

A G E N D A

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Chamber at City Hall, 401 S. Rogers on ***Monday, July 20, 2020 at 7:00 p.m.***

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

1. Call to Order
2. Invocation
3. Pledge of Allegiance and Texas Pledge of Allegiance
4. ***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 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 July 6, 2020
 - b. Minutes of the City Council work session of July 6, 2020
 - c. Minutes of the City Council work session of July 7, 2020
 - d. Renewal of parking and loading zone lease spaces
6. ***Continue Public Hearing*** on a request by Josh Millsap, KFM Engineering & Design, for a detailed Site Plan review for a proposed Subdivision development, Dove Hollow, within a Planned Development zoning district, located adjacent to and south of Grove Creek Rd (Property ID 192636, 192643, 192639, 192645) – Owner: CEH 212 LP (SP-75-2020)
7. ***Consider*** proposed Ordinance approving SP-75-2020
8. ***Public Hearing*** on a request by Jeff Crannell, CCM Engineering, for a Zoning Change from a Planned Development-34-Multiple Family-1/General Retail, Single Family-3, and Multiple Family-1 zoning district to Planned Development-Single Family-3, with Concept Plan, located at the NW corner of Peters Street at Graham Street (Property ID 193944) – Owner: Waxahachie ISD (ZDC-83-2020)
9. ***Consider*** proposed Ordinance approving ZDC-83-2020

10. **Consider** Development Agreement for ZDC-83-2020
11. **Public Hearing** on a request by Amanda Mata, Peloton Land Solutions, for a Planned Development Amendment (PD-MF2), with Concept Plan, located at Conquest Boulevard and US Highway 287 (Property ID 191628) - Owner: DWBI INVESTMENTS, LLC (ZDC-84-2020)
12. **Consider** proposed Ordinance approving ZDC-84-2020
13. **Consider** Development Agreement for ZDC-84-2020
14. **Consider** award of a bid to U.S. Underwater Services, LLC associated with the Lake Bardwell Raw Water Intake Minor Channel Dredging Project
15. **Consider** a Resolution authorizing the reimbursement of the Water Fund from the proceeds of future debt associated with the Lake Bardwell Raw Water Intake Minor Channel Dredging Project
16. **Consider** a Resolution to enter into an agreement with TXDOT for the closure of FM 813 north of Spring Creek Drive and south of Grove Creek Drive
17. Comments by Mayor, City Council, City Attorney and City Manager
18. Adjourn

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

(5a)

City Council
July 6, 2020

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers on Monday, July 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, Assistant City Secretary

1. Call to Order

Mayor David Hill called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Mayor Pro Tem Mary Lou Shipley gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Ms. Amy Hedtke, 106 Vanderbilt, spoke in opposition to the 8% tax increase and encouraged City Council to keep taxes low.

Ms. Signe Tanksley, 801 Cox Road, spoke in opposition to a tax increase.

Ms. Ora Johnson, 203 S. Hill Street, thanked City Council for the residential trash credit and water deposit refund. She spoke in opposition to a tax increase.

Mr. Christopher Haley, 205 Shetland Court, asked City Council to table Item 10 on the agenda and provide more information regarding how the city's budget will be affected as well as provide state and federal funding received by the city.

Mr. Paul Christenson, 110 Williams Street, spoke in opposition to a tax increase.

Ms. Sylvia Coulson, 1315 Dixie Lane, spoke in opposition to a tax increase and requested council to prioritize essential and non-essential services. She asked council to stay at the 3.5% cap.

Ms. Michelle Hansen, 411 E. Marvin, spoke in opposition to a tax rate increase.

5. Consent Agenda

(5a)

- a. Minutes of the City Council meeting of June 15, 2020
- b. Minutes of the City Council briefing of June 15, 2020
- c. Minutes of the City Council work session of June 15, 2020
- d. Consider Budget Amendment for Downtown Development - Professional Services
- e. Approval of contribution from Waxahachie Community Development Corporation (WCDC) for Optimist Pool Capital Improvement Project

Action:

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

6. **Continue Public Hearing on a request by Josh Millsap, KFM Engineering & Design, for a detailed Site Plan review for a proposed Subdivision development, Dove Hollow, within a Planned Development zoning district, located adjacent to and south of Grove Creek Rd (Property ID 192636, 192643, 192639, 192645) – Owner: CEH 212 LP (SP-75-2020)**

Mayor Hill continued the Public Hearing and announced the applicant requested to continue the Public Hearing to the July 20, 2020 City Council Meeting.

7. **Consider proposed Ordinance approving Zoning Change No. SP-75-2020**

Action:

Councilmember Kevin Strength moved to continue the Public Hearing on a request by Josh Millsap, KFM Engineering & Design, for a detailed Site Plan review for a proposed Subdivision development, Dove Hollow, within a Planned Development zoning district, located adjacent to and south of Grove Creek Rd (Property ID 192636, 192643, 192639, 192645) – Owner: CEH 212 LP (SP-75-2020) to the July 20, 2020 City Council meeting. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

8. **Public Hearing on a request by Ryan Combs, Gardner Capital, for a Zoning Change from a Single Family-3 zoning district to Planned Development-Multiple Family-2, with Concept Plan, located at the Southeast corner of Parks School House Road and East Main Street (Property ID 138271) - Owner: STARPEACH TEXAS LP (ZDC-77-2020)**

Mayor Hill opened the Public Hearing and announced the applicant requested to continue the Public Hearing to the August 3, 2020 City Council meeting.

9. **Consider proposed Ordinance approving Zoning Change No. ZDC-77-2020**

Action:

Councilmember Kevin Strength moved to continue the Public Hearing on a request by Ryan Combs, Gardner Capital, for a Zoning Change from a Single Family-3 zoning district to Planned Development-Multiple Family-2, with Concept Plan, located at the Southeast corner of Parks School House Road and East Main Street (Property ID 138271) - Owner: STARPEACH TEXAS

(5a)

LP (ZDC-77-2020) to the August 3, 2020 City Council meeting. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.

10. Consider resolution giving direction to the Ellis County Tax Office for calculating the voter approval tax rate for tax year 2020

City Manager Michael Scott presented a proposed resolution that would allow a governing body of a taxing unit located in any area declared to be a disaster area by the Governor or by the President of the United States to direct the designated officer of the taxing unit to calculate the voter-approval tax rate in the manner provided for a special taxing unit at 8%. He explained approval of the proposed resolution does not adopt a tax rate in anyway.

City Attorney Robert Brown reviewed Senate Bill 2 and explained in order for the County Tax Office to even calculate the numbers at 8% a resolution is needed by the governing body. He reiterated that the proposed resolution does not raise the tax rate and is only for calculation purposes to inform the city of their legal taxing limit.

Councilmember Melissa Olson asked if the revenue calculated includes new construction and Mr. Scott noted it does not.

Councilmember Kevin Strength confirmed the proposed resolution does not raise the tax rate and emphasized council's direction to lower the tax rate this year but noted the city needs all the information to be calculated from Ellis County Tax Office. He explained the city will be under the cap moving forward and Council's intent is not to raise taxes. Mr. Strength noted the property values are set by the Ellis County Appraisal District and not by the City of Waxahachie.

Mr. Scott noted his recommendation to council for the Fiscal Year 2021 budget includes at least a 2 cent tax rate reduction and misinformation is being distributed throughout the community regarding a tax increase.

RESOLUTION

A RESOLUTION OF THE CITY OF WAXAHACHIE, TEXAS, DIRECTING THE ELLIS COUNTY TAX OFFICE TO CALCULATE THE VOTER-APPROVAL TAX-RATE FOR TAX YEAR 2020 IN THE MANNER PROVIDED FOR A SPECIAL TAXING UNIT AT 8 PERCENT.

Action:

*Councilmember Melissa Olson moved to deny the resolution.
Motion failed due to lack of second.*

Action:

*Councilmember Melissa Olson moved to approve the Resolution at 3.5%.
Motion failed due to lack of second.*

Action:

(5a)

Councilmember Kevin Strength moved to table the resolution to the July 20, 2020 City Council meeting. Councilmember Chuck Beatty seconded, All Ayes.

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

Councilmember Chuck Beatty acknowledged the city's efforts to provide good service to the citizens of Waxahachie, including adding additional staff and assistance to local small businesses. He noted the city is aiming to provide a tax cut this year while still providing the same level of service to the citizens.

