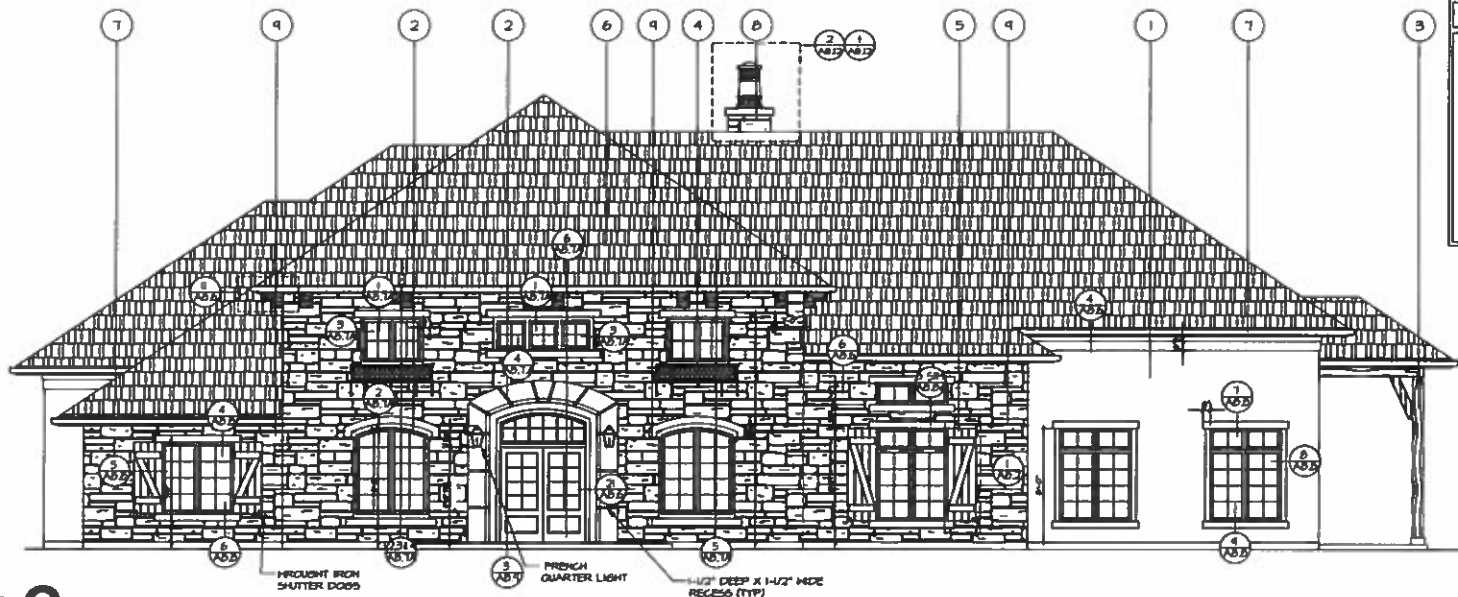


② SIDE ELEVATION
1/4"



① FRONT/REAR ELEVATION
1/4"

REVISIONS
△
△
△
△
ISSUED FOR PERMIT
ISSUED FOR BID
ISSUED FOR CONST.
DRW. NAME A454K & SPACE GARAGE
DATE 12-30-11
DESCRIPTION A SPACE GARAGE
SHEET A4 54K



SYMBOLS LEGEND	
1	STUCCO ON METAL LATH 448
2	STUCCO ON FOAM BOARD
3	WOOD COLUMN
4	METAL POT SHELF
5	WOOD CEDAR SHUTTER
6	COMPOSITION ROOF
7	SHANTAM FCB FASCIA
8	CHIMNEY
9	FAIR STONE 548

DRAWN BY:
MAR

CHECKED BY:
JK

PROJECT NO.:
18-2289

PROGRESS PRINT
FOR A REVIEW ONLY NOT
FOR CONSTRUCTION
REVISIONS: NONE, 10/11/18
REVISIONS BY: JGK

DATE:
11/30/18

BONNER
CARRINGTON
805 BRIDGE STREET
DALLAS, TEXAS 75201
817-339-6000

KELLY GROSSMAN
ARCHITECT
1100 W. WASHINGTON ST.
DALLAS, TX 75201
214-742-1111

CYPRESS CREEK
APARTMENT HOMES
AT WAXAHACHIE

REVISIONS

- △
- △
- △
- △

ISSUED FOR PERMIT

ISSUED FOR BID

ISSUED FOR CONST.