Mr. Scott thanked Assistant City Manager Tommy Ludwig and Building and Community Services Director Jose Martinez on their work regarding the bid process for the solid waste contract and is looking forward to feedback from City Council on the specifications they request for the bid notice.

Councilmember Melissa Olson noted she was disappointed the Resolution was not passed at the cap of 3.5% because it is still a revenue increase not including new construction.

Mayor David Hill noted the city only claimed \$440,000 of \$2,000,000 from Texas Division of Emergency Management funding and the remaining funds will be returned to the State of Texas.

12. Adjourn

There being no further business, the meeting adjourned at 7:42 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary

A Work Session of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber, City Hall, 401 S. Rogers, Waxahachie, Texas on Monday, July 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, Assistant City Secretary

1. Call to Order

Mayor David Hill called the meeting to order.

2. Discuss solid waste Request for Proposal

City Manager Michael Scott introduced the new Finance Director Chad Tustison.

Mr. Scott explained the Solid Waste Contract for the city expires on March 31, 2021 and staff has begun the Request for Proposals process.

Building and Community Services Director Jose Martinez explained staff has been researching and coordinating with Solid Waste Services for metrics and development of contract proposal. He explained a survey was available for citizen feedback regarding trash and recycling services. Mr. Martinez reviewed the survey parameters and overall results. He noted 2,143 residents responded to the survey:

- Poly cart 42.14% vs. Bagged pick up 50.54%, No Preference 7.33%
- Curb 83.9% vs. Alley 8.03%, No Preference 8.07%
- E-Waste Services, Yes 50.49%, No 49.51%
- Leaf and Yard Waste Service, Convenience Station 36.35%, Other 37.52%
- Citizen Comments

Mr. Martinez reviewed the anticipated schedule of events:

- Presentation to City Council on service advertisements July 6, 2020
- Specification advertised July 14, 2020
- Proposal Due Date August 26, 2020
- Council award October 5, 2020
- Contract effective date April 1, 2021

Mr. Lynn Lantrip, Solid Waste Services, explained his perspective from the industry noting the option for bagged only pickup will provide the city with limited proposals from vendors. He reviewed the following current service level of the city:

- Residential garbage collected 2x per week in bags

(5b)

- Leaves and grass to be collected two times per year (10 bags in February and November) after call-in
- Bundled brush up to 4 yards weekly
- One bulky item per year
- Recycling with 18-gallon bin
- Unusual accumulations for a fee

He noted the proposed residential upgrades include the following:

- Yard waste will be collected once each week
- Brush and/or bulk (3 cubic yards) every week
 - Provision for unusual accumulations for a fee
- Recycling increases to 95 gallon cart
- Seniors and handicapped will receive garage door or side of home collection
- Funding for trash and recycling outreach (\$60,000 annually)

He explained the option for household waste collections would allow up to one collection each month with packaging provided by the vendor. Mr. Lantrip reviewed the changes in the industry and why the city should upgrade to poly carts. He also reviewed the possible objections from the citizens.

Assistant City Manager Tommy Ludwig explained staff is looking for direction from City Council on what services to advertise in the specifications.

Councilmember Melissa Olson expressed her preference to continue with bagged pick up due to possible inconvenience to residents.

Mayor Pro Tem Mary Lou Shipley asked if hours of pick up will be specified in the contract and Mr. Ludwig noted pick up hours will be Monday-Friday between 7am-6pm.

Councilmember Chuck Beatty noted there will be less strain on the streets by moving to one weekly pick up instead of two.

Mr. Scott thanked Mr. Lantrip and Mr. Richard Rozier for their efforts and joining the meeting via videoconference. He encouraged Council to send him their preferences on scope of services quickly in order to stay in alignment with the proposed timeline.

3. Adjourn

There being no further business, the meeting adjourned at 6:47 p.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary

City Council
July 7, 2020

(5C)

A Work Session of the Mayor and City Council of the City of Waxahachie, Texas was held at the Waxahachie Civic Center, 2000 Civic Center Lane, on Tuesday, July 7, 2020 at 8:30 a.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
Amber Villarreal, Assistant City Secretary

1. Call to Order

Mayor David Hill called the meeting to order.

2. Discussion of City of Waxahachie 2020-2021 fiscal-year Budget

City Manager Michael Scott reviewed the proposed budget calendar noting this first budget meeting is ahead of schedule. The goal for the Work Session is to review the Capital Projects, department requests, and receive direction from City Council on how to proceed with the budget.

Finance Director Chad Tustison reviewed the preliminary general fund numbers noting the certified tax roll and sales tax numbers are still pending. He explained the total working rate is calculated at the recommended 0.66 cents, which is made up of general fund (maintenance and operations), debt service, and library. Preliminary estimates show a 16% growth in taxable value but noted 36% of values are under protest. In regards to sales tax, FY 20 estimate is 5.4% under budget and FY 21 is projected at 3.6% over FY 20 estimate. The following items were reviewed:

- Core expenditures (current year budget, personnel adjustments, core budget, contractual/occupancy costs, and remove non-recurring expenses)
- General Fund core budget
- Capital and Operating Requests

Mr. Scott explained that if revenue is higher than 8% threshold then the tax rate will decrease more than the recommended 2 cents.

City Staff reviewed the following:

- General Fund Capital and Operating Plans FY 20-21
- Recommended General Fund Capital Requests
- General Fund Requests, Operating
- WCDC Fund Capital and Operating Plans FY 20-21
- Cemetery Fund Capital and Operating Plans FY 20-21
- Refuse Fund Capital and Operating Plans FY 20-21
- Water Fund Capital and Operating Plans FY 20-21
- Waste Water Fund Capital and Operating Plans FY 20-21
- Sokoll Fund Capital and Operating Plans FY 20-21

(5c)

Mr. Scott noted he has been working with Sims Library on their proposed budget.

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

Mayor Hill thanked Mr. Scott and city staff for all their work noting he is grateful for all the hardworking city employees.

Mr. Scott thanked City Council and staff for their attendance and announced the next Budget Work Session will be held August 4th. He thanked Chelsey Gordon, Assistant to the City Manager, for her work on the budget process. He announced that Senior Center Director Jeanee Smiles will retire at the end of August and John Smith will occupy that role. Gumaro Martinez will start on September 1st as the Director of Parks and Recreation.

4. Adjourn

There being no further business, the meeting adjourned at 10:48 a.m.

Respectfully submitted,

Amber Villarreal
Assistant City Secretary

(5d)



Memorandum

To: Honorable Mayor and City Council

From: Lori Cartwright, City Secretary

Thru: Michael Scott, City Manager

Date: July 20, 2020

Re: Parking/Loading Zone Renewal

Please consider the following Parking/Loading Zone Renewals for April 1, 2020 – March 31, 2021:

Parking/Loading Zones

Happy's Home Furnishings, 114 W. Main

Waxahachie Auto Supply, 209 W. Main

All Sports Trophies, 109 North College

Citizens National Bank, 200 N. Elm

Wray & Willett, PLLC, 200 N. Rogers

Panza Bros., 107 N. Rogers

College Street Printing, 111 N. College



Memorandum

To: Honorable Mayor and City Council
From: Shon Brooks, Director of Planning
Thru: Michael Scott, City Manager
Date: July 16, 2020
Re: SP-75-2020 Site Plan for Dove Hollow

On July 16, 2020, the applicant asked staff to continue case no. SP-75-2020 from the July 20, 2020 City Council meeting agenda and be placed on the August 3, 2020 City Council meeting agenda.

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-83-2020



MEETING DATE(S)

Planning & Zoning Commission: July 14, 2020

City Council: July 20, 2020

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held July 14, 2020, the Commission voted 6-0 to recommend approval of case number ZDC-83-2020, subject to staff comments.

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

CAPTION

Public Hearing on a request by Jeff Crannell, CCM Engineering, for a Zoning Change from a Planned Development-34-Multiple Family-1/General Retail, Single Family-3 and Multiple Family-1 zoning district to Planned Development-Single Family-3, with Concept Plan, located at the NW corner of Peters Street at Graham Street (Property ID 193944) - Owner: WAXAHACHIE ISD (ZDC-000083-2020)

CASE HISTORY

At the April 20, 2020 City Council meeting, City Council voted 5-0 to deny Case Number ZDC-000017-2020 (previous case submittal). The proposed development included 120 townhome lots, including dedicating eight acres of land to the City of Waxahachie and dedicating one acre of land to the adjacent church (Friendship Missionary Baptist Church).

APPLICANT REQUEST

The purpose of this request is to create a residential planned development that allows for 129 single family lots.

CASE INFORMATION

Applicant: Jeff Crannell, CCM Engineering

Property Owner(s): Waxahachie ISD

Site Acreage: 24.76 acres

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

Requested Zoning: Planned Development-Single Family-3

(b)

SUBJECT PROPERTY

General Location: NW corner of Peters Street at Graham Street

Parcel ID Number(s): 193944

Existing Use: Currently Undeveloped/Open Space

Development History: N/A

Table 1: Adjoining Zoning & Uses

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

Future Land Use Plan: Low Density Residential and Public/Semi-Public

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

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

Thoroughfare Plan: The subject property is accessible via N. Getzendaner Ave. and Peters St.

Site Image:



PLANNING ANALYSIS

Case History

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

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

Purpose of Request:

The purpose of this request is to create a residential planned development that allows for 129 single family lots.

Proposed Use:

The purpose of this Planned Development is to rezone a 24.76 acre parcel located at northwest corner of Peters Street and Graham Street. The parcel is currently zoned Multi-Family (MF-1), PD-34- MF1/GR, and Single Family (SF-3).

The site will include 129 single family lots with a lot minimum of four thousand (4,000) square feet. All lots are proposed to have alleys with rear entry garages. The site will also include open spaces with a retention pond and walking trails in the 2.6 acres that connects to Lee Penn Park. Entry monuments and boulevard entries are proposed at both entrances to the development. Some land has also been set aside for dedication to the neighborhood church.

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

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

- 0.5 acre(s) dedicated to adjacent church (Friendship Missionary Baptist Church)
- Walking Trail (connecting to Lee Penn Park)

CHANGES FROM THE 4/20/20 CITY COUNCIL MEETING

- No townhomes are provided for the development (originally 120 townhome lots proposed).
- Dedicating minimum 0.5 acre(s) of land to the adjacent church (Friendship Missionary Baptist Church) (*Originally 1 acre(s) minimum*)
- No land will be dedicated to the City of Waxahachie. (*Originally dedicated 8 acres of land to the City of Waxahachie*)

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 following goals and objectives in the 2016 Comprehensive Plan Addendum:

- Growth Strategies-Goal 1: Encourage the most desirable, efficient use of land while maintaining and enhancing local aesthetics.

- **Growth Strategies – Goal 12:** Promote growth of the community where infrastructure exists.

Development Standards:

The applicant is proposing a base zoning district of Single Family-3 (SF3). Allowed uses shall be those provided within the City of Waxahachie Zoning Ordinance for Single Family-3 Residential with additional changes listed below.

Permitted Uses:

- Single Family Residences
- Open Space/Park

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

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

Standard	City of Waxahachie (Existing PD-SF3)	Symphony Estates	Meets
Min. Lot Area	10,000 sq. ft.	4,000 sq. ft.	No
Min. Lot Width	80 ft.	40 ft.	No
Min. Lot Depth	100 ft.	100 ft.	Yes
Min. Front Setback	30 ft.	20 ft.	No
Min. Interior Setback	10 ft; 15 ft (ROW)	5 ft.; 10 ft. (ROW)	No
Min. Rear Setback	25 ft.	10 ft.	No
Min. Dwelling Size	1,200 sq. ft.	1,400 sq. ft.	Yes
Max. Height	2 stories (main structure); 1 story (accessory structure)	2 stories (main structure); 1 story (accessory structure)	Yes
Max. Lot Coverage	50%	60%	No
Parking	Min. of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure	Min. of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure	Yes

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

Table 3: Subject Property Base Zoning(s) Standards

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

Table 4: Single Family Lot Notes (129 Total Lots)

4,000 SF Lots	114
5,000 SF Lots	15
Total	129

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 113 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

PON RESPONSES

Staff received five (5) letters of support and two (2) letters of opposition for the proposed development.

SPECIAL EXCEPTION/VARIANCE REQUEST**Lot Area**

The minimum lot area for SF3 zoning is 10,000 sq. ft.

- The applicant is proposing a minimum lot size of 4,000 sq. ft.

Lot Width

The minimum lot width for SF3 zoning is 80 ft.

- The applicant is proposing a 40 ft. minimum lot width requirement.

Front Setback

The minimum front setback for SF3 zoning is 30 ft.

- The applicant is proposing a minimum front setback of 20 ft.

Side Setback

The minimum side yard setback requirement for SF3 zoning is 10 ft. (interior) and 15 ft. (adjacent to the street).

- The applicant is proposing a side yard setback of 5 ft. (interior) and 10 ft. (adjacent to the street).

Rear Setback

The minimum rear yard setback requirement for SF3 zoning is 25 ft.

- The applicant is proposing a rear yard setback of 10 ft.

Lot Coverage

The maximum lot coverage for SF3 zoning is 50%.

- The applicant is proposing 60% lot coverage.

RECOMMENDATION

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

- ☐ Denial
- ☐ Approval, as presented.
- ☒ Approval, per the following comments:
 1. Per the applicant's request, a Development Agreement will be required for the development.
 2. A walking trail shall be provided to connect to Lee Penn Park.
 3. The Symphony Estates development shall consist of a Home Owner's Association.

4. A 6ft. brick screening wall will be constructed along Peters Street. Ornamental fencing with masonry columns shall surround the remainder of the property.
5. Street Lights will be installed at each intersection and at 300' intervals along each block. Street lights shall be ornamental lights with downward facing lamps.
6. A 6ft. (minimum) sidewalk will be constructed along Graham Street
7. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.

ATTACHED EXHIBITS

1. Development Agreement/Ordinance
2. Planned Development Provisions
3. Location Exhibit
4. Concept 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:
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Senior Planner
ccollins@waxahachie.com

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

[illegible]

(8)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-000083-2020

LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 14, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, July 20, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. **Public Hearing** on a request by Jeff Crannell, CCM Engineering, for a Zoning Change from a Planned Development-34-Multiple Family-1/General Retail, Single Family-3 and Multiple Family-1 zoning district to Planned Development-Single Family-3, with Concept Plan, located at the NW corner of Peters Street at Graham Street (Property ID 193944) - Owner: WAXAHACHIE ISD (ZDC-000083-2020)

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

Case Number: ZDC-000083-2020

City Reference: 174121

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Wednesday, July 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.

Comments: ☒ SUPPORT

☐ OPPOSE

Signature

Brad Yates

Printed Name and Title

Date

6/30/20
Box 2868 Wax. Tx.
75168

Address

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

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



(8)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-000083-2020

LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 14, 2020 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, July 20, 2020 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. **Public Hearing** on a request by Jeff Crannell, CCM Engineering, for a Zoning Change from a Planned Development-34-Multiple Family-1/General Retail, Single Family-3 and Multiple Family-1 zoning district to Planned Development-Single Family-3, with Concept Plan, located at the NW corner of Peters Street at Graham Street (Property ID 193944) - Owner: WAXAHACHIE ISD (ZDC-000083-2020)

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

Case Number: ZDC-000083-2020

City Reference: 174060

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Comments: ☒ SUPPORT

☐ OPPOSE


Signature

Brad Yates manager
Printed Name and Title

6/30/20
Date

Box 2868 Wax. TX.
Address

75168

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(8)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-000083-2020

LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168

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Case Number: ZDC-000083-2020

City Reference: 174056

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☒ **SUPPORT**

☐ **OPPOSE**

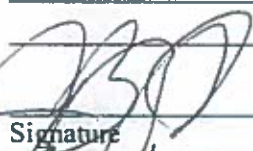
Comments:

Signature

Printed Name and Title

Date

Address


Brad Yates manager

6/30/20
Box 2868 Wax. TX.
75168

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(8)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-000083-2020

LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168

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Case Number: ZDC-000083-2020

City Reference: 174042

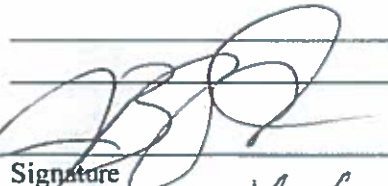
Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Wednesday, July 8, 2020** to ensure inclusion in the Agenda Packet. Forms can be emailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: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

Comments: ☒ **SUPPORT**

☐ **OPPOSE**

Signature

Printed Name and Title


Brad Yates Manager

Date

Address

6/30/20
Box 2868 Wax. Tx.
75168

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(8)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-000083-2020

LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168

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Case Number: ZDC-000083-2020

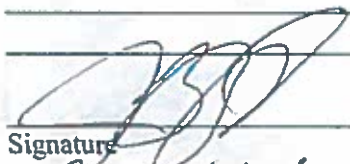
City Reference: 174048

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☒ **SUPPORT**

☐ **OPPOSE**

Comments:


Signature
Brad Yates manager
Printed Name and Title

6/30/20
Date
PO Box 2868 Wax.
Address
TX 75168

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

(8)

Case Number: ZDC-000083-2020

City Reference: 173776

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Wednesday, July 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 are very old and prefer to keep the
Area as quiet and property values stable.