DRWG. NAME
AB5

DATE
12-20-18

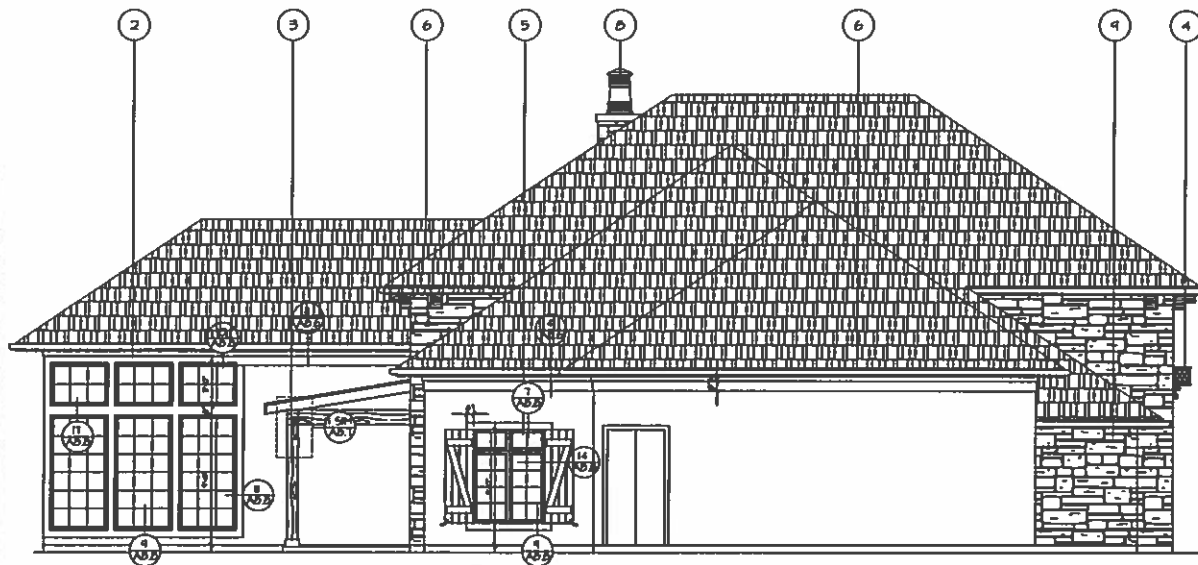
DESCRIPTION
CLUBHOUSE
EXT. ELEVATIONS

SHEET
AB5

Exhibit C - Elevation/Facade Plan

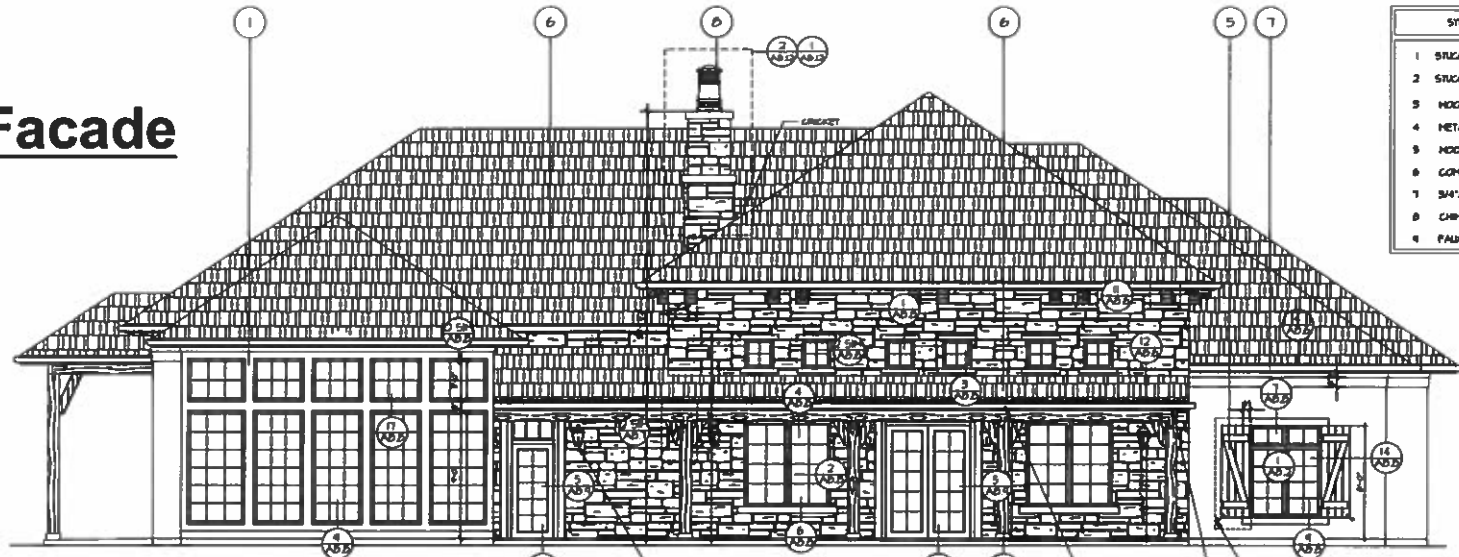


3 FRONT ELEVATION
CLUBHOUSE (DIMENSIONED)
1/4"



2 RIGHT ELEVATION
CLUBHOUSE
1/4"

Exhibit C - Elevation/Facade Plan



SYMBOLS LEGEND	
1	STUCCO ON METAL LATH 400
2	STUCCO ON FOAM BAND
3	WOOD COLUMN
4	METAL POT SHELF
5	WOOD CEDAR SHUTTER
6	COMPOSITION ROOF
7	3/4"X1-1/4" FIB PASCIA
8	CHIMNEY
9	PAVILION
10	PAVILION
11	PAVILION
12	PAVILION
13	PAVILION
14	PAVILION
15	PAVILION
16	PAVILION
17	PAVILION

1 REAR ELEVATION
CLUBHOUSE 1/4"



2 LEFT ELEVATION
CLUBHOUSE 1/4"

DRAWN BY: MAR
CHECKED BY: JK
PROJECT NO.: 18-2269

PROGRESS PRINT
NOT TO BE USED FOR CONSTRUCTION
REVISIONS: NONE, COMPLETED
APPROVED TO SUBMIT: 2018

EXP: 11/02/20

BONNER CARRINGTON
501 SOUTH WYOMING
DALLAS, TEXAS 75248
972-252-0000

KELLY GROSSMAN
ARCHITECT
10000 W. HICKORY
DALLAS, TEXAS 75248
972-252-0000

CYPRESS CREEK
APARTMENT HOMES
AT WAXAHACHIE

REVISIONS
△
△
△
△

ISSUED FOR PERMIT
ISSUED FOR BID
ISSUED FOR CONST.

OWNER NAME: AB 5A
DATE: 12-20-18
DESCRIPTION: CLUBHOUSE EXT. ELEVATIONS
SHEET: AB 5A

(17)

STATE OF TEXAS § DEVELOPMENT AGREEMENT
§ FOR CYPRESS CREEK APARTMENT HOMES
COUNTY OF ELLIS §

This Development Agreement for Cypress Creek Apartment Homes ("Agreement") is entered into between Ameritai Partnership ("Ameritai") and the City of Waxahachie, Texas ("City"). Ameritai and the City are sometimes referred herein together as the "Parties" and individually as a "Party."

Recitals:

1. Ameritai is the owner of approximately 68.49 acres of real property generally located at the NW corner of Post Oak Drive at Highway 287, parcel number 184249, in the City of Waxahachie, Texas (the "Property"), for which he has requested a change in the Property's Single Family-2, Planned Development-Multi Family-1, Multi-Family-2, and Planned Development-49-General Retail zoning to a Planned Development ("PD") Multi-Family-2 zoning, revising specific development standards. The Property is currently zoned Single Family-2, Planned Development Multi-Family-1, Multi Family-2 and Planned Development-49-General Retail by the City, and is anticipated to have the zoning changed to a new PD zoning on January 21, 2020.

2. The planned use of the Property is to create a Planned Development to allow for the development of a multi-family apartments. The PD zoning process is utilized to ensure that the Property would develop in a manner that meets the City's desired development standards, as well as providing Ameritai with agreed-upon and negotiated standards consistent with their business objectives.

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

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

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

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

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

Section 3. Agreements. The Parties agree as follows:

Incorporation of Zoning and Recognition of Investment-Backed Expectations:

The negotiated and agreed upon zoning and development standards contained in the Cypress Creek Apartment Homes PD Ordinance, which incorporate by reference the general zoning regulations of the City of Waxahachie zoning ordinance, are hereby adopted and incorporated into this Agreement as contractually-binding obligations of Ameritai. Ameritai agrees to construct the development with a minimum of 90% masonry for each building on the property. All masonry materials shall be consistent with the City of Waxahachie Zoning Ordinance. Ameritai will also provide a minimum of 168 detached garages within the development, an 8ft. masonry screening wall adjacent to the single family River Oaks subdivision, 6ft. decorative ornamental fence surrounding the remainder of the property (front, sides, and rear)), and connectivity provided to adjacent hike/bike trail (Brown Singleton Trail). In consideration of Ameritai's agreement in this regard, the City of Waxahachie agrees that Ameritai has reasonable investment-backed expectations in the Cypress Creek Apartment Homes PD Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the Cypress Creek Apartment Homes PD Ordinance without impacting Ameritai's reasonable investment-backed expectations.