Martin V. Davis

Signature

7-3-20

Date

Martin V. Davis

Printed Name and Title

208 Graham St
Address Waxahachie, TX

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

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

(8)

Case Number: ZDC-000083-2020

City Reference: 173774

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on Wednesday, July 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:

I feel that multiple family units lower
the value of property.

Blynnia L Davis
Signature

06-03-20
Date

Blynnia L Davis
Printed Name and Title

208 Lakam, 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.

(9)

ORDINANCE NO. _____

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

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

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

WHEREAS, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-83-2020. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from PD-34-MF1, GR, SF3 & MF1 to PD-SF3, with Concept Plan; and

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

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

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

PLANNED DEVELOPMENT

Purpose and Intent

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

Development Standards

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

Development Regulations

1. Per the applicant's request, a Developer's Agreement will be required for the property.
2. The applicant shall dedicate a minimum of 0.5 acres to Friendship Missionary Baptist Church.
3. A walking trail shall be provided to connect to Lee Penn Park.
4. The Symphony Estates development shall consist of a Home Owner's Association.
5. The Symphony Estates residential development shall not exceed 129 single family residential homes.
6. The minimum lot area for the development shall be 4,000 sq. ft.
7. The minimum width for the development shall be 40 ft.
8. The minimum front yard setback for the development shall be 20 ft.
9. The minimum side yard setback for the development shall be 5 ft. (interior) and 10 ft. (adjacent to the street).
10. The minimum rear yard setback for the development shall be 10 ft.
11. The maximum lot coverage for the development shall be 60%.
12. A 6ft. brick screening wall will be constructed along Peters Street. Ornamental fencing with masonry columns, spaced every 30 ft., shall surround the remainder of the property.
13. Street Lights will be installed at each intersection and at 300' intervals along each block. Street lights shall be ornamental lights with downward facing lamps.
14. Minimum masonry requirement will be 75%. Masonry products shall offer a selection of brick and stone accents
15. Outside storage and carports are prohibited within the development.
16. A 6ft. (minimum) sidewalk will be constructed along Graham Street
17. The Site Plan shall conform as approved by the City Council under case number ZDC-83-2020.
18. Any zoning, land use requirement, or restriction not contained within this zoning ordinance or Development Agreement shall conform to those requirements and/or standards prescribed in Exhibits B – Concept Plan. Where regulations are not specified in Exhibit B, or in this ordinance, the regulations of Single Family-3 zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.
19. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
20. 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.

(9)

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 20th day of July, 2020.

MAYOR

ATTEST:

City Secretary

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

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

Recitals:

1. SC is the owner of approximately 24.76 acres of real property generally located at the NW corner of Peters Street at Graham Street, parcel number 193944, in the City of Waxahachie, Texas (the "Property"), for which he has requested a change in the Property's Planned Development-34-Multi Family-1, General Retail, Single Family-3, and Multi Family-1 zoning to a Planned Development ("PD") Single Family-3 zoning, revising specific development standards. The Property is currently zoned Planned Development-34-Multi Family-1, General Retail, Single Family-3, and Multi Family-1 by the City, and is anticipated to have the zoning changed to a new PD zoning on July 20, 2020.

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

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

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

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

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

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

Section 3. Agreements. The Parties agree as follows:

Incorporation of Zoning and Recognition of Investment-Backed Expectations:

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

- Per the applicant's request, a Developer's Agreement will be required for the property.
- The applicant shall dedicate a minimum of 0.5 acres to Friendship Missionary Baptist Church.
- A walking trail shall be provided to connect to Lee Penn Park.
- The Symphony Estates development shall consist of a Home Owner's Association.
- The Symphony Estates residential development shall not exceed 129 single family residential homes.
- The minimum dwelling unit size for the development shall be 1,400 sq. ft.
- The minimum lot area for the development shall be 4,000 sq. ft.
- The minimum width for the development shall be 40 ft.
- The minimum front yard setback for the development shall be 20 ft.
- The minimum side yard setback for the development shall be 5 ft. (interior) and 10 ft. (adjacent to the street).
- The minimum rear yard setback for the development shall be 10 ft.
- The maximum lot coverage for the development shall be 60%.
- All landscaping shall conform to the City of Waxahachie Single Family-3 standards.
- A 6ft. brick screening wall will be constructed along Peters Street. Ornamental fencing with masonry columns, spaced every 30 ft., shall surround the remainder of the property.
- No single building elevation shall be duplicated within six (6) lots or tracts either direction on the same block face. Elevations may not be duplicated on any lot directly across a street or within four (4) lots either direction.
- Street Lights will be installed at each intersection and at 300' intervals along each block. Street lights shall be ornamental lights with downward facing lamps.
- Minimum masonry requirement will be 75%. Masonry products shall offer a selection of brick and stone accents
- Outside storage and carports are prohibited within the development.
- A 6ft. (minimum) sidewalk will be constructed along Graham Street
- The Site Plan shall conform as approved by the City Council under case number ZDC-83-2020.

(10)

-A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.

-The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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

Section 4. Miscellaneous

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

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

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

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

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

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

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

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

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

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

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

L. This Agreement shall be recorded in the real property records of Ellis County, Texas. This Agreement and all of its terms, conditions, and provisions is and shall constitute a restriction and condition upon the development of the Property and all portions thereof and a covenant running with the Property and all portions thereof, and is and shall be binding upon SC and all heirs, successors, and assigns and the future owners of the Property and any portion thereof; provided, however, this Agreement shall not constitute an obligation of or be deemed a restriction or encumbrance with respect to any platted residential lot upon which a completed structure has been constructed.

{Signature Pages Follow}

(10)

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

CITY OF WAXAHACHIE, TEXAS

By: _____
Michael Scott, City Manager

Date: _____

ATTEST:

By: _____
City Secretary

: Symphony Commercial

By: _____

Date: _____

(10)

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

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

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

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

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

(10)

EXHIBIT A

Symphony Estates PD Ordinance

ORDINANCE NO. _____

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

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

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WHEREAS, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-83-2020. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from PD-34-MF1, GR, SF3 & MF1 to PD-SF3, with Concept Plan; and

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

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

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

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Development Standards

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3. A walking trail shall be provided to connect to Lee Penn Park.
4. The Symphony Estates development shall consist of a Home Owner's Association.
5. The Symphony Estates residential development shall not exceed 129 single family residential homes.
6. The minimum lot area for the development shall be 4,000 sq. ft.
7. The minimum width for the development shall be 40 ft.
8. The minimum front yard setback for the development shall be 20 ft.
9. The minimum side yard setback for the development shall be 5 ft. (interior) and 10 ft. (adjacent to the street).
10. The minimum rear yard setback for the development shall be 10 ft.
11. The maximum lot coverage for the development shall be 60%.
12. A 6ft. brick screening wall will be constructed along Peters Street. Ornamental fencing with masonry columns, spaced every 30 ft., shall surround the remainder of the property.
13. Street Lights will be installed at each intersection and at 300' intervals along each block. Street lights shall be ornamental lights with downward facing lamps.
14. Minimum masonry requirement will be 75%. Masonry products shall offer a selection of brick and stone accents
15. Outside storage and carports are prohibited within the development.
16. A 6ft. (minimum) sidewalk will be constructed along Graham Street
17. The Site Plan shall conform as approved by the City Council under case number ZDC-83-2020.
18. Any zoning, land use requirement, or restriction not contained within this zoning ordinance or Development Agreement shall conform to those requirements and/or standards prescribed in Exhibits B – Concept Plan. Where regulations are not specified in Exhibit B, or in this ordinance, the regulations of Single Family-3 zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.

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19. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
20. 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 20th day of July, 2020.

MAYOR

ATTEST:

City Secretary

Development Standards

Symphony Estates

The Development depicted in Concept Plan shall be in accordance with the City of Waxahachie's Zoning Ordinance, Subdivision Regulations and other applicable ordinances, as amended. There will be one zoning category within this PD, which will be PD SF-3, and shall be subject to the following requirements and conditions.

A. Single-Family Residential – PD SF-3 Base Zoning District Uses. Development of the SingleFamily (PD SF-3) shall be in compliance with all regulations applicable to Single-Family (SF-3) uses and Planned Development (PD) Districts contained in the City's Code of Ordinances, as amended, save and except only to the extent otherwise specifically provided to the contrary in this Ordinance.

1. **AREA REGULATIONS:** The minimum lot sizes permitted in areas designated on Exhibit "A" as PD Single-Family (PD SF-3) District shall be:
 - a. **Size of Lots**
 - i. Minimum Lot Area – Four -Thousand (4,000) square feet.
 - ii. Minimum Lot Width – Forty feet (40)
 - iii. Minimum Lot Depth – One hundred (100) feet.
 - b. **Size of Yards**
 - i. Minimum Front Yard – Twenty (20) feet
 - ii. Minimum Side Yard – Five (5) feet on both sides.
 - iii. Minimum Side Yard on a Side Street - Ten (10) feet
 - iv. Minimum Rear Yard – Ten (10) feet
2. **MINIMUM DWELLING UNIT AREA:** One-Thousand four hundred (1,400) Square Feet.
3. **MAXIMUM LOT COVERAGE:** - Sixty percent (60%) on main buildings.
4. **MISCELLANEOUS STANDARDS:**
 - a. Developer shall create a homeowner's association for this development to which entity all open space shall be dedicated. Membership in the Association shall be mandatory for all owners of property and such membership shall be conditioned upon ownership of property within the Single-Family 3 (SF-3) District area and such membership shall be transferred from owner to owner together with the conveyance of any real property within said area.
 - b. No carports allowed.
 - c. All garages must be set back a minimum of 20' from the property line.
 - d. There will be a concrete sidewalk along Graham in compliance to city standards.

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- e. Walking trails are to be constructed connecting this development to the existing walking trails Lee Penn Park.
- f. All landscaping shall conform to the City of Waxahachie SF-3 standards.
- g. Builder will plant a minimum of one 3" caliper tree in the front yard. The trees shall be Bur Oak, Live Oak, Texas Red Oak, Chinkapin Oak, Shumard Oak or other trees that are approved by the city.
- h. Parking requirements will meet city standards.
- i. There will be a 6' masonry screening wall along Peters St.
- j. Front Entry Walkways are required and shall be a hard surface walkway with a minimum improved width of three (3) feet must be constructed from the sidewalk or driveway to the front door of each primary structure. Walkways shall be concrete, pavers, laid bricks, or any other such material and in accordance with City standards.

5. ARCHITECTURAL STANDARDS

- a. Offer selection of brick, masonry products and stone accents. Masonry products shall include hard fired brick, cementitious fiberboard siding (hardiplank or hardiboard); kiln-fired clay or slate materials; stone, including naturally-occurring granite, marble, limestone, slate, river rock, or other similar hard and durable all-weather stone; decorative concrete block; concrete pre-cast or tilt-wall panels; glass blocks or tiles; or stucco.
- b. Multiple elevations per floor plan avoiding architectural monotony. No single building elevation shall be duplicated within six (6) lots or tracts either direction on the same block face. Elevations may not be duplicated on any lot directly across a street or within four (4) lots either direction.
- c. For the masonry façade houses, the masonry covering shall be at least seventy-five (75) percent of the total exterior walls above grade level, excluding doors and windows, with the front elevation facing the city right-of-way to be one hundred (100) percent, excluding doors and windows. This includes exterior walls which are screened from the roadway by a perimeter screening wall.
- d. All houses must have at least two steps on the front porch.
- e. All houses must have a two-car garage.
- f. Roof materials shall be comprised of one of the following:
 - i. Laminated, three-dimensional appearance composition architectural shingle with a thirty (30) year minimum;

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- ii. Flat pan standing seam metal roofing with only a factory baked-on muted color finish. No bright colors or natural-colored metal.
 - iii. Terra cotta or slate tile in muted colors
 - g. Front Covered Porches are required on all houses and may extend a maximum of 5' into the front yard setback. These porches must meet be permanently attached to, and is an integral part of the primary structure, shall be constructed of like and similar materials to those of the primary structure. Alternative materials, i.e., cedar or other complimentary products, may be approved by the Building and Community Services Department through this Building Façade Plan review process. Each front covered porch must include a minimum usable area of forty (40) square feet with a minimum depth of five (5) feet from the primary structure, as measured perpendicular to the front door.
- B. Any application for the use of masonry materials that is not otherwise permitted by this Zoning Ordinance shall require the following:
- 1) Building Façade Plan. The architectural style and scale of a proposed single-family or two-family dwelling unit shall be submitted in the form of scaled drawings with proposed four façade elevations. This submission shall be submitted with and shall be a component of the building permit application.
 - a) If the proposed use of masonry materials is for more than one dwelling unit, the applicant shall provide at least six (6) façade drawings that are representative of the overall style and scale of the dwelling units within the development. If the use of masonry materials is approved, these drawings will serve as examples of what the City anticipates for the overall development, and the applicant shall be expected to meet a similar level of quality in the design of single-family homes and/or townhomes that are not individually represented in the examples.
 - b. Quality Control . Any question as to whether the durability or installation of the masonry materials is in accordance with this section of the Zoning Ordinance, and/or with the City's Building Code, shall be determined by the City's Building Official. The appropriateness of the application in terms of quality shall be determined as part of Administrative Site Plan or Building Façade Plan approval.
 - c. If the Building Official deems the installation insufficient to meet the City's Building Code or the manufacturer's written specifications and requirements (including spirit and intent) of these regulations, then no Certificate of Occupancy shall be issued unless and until the installation is deemed satisfactory. Any appeal of this decision may be made to the Planning and

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Zoning Commission. If denied by the Planning and Zoning Commission, may be further appealed to the City Council.

a. EXAMPLES OF PROPOSED SINGLE-FAMILY UNITS



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- b. Street Lights will be installed at each intersection and at 300' intervals along each block. Street lights shall be ornamental lights with downward facing lamps like the one pictured below.



Ornamental Street Light

- c. Exhibits of 3D elevations are shown below

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1 EXTERIOR FRONT ELEVATION



2 EXTERIOR RIGHT SIDE ELEVATION



3 EXTERIOR REAR ELEVATION



4 EXTERIOR LEFT SIDE ELEVATION

 400 SW 400 111 E. 11th St. #1 Denton, TX 76201 817-395-1111	
SYMPHONY ESTATES WAGGANCHIE, TX EXTENSION ELEVATIONS	
V1 06-24-2020	
DD 0	

(10)