Section 4. Miscellaneous.

A. This Agreement and any dispute arising out of or relating to this Agreement shall be governed by and construed in accordance with the laws of the State of Texas, without reference to its conflict of law rules. In the event of any dispute or action under this Agreement, venue for any and all disputes or actions shall be instituted and maintained in Ellis County, Texas.

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

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

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

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

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

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

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

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

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

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

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

L. This Agreement shall be recorded in the real property records of Ellis County, Texas. This Agreement and all of its terms, conditions, and provisions is and shall constitute a restriction and condition upon the development of the Property and all portions thereof and a covenant running with the Property and all portions thereof, and is and shall be binding upon Ameritai and all heirs, successors, and assigns and the future owners of the Property and any

(17)

portion thereof; provided, however, this Agreement shall not constitute an obligation of or be deemed a restriction or encumbrance with respect to any platted residential lot upon which a completed structure has been constructed.

{Signature Pages Follow}

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

CITY OF WAXAHACHIE, TEXAS

By: _____
Michael Scott, City Manager

Date: _____

ATTEST:

By: _____
City Secretary

: Ameritai Partnership

By: _____

Date: _____

(17)

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

Before me, the undersigned authority, on this 21st day of January, 2020, personally appeared MICHAEL SCOTT, City Manager of the City of Waxahachie, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

Before me, the undersigned authority, on this 21st day of January, 2020, personally appeared _____, representative of Ameritai, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

(17)

EXHIBIT A

Cypress Creek Apartment Homes PD Ordinance

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-2 (SF2), PLANNED DEVELOPMENT-49-GENERAL RETAIL (PD-49-GR), PLANNED DEVELOPMENT-MULTI FAMILY-1 (PD-MF1), AND MULTI FAMILY-2 (MF2) TO PLANNED DEVELOPMENT-MULTI-FAMILY-2 (PD-MF2), WITH CONCEPT PLAN LOCATED AT THE NORTHWEST CORNER OF POST OAK DRIVE AT HIGHWAY 287 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 68.49 ACRES KNOWN AS A PORTION OF PROPERTY ID 184249 OF THE 393 J GOOCH & 5 J B & A ADAMS ABSTRACT, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number PD-19-0174. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from SF2, PD-49-GR, PD-MF1 & MF2 to PD-MF2, with Concept Plan; and

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

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

NOW, THEREFORE, this property is rezoned from SF2, PD-49-GR, PD-MF1 & MF2 to PD-MF2, with Concept Plan in order to facilitate development of the subject property in a manner that allows multi-family (apartment) structures on the following property: a portion of Property ID 184249 of the 393 J Gooch & 5 J B & A Adams Abstract, which is shown on Exhibit A, in accordance with the Site Plan attached as Exhibit B, and Elevation/Façade Plan attached as Exhibit C.

(17)

PLANNED DEVELOPMENT

Purpose and Intent

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

Development Standards

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

Development Regulations

1. Per the applicant's request, a Developer's Agreement will be required for the property.
2. A minimum of ninety percent (90%) masonry is required for each building within the development.
3. A minimum of one hundred sixty-eight (168) detached garages shall be provided for the development.
4. An 8ft. masonry fence is required adjacent to the single family River Oaks subdivision. A 6ft. decorative ornamental fence is required along the remainder of the property (front, sides, and rear).
5. Connectivity shall be provided to the adjacent hike/bike trail (Brown Singleton Trail).
6. A 7:12 roof pitch is required for each elevation.
7. The Site Plan shall conform as approved by the City Council under case number PD-19-0174.
8. Any zoning, land use requirement, or restriction not contained within this zoning ordinance shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan and Exhibit C – Elevation/Façade Plan. Where regulations are not specified in Exhibit B, Exhibit C, or in this ordinance, the regulations of Multi Family-2 zoning district of the City of Waxahachie Zoning Ordinance shall apply to this development.
9. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
10. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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

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

(17)

PASSED, APPROVED, AND ADOPTED on this 21st day of January, 2020.

MAYOR

ATTEST:

City Secretary

(18)

Planning & Zoning Department

Zoning Staff Report



Case: SU-19-0133

MEETING DATE(S)

Planning & Zoning Commission: January 14, 2020

City Council: January 21, 2020

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held January 14, 2020, the Commission voted 6-0 to recommend denial of case number SU-19-0133.

CAPTION

Continue Public Hearing on a request by James Pool, Cross Development, for a Specific Use Permit (SUP) for **Auto Repair (Major)** use within a Commercial zoning district, located at 2001 Corporate Parkway (Property ID 273977) – Owner: LEDBETTER REAL ESTATE LTD (SU-19-0133)

APPLICANT REQUEST

The applicant is requesting to construct a Caliber Collision (Auto Body Repair & Paint Shop) within the North Grove Business Park development.

CASE INFORMATION

Applicant: James Pool, Cross Development

Property Owner(s): Ledbetter Real Estate LTD

Site Acreage: 5.087 acres

Current Zoning: Commercial

Requested Zoning: Specific Use Permit for Major Auto Repair

SUBJECT PROPERTY

General Location: 2001 Corporate Parkway

Parcel ID Number(s): 273977

Existing Use: Currently Undeveloped

Development History: The Amended (Final) Plat for North Grove Business Park Phases Two and Four was approved by City Council on September 17, 2018.

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Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	PD-C	Cancun's Amerimex Restaurant
East	GR	Currently Undeveloped
South	LI1	Industrial Warehouses
West	C	Currently Undeveloped

Future Land Use Plan:

Retail/Industrial

Comprehensive Plan:

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

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 subject property is accessible via Corporate Pkwy.

Site Image:



PLANNING ANALYSIS

Purpose of Request:

The applicant is requesting to construct a Caliber Collision (Auto Body Repair & Paint Shop) within the North Grove Business Park development. Per the City of Waxahachie Zoning Ordinance, an Auto Repair (Major) use requires a Specific Use Permit.

Proposed Use:

The proposed development intends to operate as an Auto Body Repair and Paint Shop. Per the Operational Plan, the proposed business will consist of:

- 12-15 employees
- 2-3 drop-offs/pick-ups per day (average)
- 8-12 customers per day (average)
- 7:00am-6:00pm (proposed hours of operation; Monday-Friday)

Staff Analysis:

The envisioned character of the North Grove Business Park development consists of retail and commercial developments (retail stores and restaurants). Currently, existing uses surrounding the subject property consists of beauty salons and Atwoods (retail stores), and Branded Burger, Three Rivers Coffee, and Cancun's Amerimex Resaurant (restaurants).

If the proposed development is approved, the facility will be the first of its type within North Grove Business Park. Furthermore, staff believes the facility has the potential to create a considerable change to the character of the surrounding area. Due to these reasons, staff does not believe the proposed use conforms to the surrounding uses within the development.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 2 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

STAFF CONCERNS

1. Staff does not believe the proposed use conforms to the surrounding uses within the development.
2. The applicant is requesting to construct a metal fence to surround the property opposed to a masonry fence.

APPLICANT RESPONSE TO CONCERNS

1. The applicant understands staff's concern and intends to state their reasoning at the January 21, 2020 City Council meeting.

RECOMMENDATION

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

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

ATTACHED EXHIBITS

1. Ordinance
2. Location Exhibit
3. Site Plan
4. Landscape Plan
5. Elevation/Façade Plan

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

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

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

(19)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN AUTO REPAIR (MAJOR) USE WITHIN A COMMERCIAL (C) ZONING DISTRICT, LOCATED AT 2001 CORPORATE PARKWAY, BEING PROPERTY ID 273977, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 2, BLOCK C IN THE NORTH GROVE BUSINESS PARK PHASE 2 & 4, 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-19-0133. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for denial 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 an Auto Repair (Major) use on the following property: Lot 2, Block C of North Grove Business Park Phase 2 & 4, which is shown on Exhibit A, in accordance with the Site Plan attached as Exhibit B, Landscape Plan attached as Exhibit C, and Elevation/Façade Plan attached as Exhibit D.

SPECIFIC USE PERMIT

Purpose and Intent

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

(19)

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR AN AUTO REPAIR (MAJOR) USE IN THE COMMERCIAL (C) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The site plan shall conform as approved by the City Council under case number SU-19-0133.
2. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
3. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit, Exhibit B – Site Plan, Exhibit C – Landscape Plan, and Exhibit D – Elevation/Façade Plan.
4. If approved, the City Council shall have the right to review and/or deny the Specific Use Permit request after 12-months if needed.

Compliance

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

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

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

PASSED, APPROVED AND ADOPTED on this 21st day of January, 2020.

(19)

MAYOR

ATTEST:

City Secretary

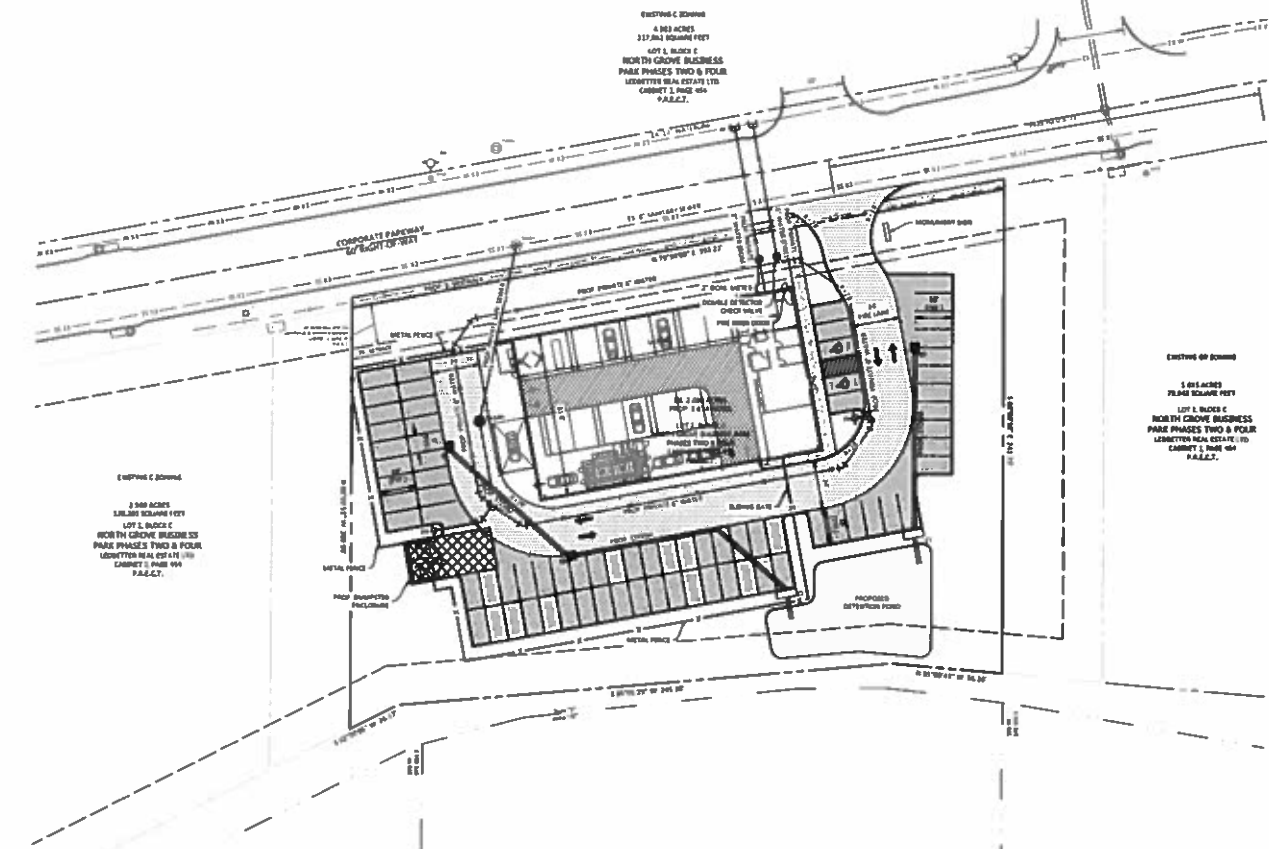


Exhibit A - Location Exhibit

0 250 500 1,000 1,500 2,000 Feet

SU-19-0133

Exhibit B - Site Plan



DEVELOPER:
CROSS DEVELOPMENT
4338 MARSH RIDGE ROAD
CARROLLTON, TEXAS 75006
714-696-4300

OWNER:
TERRITIA REAL ESTATE LTD
105 RIDGECREST DR.
WAXAHACHIE, TX 75165

ENGINEER:
MANHARD CONSULTING, LTD.
13228 BARRETTLE AVE, STE 1000
DALLAS, TEXAS 75241
972-972-4300

CALIBER COLLISION:
LOT 2, BLOCK C
2.09 ACRES
WAXAHACHIE, ELLIS COUNTY, TEXAS
PREPARATION DATE: 9-25-2019

OPERATIONAL PLAN
OPERATOR: CALIBER COLLISION
OPERATIONS: AUTO BODY AND COLLISION REPAIR
EMPLOYEES: FORTY SEVEN COUNTY
AVERAGE DAY, AVERAGE SHOP