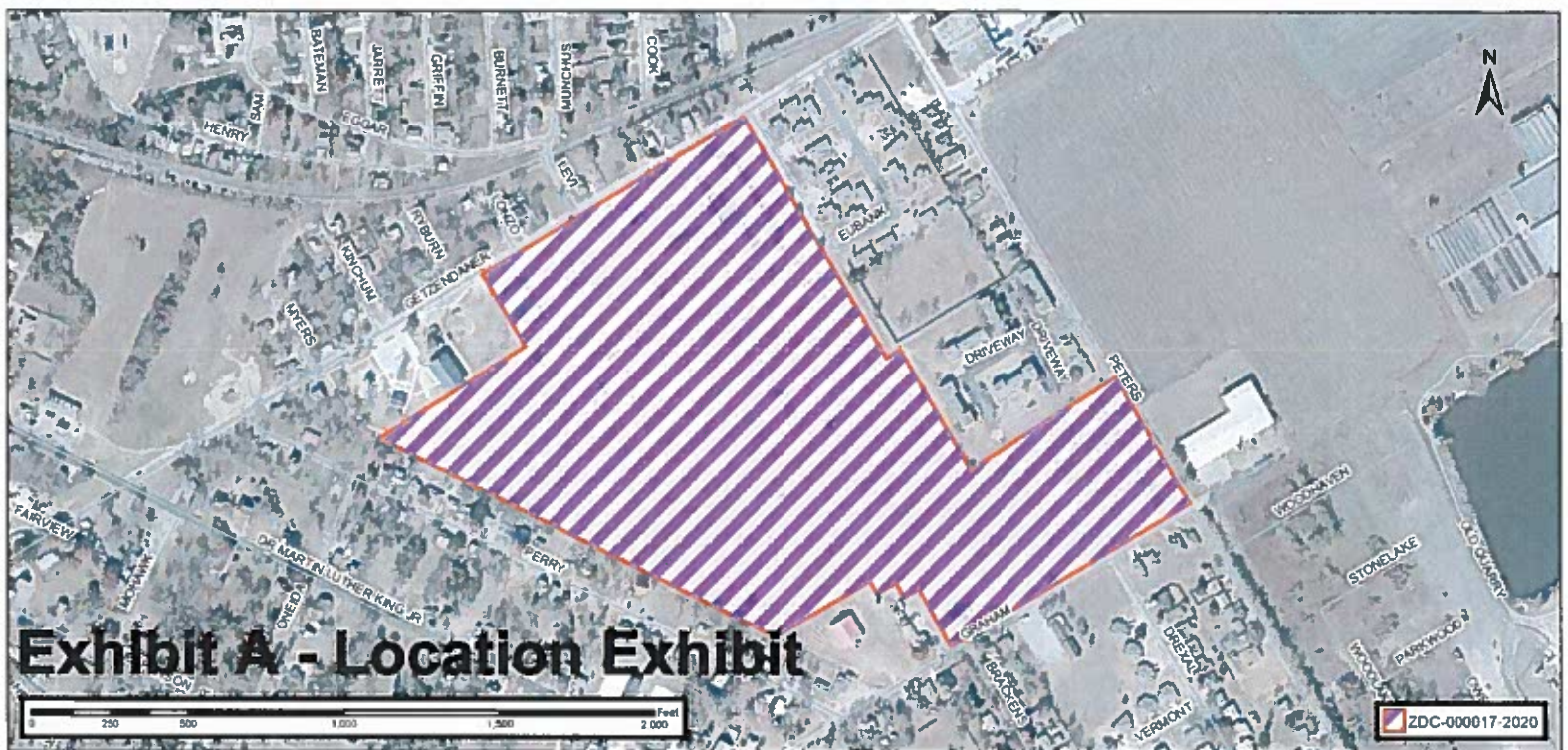
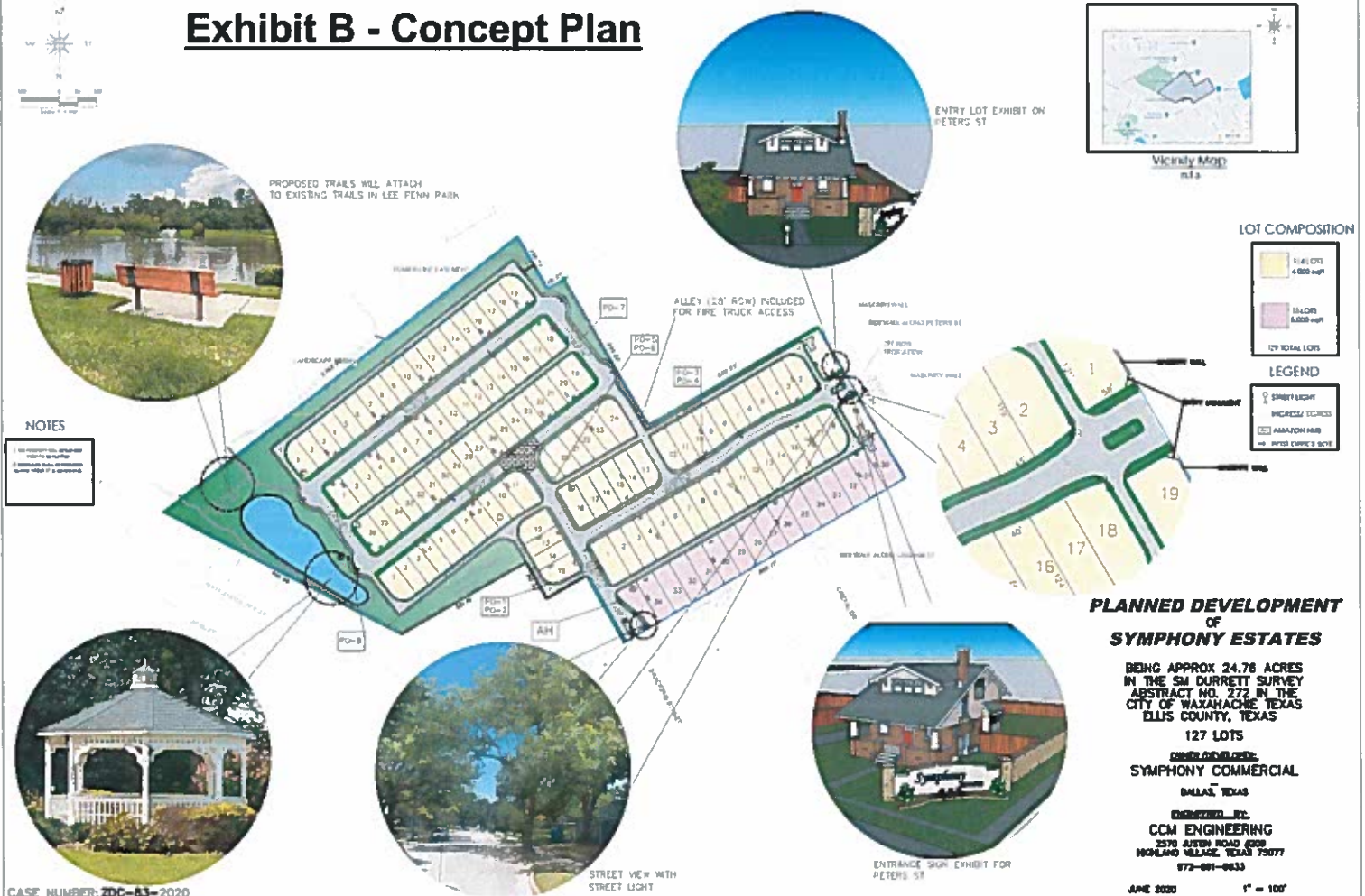


Exhibit B - Concept Plan



CASE NUMBER: ZDC-83-2020

JUNE 2023 1" = 100'

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Planning & Zoning Department

Zoning Staff Report

Case: ZDC-84-2020



MEETING DATE(S)

Planning & Zoning Commission: July 14, 2020

City Council: July 20, 2020

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held July 14, 2020 the Commission voted 4-2 to recommend approval of case number ZDC-84-2020, as presented by the applicant.

CAPTION

Public Hearing on a request by Amanda Mata, Peloton Land Solutions, for a Planned Development Amendment (PD-MF2), with Concept Plan, located at Conquest Boulevard and US Highway 287 (Property ID 191628) - Owner: DWBI INVESTMENTS, LLC (ZDC-84-2020)

APPLICANT REQUEST

The applicant is requesting to amend Ordinance 2296, to allow for construction of a second phase of 188 residential units on 10.409 acres

CASE INFORMATION

Applicant: Amanda Mata, Peloton Land Solutions

Property Owner(s): Grant Robinson, DWBI Investments

Site Acreage: 10.409 acres

Current Zoning: PD-MF2

Requested Zoning: PD-MF2 with Amended Ordinance

SUBJECT PROPERTY

General Location: Intersection of Conquest Boulevard and US Highway 287

Parcel ID Number(s): 191628

Existing Use: Currently Undeveloped

Development History: On June 18, 2018, City Council approved a Planned Development for Phase 1 for the Mark on Conquest.

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	----	US Highway 287
East	SF1	Currently Undeveloped
South	SF1	Currently Undeveloped
West	PD-MF2	The Mark on Conquest (Phase 1)

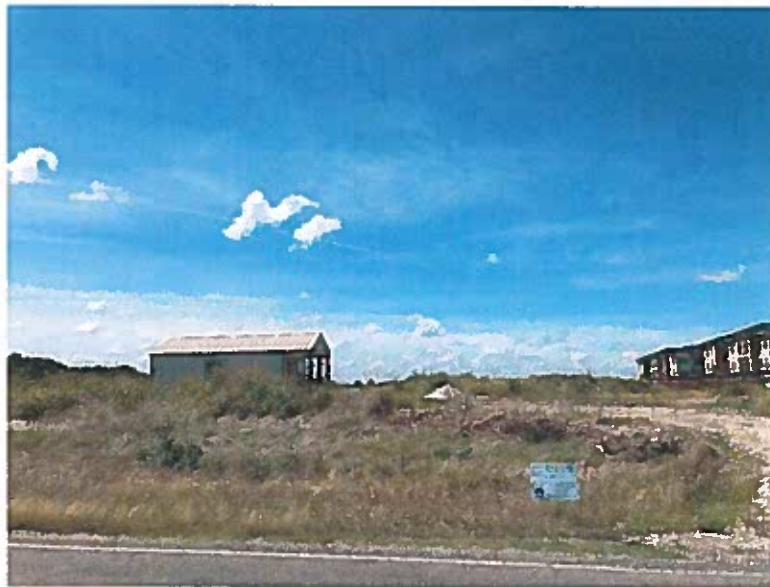
Future Land Use Plan:**Highway Commercial and Public/Semi-Public*****Comprehensive Plan:***

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

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

Thoroughfare Plan:

The subject property is accessible via US Highway 287 Bypass. The subject property is also accessible via a cross access from The Mark on Conquest Phase 1.