19-15 EMPLOYEES
8-12 CUSTOMERS PER DAY
2-3 DROP-OFFS
2-3 PICK-UPS
2-4 ESTIMATES

HOURS OF OPERATION: 7:00 AM-6:00 PM MTWTFSS

SITE DATA

SITE AREA	70,305 SF
BUILDING AREA	11,848 SF
BUILDING HEIGHT	28 FT
IMPERVIOUS AREA	36,475 SF
EXISTING ZONING	C
PROPOSED USE	AUTO REPAIR GARAGE
SETBACKS:	
MIN. FRONT YARD	25'
MIN. SIDE YARD	15'
MIN. REAR YARD	22'

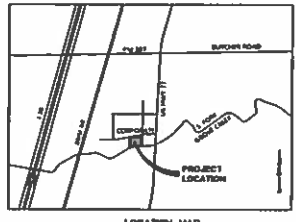
PARKING

PARKING REQUIRED	58 SPACES (1 PER 200 SF)
PARKING PROVIDED	74 SPACES
ADA PARKING	2 SPACES

LEGEND

(Symbol)	SANITARY MANHOLE
(Symbol)	CLUB INLET
(Symbol)	GRATE INLET
(Symbol)	FIRE HYDRANT
(Symbol)	WATER METER
(Symbol)	BARBER FREE RAMP
(Symbol)	FIRE LANE
(Symbol)	SCENIC WALL
(Symbol)	FLOODPLAIN
(Symbol)	LIGHT DUTY PAVEMENT
(Symbol)	HEAVY DUTY PAVEMENT
(Symbol)	DUMPSTER PAD

- SITE DIMENSIONAL AND PAVING NOTES:**
- ALL DIMENSIONS ARE TO FACE OF CURB UNLESS NOTED OTHERWISE
 - ALL DRIVE AISLES SHALL BE 12' MINIMUM TO FACE OF CURB UNLESS NOTED OTHERWISE
 - REFER TO ARCHITECTURAL PLANS FOR BUILDING FOOTPRINT, LANDSCAPE AND SIGNAGE
 - REFER TO LANDSCAPE PLANS FOR HORIZONTAL LANDSCAPE AND SIGNAGE
 - THE FINISH ELEVATION SHALL BE DETERMINED IN ACCORDANCE WITH THE REGULATIONS DEVELOPED BY THE TARRANT DISTRICT
 - CONSTRUCTION TO REQUIRE OF THE LOCALITY IS FORTY SEVEN COUNTY AS TO THE REQUIREMENTS OF A BUILDING FOR SOME REQUIREMENTS OF A BUILDING IS SPECIFIC, NOTING A MANHOLE BETWEEN THE INTERSECTION OF BARRINGTON AND QUINCY STREETS SHALL BE PROVIDED ACCORDING TO THE REQUIREMENTS OF FORTY SEVEN COUNTY AS TO THE REQUIREMENTS OF A BUILDING AS A CONDITION OF ISSUANCE
 - THE LAND SURVEY SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF FORTY SEVEN COUNTY AS TO THE REQUIREMENTS OF A BUILDING AS A CONDITION OF ISSUANCE



CALIBER COLLISION - CORPORATE PKWY

SPECIFIC USE PERMIT
CASE NO. SA-19-0133
LOT 2, BLOCK C
1 LOT - 3.614 ACRES
WAXAHACHIE, TEXAS, ELLIS COUNTY

Manhard CONSULTING
13228 BARRETTLE AVE, STE 1000, DALLAS, TEXAS 75241
972-972-4300
PROJECT NO. SA-19-0133
DATE: 9-25-2019

CALIBER COLLISION
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS
SITE PLAN

NOT FOR CONSTRUCTION

SHEET 1

512.034001.00



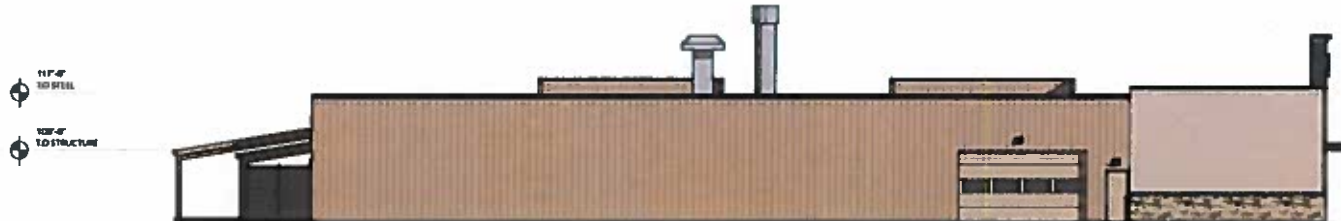
FRONT ELEVATION



REAR ELEVATION






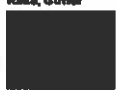







RIGHT ELEVATION

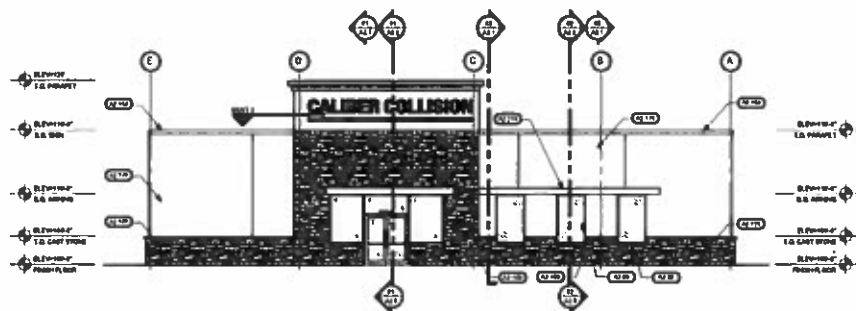


LEFT ELEVATION

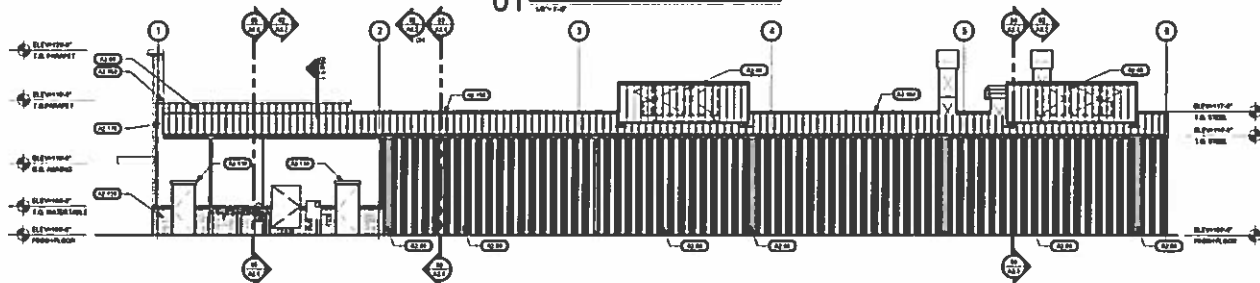
Finish Materials

<p>M-1 Natural Stone</p>  <p>Brazos Blend TBD Natural Stone Sizes (4,8,8,10,12") Contact Bart Snowden 214-794-6189</p>	<p>CS-1 Cast Stone</p>  <p>Buff Cast Stone TBD Sample to be provided by G.C</p>	<p>AL-2 Trim/Storefront</p>  <p>Dark Ano. Bronze Kawneer or approved equal</p>	<p>TP-1 Stucco</p>  <p>Amarillo White Dryvit Sand Pebble w/old Base</p>	<p>MTL-1 Mtl. Roofing</p>  <p>Solar White Meti-Span Prem. WeatherXL E-0.85 SR:75 Contact Meti-Span 877-686-9999</p>
<p>MTL-2 Rake, Gutter</p>  <p>Burnished Slate Meti-Span Prem. WeatherXL E-0.86 SR:25 Contact Meti-Span 877-686-9999</p>	<p>MTL-3 Mtl. Siding</p>  <p>Saddle Tan Meti-Span Prem. WeatherXL E-0.86 SR:45 Contact Meti-Span 877-686-9999</p>	<p>CP-2 Custom Canopy</p>  <p>Elephant Structure Roof 28'x28' & 30'x28' Contact Elephant Struc. 855-227-7676</p>	<p>PT-3 Paint</p>  <p>Nomadic Desert Sherman Williams SW-6187 Contact Brett C. Huckleberry 214-725-6886</p>	<p>CP-1 Custom Canopy</p>  <p>Architectural Fabricators Hollis Canopy Dark Bromm_399x446 Contact 1-800-862-9027</p>
				<p>TP-2 Stucco</p>  <p>Dryvit Tricorn Black Sand Pebble w/old Base</p>

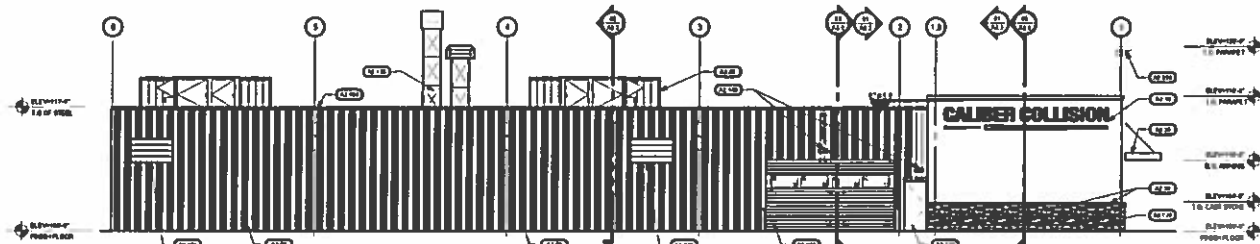
(19)



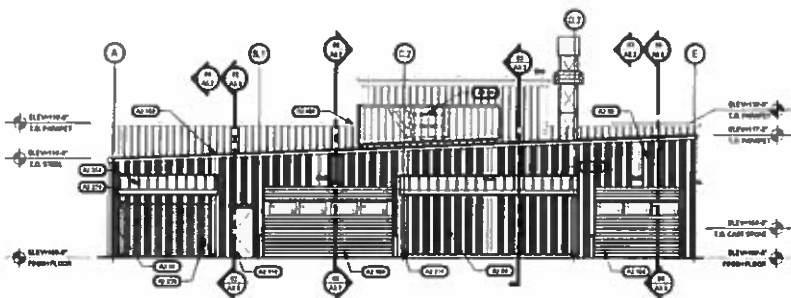
01 EAST ELEVATION



02 NORTH ELEVATION



03 SOUTH ELEVATION



04 WEST ELEVATION

- KEY NOTES**
- 0110) FINISH OF GR-IMPREGNATED GYPSUM BOARD (FORMER)
 - 0120) FINISH FACTURED GYL FINISH BY THE FACE BY S.C.
 - 0130) CAST STONE (CALIBER WALL) (P-1)
 - 0140) GYL FINISHING BY MR. S. B. B. FINISHERS
 - 0150) GYL, GYL FINISH (GR-IMPREGNATED) FINISH BY MR. S. B. B. FINISHERS
 - 0160) STONEWORK (GLASS) (P-1)
 - 0170) STONEWORK (GLASS) (P-1)
 - 0180) STONEWORK (GLASS) (P-1)
 - 0190) STONEWORK (GLASS) (P-1)
 - 0200) STONEWORK (GLASS) (P-1)
 - 0210) STONEWORK (GLASS) (P-1)
 - 0220) STONEWORK (GLASS) (P-1)
 - 0230) STONEWORK (GLASS) (P-1)
 - 0240) STONEWORK (GLASS) (P-1)
 - 0250) STONEWORK (GLASS) (P-1)
 - 0260) STONEWORK (GLASS) (P-1)
 - 0270) STONEWORK (GLASS) (P-1)
 - 0280) STONEWORK (GLASS) (P-1)
 - 0290) STONEWORK (GLASS) (P-1)
 - 0300) STONEWORK (GLASS) (P-1)
 - 0310) STONEWORK (GLASS) (P-1)
 - 0320) STONEWORK (GLASS) (P-1)
 - 0330) STONEWORK (GLASS) (P-1)
 - 0340) STONEWORK (GLASS) (P-1)
 - 0350) STONEWORK (GLASS) (P-1)
 - 0360) STONEWORK (GLASS) (P-1)
 - 0370) STONEWORK (GLASS) (P-1)
 - 0380) STONEWORK (GLASS) (P-1)
 - 0390) STONEWORK (GLASS) (P-1)
 - 0400) STONEWORK (GLASS) (P-1)
 - 0410) STONEWORK (GLASS) (P-1)
 - 0420) STONEWORK (GLASS) (P-1)
 - 0430) STONEWORK (GLASS) (P-1)
 - 0440) STONEWORK (GLASS) (P-1)
 - 0450) STONEWORK (GLASS) (P-1)
 - 0460) STONEWORK (GLASS) (P-1)
 - 0470) STONEWORK (GLASS) (P-1)
 - 0480) STONEWORK (GLASS) (P-1)
 - 0490) STONEWORK (GLASS) (P-1)
 - 0500) STONEWORK (GLASS) (P-1)