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 amend Ordinance 2296, to allow for construction of a second phase of 188 residential units on 10.409 acres.

Proposed Use:

The applicant is requesting approval for a Planned Development Amendment to accommodate development of a 188 unit multi-family residential complex on 10.409 acres located at the intersection of Conquest Boulevard and US Highway 287. The development will consist of eight (8) apartment buildings, the maximum height will be three (3) stories, and a common area will be provided within the development. If approved, the applicant intends to break ground in the fourth quarter of 2020 and an expected completion date of summer 2022.

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

- Fitness Center
- Dog Park
- Resident Lounge

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 following goals and objectives in the 2016 Comprehensive Plan Addendum:

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

Development Standards:

The applicant is proposing a base zoning district of 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 Multi-Family Residential (per MF2 standards)

**The second column depicts the requirements for the current zoning (PD-MF2) of the property. It is not presented in the "Meets" column*

****Items highlighted in bold do not meet the City of Waxahachie MF2 requirements****

Standard	*Current Zoning – PD-MF-2	City of Waxahachie	The Mark on Conquest (Phase 2)	Meets
Max. Density	18 DU per acre	18 DU per acre	18.08 DU per acre	No
Min. Lot Area (SF)	2,420 SF/Unit	2,420 SF/Unit	2,411 SF/Unit	No
Min. Dwelling Unit (SF)	1 Bedroom – 600 2 Bedroom – 700	1 Bedroom – 600 2 Bedroom – 700 3 Bedroom – 800	1 Bedroom – 568 2 Bedroom – 700 3 Bedroom -800	No
Max. Unit Count	187	187	188	No
Min. Lot Width	60 ft.	60 ft.	60 ft.	Yes

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Min. Lot Depth	120 ft.	120 ft.	120 ft.	Yes
Min. Front Setback	50 ft.; 75 ft. if over two stories (adj. to SF) 25 ft.; 100 ft. if over two stories (adj. to non res.)	50 ft.; 75 ft. if over two stories (adj. to SF) 25 ft.; 100 ft. if over two stories (adj. to non res.)	45 ft. (North Boundary) 20 ft. (South Boundary)	No
Min. Interior Setback	50 ft.; 75 ft. if over two stories (adj. to SF) 25 ft.; 100 ft. if over 2 stories (adj. to MF or non res.)	50 ft.; 75 ft. if over two stories (adj. to SF) 25 ft.; 100 ft. if over 2 stories (adj. to MF or non res.)	3 ft.	No
Min. Rear Setback	N/A	N/A	N/A	N/A
Max. Height	3 stories (main structure); 1 story (accessory structure)	3 stories (main structure); 1 story (accessory structure)	3 stories (main structure); 1 story (accessory structure)	Yes
Max. Lot Coverage	40%	40%	40%	Yes
Parking	Min. of two (2) enclosed parking spaces behind the front building line on the same lot as the main structure	294 total 147 enclosed garages	343 total 219 surface area 40 detached garages 84 carports	No

Note: The exterior of the façade will include brick and cementitious fiberboard to match Phase 1 of the Mark on Conquest.

Table 3: Apartment Unit Breakdown

Unit Description	Unit Count	Percentage Breakdown
1 Bedroom/1 Bath	116	62%
2 Bedroom/2 Bath	60	32%
3 Bedroom/2 Bath	12	6%
Total	188	100%

PUBLIC NOTIFICATIONS

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

Special Exception/Variance Request:

Density

The maximum density allowed per MF2 zoning is 18 dwelling units per acre.

- The applicant is proposing a maximum of 18.08 dwelling units per acre.

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Lot Area

The minimum lot area per MF2 zoning is 2,420 SF/Unit.

- The applicant is proposing a minimum lot area of 2,411 SF/Unit.

Dwelling Unit

The minimum size for a one bedroom dwelling unit is 600 sq. ft.

- The applicant is proposing a minimum size one bedroom dwelling unit of 568 sq. ft. The applicant intends to have an average size of 650 sq. ft. one bedroom units.

Unit Count

The maximum unit count allowed for the subject site is 187 units.

- The applicant is proposing to construct 188 units.

Front Setback

Any front setback adjacent to Single Family shall be 75 ft. if over two stories, and setback 100 ft. if over two stories if adjacent to Multi Family or Nonresidential.

- The applicant is proposing a 45 ft. setback (100 ft. required) along the North boundary and a 20 ft. setback (75 ft. required) along the South boundary.

Side Setback

Any side setback adjacent to Single Family shall be 75 ft. if over two stories, and setback 100 ft. if over two stories and adjacent to Multi Family or Nonresidential.

- The applicant is proposing a 3 ft. side yard setback (100 ft. required) along the West boundary and a 3 ft. side yard setback (75 ft. required) along the East boundary.

Parking (Garages)

The applicant is required to provide 50% attached enclosed garages of the required parking for the site.

- The applicant is proposing 40 detached enclosed garages of the 147 required attached enclosed garages.

Roof Pitch

The minimum roof pitch allowed for MF2 zoning is 7:12.

- The applicant is proposing a roof pitch of 5:12.

Parking (Landscape Screening)

Parking areas shall be screened along all streets (min. 3 ft. shrubs)

- A deviation is requested along the northern boundary of the property

Screening

Due to being adjacent to Single Family zoning (along the East and South side of the property), a min. 6ft. masonry wall is required.

- The applicant is proposing a 6 ft. wrought iron fence.

Building Separation

The minimum building separation requirement for multi-family residential buildings over two stories is 35 ft.

- The applicant is proposing a minimum building separation of 27 ft.

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Refuse Facility

Every multi-family dwelling unit shall be located within 250 feet of a refuse facility, measured along the designated pedestrian and vehicular travel way. A refuse facility shall be a dumpster or other similar receptacle designed for receiving garbage in bulk for more than one dwelling. Refuse dumpsters shall be no closer than thirty (30) feet to any adjacent single-family property.

- Due to providing valet trash service as an amenity, the applicant ask that the proximity requirement for refuse facilities be waived.

STAFF CONCERNS

1. Staff suggests that the applicant meet the minimum requirement for one bedroom units (600 sq. ft.). The applicant is proposing a minimum size one bedroom dwelling unit of 568 sq. ft. The applicant intends to have an average size of 650 sq. ft. one bedroom units.
2. The applicant is required to provide 50% attached enclosed garages of the required parking for the site. The applicant is proposing 40 detached enclosed garages of the 147 required attached enclosed garages.

APPLICANT RESPONSE TO CONCERNS

1. The applicant understands staff concerns and intends to state their reasoning at the July 20, 2020 City Council meeting.

RECOMMENDATION

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

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

ATTACHED EXHIBITS

1. Ordinance 2296 (Existing Ordinance)
2. Development Agreement/Ordinance
3. Location Exhibit
4. Site plan
5. Landscape Plan
6. Elevation/Façade Plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11)

The buildings shall not exceed 350 feet in length.

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

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

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

PASSED, APPROVED AND ADOPTED on this 21st day of March, 2005.