MATERIAL CALCULATIONS

NORTH ELEVATION		
MATERIAL	AREA (SF)	% OF TOTAL WALL
STONE	40 SF	4.0%
PANEL	100 SF	10.0%
CAST STONE	5 SF	0.5%
GYL FINISH	11 SF	1.1%
GLASS	100 SF	10.0%
DOOR	10 SF	1.0%
TOTAL	266 SF	100%

WEST ELEVATION		
MATERIAL	AREA (SF)	% OF TOTAL WALL
STONE	0 SF	0.0%
PANEL	20 SF	2.0%
CAST STONE	0 SF	0.0%
GYL FINISH	0 SF	0.0%
CANOPY	10 SF	1.0%
DOOR	20 SF	2.0%
TOTAL	50 SF	100%

SOUTH ELEVATION		
MATERIAL	AREA (SF)	% OF TOTAL WALL
STONE	10 SF	1.0%
PANEL	100 SF	10.0%
CAST STONE	10 SF	1.0%
GYL FINISH	10 SF	1.0%
GLASS	100 SF	10.0%
DOOR	10 SF	1.0%
TOTAL	240 SF	100%

EAST ELEVATION		
MATERIAL	AREA (SF)	% OF TOTAL WALL
STONE	10 SF	1.0%
GLASS	100 SF	10.0%
CAST STONE	10 SF	1.0%
GYL FINISH	10 SF	1.0%
DOOR	10 SF	1.0%
TOTAL	140 SF	100%

Exhibit D - Elevation/Facade Plan

NCA Partners
 ARCHITECTURAL

11111 WILSON ST.
 SUITE 100
 WAXAHACHIE, TX 75090
 972.991.8887
 972.991.8887 FAX
 972.991.8887

CALIBER COLLISION
 WAXAHACHIE, TX
 CC-PROTOTYPE 115.
 SU-19-0133

DATE: 11/15/19
 DESCRIPTION: EXTERIOR ELEVATIONS

NCA JOB # 19041

EXTERIOR ELEVATIONS
 A2.0

(170)



Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Michael Scott, City Manager for *for [signature]*

Date: January 9, 2020

Re: TA-19-0177 Zoning Ordinance

On January 14, 2020 and January 21, 2020, the City of Waxahachie Planning and Zoning Commission and City Council will review the proposed text amendments for Article IV and Article V of the City of Waxahachie Zoning Ordinance.

(21)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A TEXTUAL AMENDMENT TO THE CITY ZONING ORDINANCE, ORDINANCE NO. 3020, TO ARTICLE IV DEFINITIONS AND USE REGULATIONS, SECTION 4.01 DEFINITIONS, TO ARTICLE IV DEFINITIONS AND USE REGULATIONS, SECTION 4.03 USE CHARTS, TO ARTICLE V DEVELOPMENT STANDARDS, SECTION 5.01 EXTERIOR CONSTRUCTION REQUIREMENTS, AND TO ARTICLE V DEVELOPMENT STANDARDS, SECTION 5.07 ACCESSORY STRUCTURES AND ACCESSORY USES, PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Waxahachie ("**City Council**") has adopted a comprehensive zoning ordinance ("**Zoning Ordinance**"), which Zoning Ordinance is codified as Appendix A to the Waxahachie City Code; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City on _____, and a public hearing was held by the City Council on _____, with respect to the proposed textual changes to the Zoning Ordinance; and

WHEREAS, all requirements of law for publication and all procedural requirements have been complied with, in accordance with Chapter 211 of the Local Government Code.

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

Section 1. The City Council finds that the recitals set forth above are true and correct, and said recitals are incorporated into this ordinance as if set forth in full.

Section 2. Article IV Definitions and Use Regulations, Section 4.01 Definitions, (f) Definitions, of the Zoning Ordinance, is hereby amended to read as follows:

(4) Accessory Building Used as a Dwelling Unit - A detached structure that is clearly incidental and subordinate to the main building or use, is lesser in height than the main building, and is used for human habitation. If the structure exceeds 500 square feet in floor area, then the accessory building shall conform to the minimum exterior construction standards for the main building. If the structure exceeds 700 square feet in floor area, then a Specific Use Permit (SUP) is required for approval. **This shall include the floor area of all accessory dwelling unit and attached garage equaling 700 square feet or larger.**

(97) Floor Area - The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, and breezeways. **This definition is for primary structures. Accessory building floor area shall be calculated as an accumulation of all outside wall area whether conditioned space or otherwise.**

Section 3. Article IV Definitions and Use Regulations, Section 4.03 Use Charts, of the Zoning

(21)

Ordinance, is hereby amended to read as follows:

• - Permitted Use S - Use may be approved via SUP □ - Prohibited Use	FD	RR	SF1	SF2	SF3	ZF	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP
Solar Panel System, Rooftop	•	•	•	•	•	•	•	•	•	S		S	S	S	S	S	S	S	S	S	S
Solar Panel System, Small In-Ground	•	•	•	•	•	•	•	•	•				S	S	S	S	S	S	S	•	

Section 4. Article V Development Standards, Section 5.01, Exterior Construction Requirements, (b) Minimum Masonry Exterior Construction Standards, (ii) Single-Family and Duplex Residential, 7) of the Zoning Ordinance, is hereby amended to read as follows:

- e) **Rooftop Solar Panel Systems:**
 - i) Must be installed to leave no greater than six (6) inches between rooftops.
 - ii) Must match the roof pitch on a pitched roof.
 - iii) Screening is required on flat roofs.
 - iv) Panels shall not be installed on elevations facing a right-of-way. This shall include rear or side street right-of-way. Rear or side alleys shall not be deemed as right-of-way for the installation of solar panels.
 - v) If solar panel request is denied by staff, applicant may appeal decision by applying for SUP approval when the request is in a zoning district permitting the placement of solar panels by right.
- f) **Ground mounted Solar Panel Systems must be located behind the primary residence and not visible from the Right of Way.**
 - i) If solar panel request is denied by staff, applicant may appeal decision by apply for a SUP for approval when the request is in a zoning district permitting the placement of solar panels by right.

Section 5. Article V Development Standards, Section 5.01, Exterior Construction Requirements, (b) Minimum Masonry Exterior Construction Standards, (iii) Multi-Family and Single-Family Attached Residential, 1) of the Zoning Ordinance, is hereby amended to read as follows:

- (iii) **Multi-Family and Single-Family Attached Residential:**
 - 1) All principal buildings and structures located in an MF Zoning District or

(21)

located within another Zoning District and constructed for Multi-Family use, shall be constructed in such manner to include Masonry Construction covering at least ~~seventy-five~~ ~~ninety~~ (75/90) percent of the total exterior walls, excluding doors and windows. All construction shall also be performed in accordance with the city's building code and fire prevention code.

Section 6. Article V Development Standards, Section 5.01 Exterior Construction Requirements, (c) Minimum non-masonry exterior construction standards for Single-Family Dwellings and Duplexes, (iv) Design Standards, 5) of the Zoning Ordinance, is hereby amended to read as follows:

f.) Metal shipping containers may not function as the structure of a residence.

Section 7. Article V Development Standards, Section 5.07 Accessory Structures and Accessory Uses, (f) Regulations for accessory structures in FD, RR, SF1, SF2, SF3, 2F and MH Zoning District, of the Zoning Ordinance, is hereby amended to read as follows:

- (v) Accessory structures shall not exceed one story in height.
- (vi) Metal shipping containers may not be used as an accessory structure.
- (vii) Accessory structures are limited to two (2) per single family residential structures.
- (viii) Combined floor area for two accessory structures in excess of 1,000 square feet per platted lot requires a SUP.
- (ix) On property greater than one acre in size, a third or more accessory structures may be permitted, regardless the size of the structures, through approval of a SUP.
- (g) Regulations for Boat Dock Accessory Structures:
 - (i) A boat dock is not permitted on a property without the presence of a single family primary residence.
 - (ii) A boat dock cannot exceed 1500 square feet.
 - (iii) A dock must not remove or limit lake access to or from other properties.
 - (iv) A dock may not extend greater than 100 feet in length into the lake. This distance is measured from the lake elevation 531.5 to the furthest point of the dock.
 - (v) A dock must maintain a minimum of 25 feet from the front facing façade of the boat dock to any neighboring dock or structure.
 - (vi) In the event one or more of the criteria from 5.07 g. cannot be met, an approval must be received in the form of an approved SUP.

Section 8. Article V Development Standards, Section 5.07 Accessory Structures and Accessory Uses, (i) Metal Accessory Structures, of the Zoning Ordinance, is hereby amended to

(21)

read as follows:

- (i) Metal accessory structures (not to include metal shipping containers), other than those covered in this Section, that are less than five hundred (500) square feet in floor area are permitted; however, said building shall not be used as an enclosed parking area or garage.

Section 9. Article V Development Standards, Section 5.08 Sign Regulations, of the Zoning Ordinance, is hereby amended to read as follows:

- 16). Political Sign: Political signs are allowed on private property with the permission of the property owner in any Zoning District. ~~Political signs are prohibited within rights-of-way and may not be posted on trees, fences, public property, public utility structures, telephone poles, street light standards, street sign poles, or public buildings. Political signs may be placed no more than 120 days prior to the election for which the sign is applicable and must be removed no later than fifteen (15) days after the applicable election has taken place. Political signs placed on property which is zoned residential may be no greater than thirty two (32) square feet in area. Political signs placed within or on any prohibited area may be removed and disposed of by City of Waxahachie (or applicable utility company) personnel, and removal costs, fines, or both may be assessed for removal of the signs and/or noncompliance with this Section of the Zoning Ordinance.~~

This sign type will require a permit for the temporary signs. Signs are permitted to be placed 90 days prior to an election, and are required to be removed 7 days following the completion of the election. A run off or additional election may be considered with a request for extension of the permit received in writing.

- Texas state law provides certain restrictions on political signage at polling places as well as on private real property. The City of Waxahachie hereby incorporates applicable provisions of such state law into this Sign Ordinance. Section 216.903 of the Texas Local Government Code, as amended, authorizes, among others, the placement of signs that contain primarily a political message on private real property with the consent of the property owner; subject to the following:
 - shall not have an area greater than thirty-six square feet (36 sq. ft.);
 - shall not be more than eight feet (8') in height;
 - shall not be illuminated; or
 - shall not have any moving elements.
- Signs are not permitted on City property or within any right-of-way, except as required by Code Sections 61.003 or 85.036 of the Texas Election Code, both as amended.

(21)

- Polling Place: The City of Waxahachie recognizes that on occasion, City buildings may be utilized as polling places. Sections 61.003 and 85.036 of the Texas Election Code, both as amended, authorize, among others, the City to enact reasonable regulations concerning the time, place, and manner of electioneering, which includes the posting, use or distribution of political signs on election days and during the early voting period. No political signs at polling places shall:
 - be located, affixed, or placed on any utility pole or structure, light structure, traffic signal, or sign pole;
 - be located in or on any public right-of-way;
 - be placed in a location so as to impede pedestrian or vehicular access; or
 - otherwise create a traffic or safety hazard.
- A political sign at a polling place shall not exceed four feet (4') in height or have a total sign area in excess of six square feet (6 sq. ft.), and shall not be illuminated or have any moving elements.
- Timeframe- Polling Place: Sign shall be allowed to be placed any time during the first day of early voting or election day, whichever is applicable. The sign may remain during the entire period of early voting. Should the polling location also be the site of the election day voting, the sign may remain on the site between the dates of early voting and election day voting.
- Shall be removed within seven (7) days after the election day.
- Polling Place: Shall be removed within twenty-four (24) hours of the closing of the early voting or election day polling location as provided above.

Section 10. That if any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect. All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict.

Section 11. That a public emergency is found to exist which affects health, safety, property or the general welfare, in that standards and regulations for the use and development of property must be brought up to date and made effective so that suitable rules for us and development of property maybe known and in place. 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. This ordinance shall become effective from and after the date of its passage

(21)

PASSED, APPROVED, AND ADOPTED on this _____ day of _____, 2020.

MAYOR

ATTEST:

City Secretary



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Assistant City Manager
Thru: Michael Scott, City Manager
Date: January 21, 2020
Re: College Street Drainage – Engineering Proposal

On Tuesday, January 21, 2020, an item will appear on the council's agenda to consider authorization of professional services by Freese and Nichols, Inc. (FNI) related to drainage improvements to replace the existing College Street drainage tunnel in the amount of \$99,628. The services will include analysis of alternatives and conceptual phase engineering of improvement in the 300 and 400 blocks of N. College Street.

The existing drainage structure has multiple structural issues and evidence of failures in multiple locations. The proposed improvements will reroute drainage from the private system in an effort to assist private property owners resolve issues with the existing system. The services proposed are the first phase of engineering for the College Street Drainage project. The scope includes determination of the amount of stormwater flowing to the project area, analysis of alternatives, estimates of construction costs, selection and conceptual design of the preferred alternative. The scope will also include coordination with the railroad and identification of utility conflicts.

This first phase of the engineering for the College Street Drainage project is scheduled to be completed within three months of notice to proceed. Final design will follow directly after completion of this first phase of engineering, and is anticipated to be completed by the end of the fiscal year. Staff included \$500,000 of certificate of obligation bonds in the FY19-20 Capital Improvement Plan for engineering services associated with the College Street drainage study. The allocated funding is sufficient for both the Phase I and Phase II portion of this analysis.

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

Tommy Ludwig