Joe Jenkins
MAYOR

Nancy Ross
City Secretary

(11)

FIELD NOTES
10.402 Acres

BEING all that certain lot, tract, or parcel of land situated in the W.C. Tunnell Survey, Abstract No. 1080, and being a part of a called 239.598 acre tract conveyed to Joe Ruhl by deed recorded in Volume 1748, Page 2456 of the Official Public Records, Ellis County, Texas, and being more particularly described as follows:

BEGINNING at a Texas Highway Department monument found in the south line of U.S. Highway 287 Bypass (a dedicated right-of-way) for the northeast corner of this tract and said 239.598 acre tract, said rod being the northeast corner of a called 69.351 acre tract described by instrument recorded in Volume 237, Page 274 of the Deed Records, Ellis County, Texas;

THENCE S 00°23'45" W, 725.00 feet along the east line of this tract and said 239.598 acre tract and the east line of said 69.351 acre tract, to a 1/2" capped steel rod set for the southeast corner of this tract;

THENCE N 89°55'00" W, 625.00 feet into said 239.598 acre tract, along the south line of this tract, to a 1/2" capped steel rod set for the southwest corner of this tract;

THENCE N 00°23'45" E, 725.00 feet through said 239.598 acre tract, along the west line of this tract, to a 1/2" capped steel rod set in the south line of said highway and the north line of said 239.598 acre tract, for the northeast corner of this tract;

THENCE S 89°55'00" E (Deed - record bearing back), 625.00 feet along the south line of said highway and the north line of this tract and said 239.598 acre tract, to the POINT OF BEGINNING, and containing approximately 10.402 acres of land.

SURVEYOR'S DECLARATION

TO THE LIEN HOLDERS AND/OR THE OWNERS AND/OR THE PURCHASERS OF THE
PREMISES SURVEYED AND TO: Trinity Abstract and Title Company

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

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

I further certify to the following conditions:

1. That no portion of the said tract lies within a Special Flood Hazard Boundary according to the Flood Insurance Rate Map for Ellis County, Texas, Map # 4813800001 B.
2. This survey reflects the above ground (visible) location of utilities. The surveyor makes no guarantee that the utilities shown comprise all such utilities in the tract, either in service, or abandoned. Further, the surveyor does not warrant that the underground utilities shown are in the exact location indicated. Underground utilities which may affect this property were not located during the course of this survey, but has made an attempt to locate as accurately as possible any underground utility indicated by above ground evidence.
3. Information in parentheses are from public records (Deed-calls).
4. Bearing sources are as per record plat or field notes description.
5. This survey was prepared in conjunction with Trinity Abstract and Title Company Commitment for Title Insurance, G.F. No. 70308, dated October 14, 2004. The easements, rights-of-way, or other exceptions noted hereon are according to the Schedule B therein. The surveyor has not obstructed the property. Based on the easements and/or deeds furnished by the aforesaid title company, the following do not appear to affect the subject property:

Ellis Prairie Soil Conservation Dist. - 465/482; 474/33 DRECT
Texas Power & Light Co. - 494/44; 370/318; 539/437; 539/439; 366/586 DRECT
Southwestern Bell Tele. Co. - 350/339 DRECT
State of Texas - 439/286 DRECT
City of Wacoheche - 1865/4 OPRECT

6. Unless otherwise labeled, all property corners indicated as "Set" are 1/2" diameter steel rods with yellow plastic caps marked (RPLS 1486)

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

Walter Keven Davis
Walter Keven Davis, R.P.L.S. # 4486
Davis & McElis

1/13/05
Date



EXHIBIT PLAT

10.402 Acres

EXHIBIT A

(11)

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

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

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

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

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

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

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

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

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

Surveyors Declaration:

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

Walter Keven Davis 3/3/05

Walter Keven Davis
RPLS # 4466
Davis & McDill



EXHIBIT A

(11)

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

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

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

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

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

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

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

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

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

Walter Keven Davis

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



OWNER/DEVELOPER:

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

EXHIBIT B

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

Variable width R.O.W.

Advantage food - capital government

P.O.B.

1/2" CRS

(Good - record drug abuse)

S 89°53'00" E 625.00'

THO Monument
Fnd. (1/2" CRS
in place)

15" TROL Co
elec. control
792/220 DIRECT

N 90°23'45" E 725.00'

10.402 Ac.

5 00°23'43" W 725.00'

89-351 &
717/274 DIRECT

7" CRS

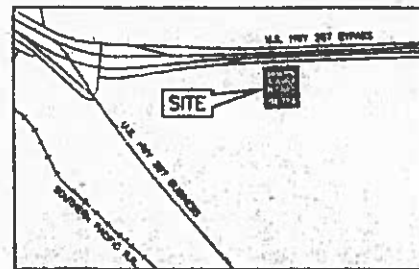
N 89°53'00" W 625.00'

✓ 25 015

102-52

1/2" RF

residual of 239.508 Ac
Joe Rust
1746/2455 DRECT



LOCATION MAP SCALE: 1" = 2000'

Variable width ROW

N 87°15'00" E
88.93'

End
378
S.R.

frontage road - asphalt pavement

(Dead - record bring basis) S 89°53'00" E 829.14'

P.O.B.

THD Monitor
fed. (1/2" CR)
in place

15 TPAE Co.
estm.
794/220 DNEC

Residual of 231,508 Acres
Unit Rural
Net 1746, Pg 245 OPRECT
EXISTING & ZONING

N 00°26'36" E 797.94'

EXISTING PD-48 LI-1 ZONING

PROPOSED PD MF-2 ZONING

16.944 Acres

(Portion of 239.998 Acres.
Vol 1745, Pg. 2455 CORRECT)

S 00°23'45" W 806.00'

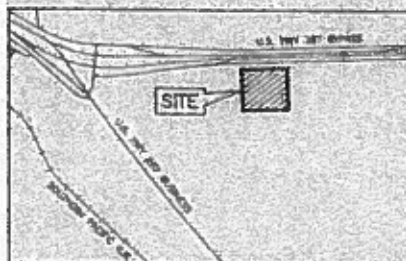
N 89°37'58" W 918.59'

 $\frac{1}{2} \sqrt{2} \approx 0.707$

W. C. TUNNELL SURVEY, ABST. 1080

SHW
Vol.

Residual of 238,596 Acres.
Job Rust
Vol. 1746, Pg. 2455 OPRCT
EXISTING PD-47-MF-2 ZONING



中国
 医药
 出版
 社

(12)

ORDINANCE NO. _____

AN AMENDMENT TO ORDINANCE 2296 AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-MULTI FAMILY-2 (PD-MF2) TO PLANNED DEVELOPMENT-MUTI FAMILY-2 (PD-MF2), WITH AMENDED ORDINANCE LOCATED AT THE INTERSECTION OF CONQUEST BOULEVARD AND US HIGHWAY 287, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 10.407 ACRES KNOWN AS A PORTION OF PROPERTY ID 191628 OF ABSTRACT 1080 OF THE WM C TUNNELL SURVEY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, a proper application for a PD, with Site Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-84-2020. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from PD-MF2 to PD-MF2 with Amended Ordinance, with Site Plan; and

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

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

NOW, THEREFORE, this property is rezoned from PD-MF2 to PD-MF2 with Amended Ordinance, with Site Plan in order to facilitate development of the subject property in a manner that allows multi family residential (apartments) structures on the following property: a portion of Property ID 191628 of Abstract 1080 of the WM C Tunnell Survey, which is shown on Exhibit A, Site Plan shown as Exhibit B, Landscape Plan shown as Exhibit C, and the Elevation/Façade Plan shown as Exhibit D.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development to create a multi family residential (apartments) 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.

(12)

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. The maximum density allowed for the second phase development shall be 18.08 dwelling units per acre.
3. The minimum lot area shall be 2,411 SF/Unit.
4. The minimum one bedroom unit size for the development shall be 568 sq. ft.
5. The maximum unit count for the development shall be 188 units.
6. The minimum front yard setback shall be 45 ft. setback along the North boundary and a 20 ft. setback along the South boundary.
7. The minimum side yard setback shall be 3 ft. side yard setback along the West boundary and a 3 ft. side yard setback along the East boundary.
8. A minimum of 40 detached enclosed garages shall be provided for the development.
9. The minimum roof pitch shall be 5:12.
10. A 6ft. wrought iron fence shall be constructed adjacent to Single Family zoning (along the East and South side of the property).
11. A minimum building separation of 27ft. shall be required for the development.
12. The exterior of the project shall include brick and cementitious fiber board to match the aesthetic of The Mark on Conquest Phase 1 apartments.
13. The Site Plan shall conform as approved by the City Council under case number ZDC-84-2020.
14. Any zoning, land use requirement, or restriction not contained within this zoning ordinance or Development Agreement shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan. Where regulations are not specified in Exhibit B, or in this ordinance, the regulations of Multi Family-2 zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.
15. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
16. 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 20th day of July, 2020.

MAYOR

ATTEST:

City Secretary

(13)

STATE OF TEXAS § DEVELOPMENT AGREEMENT
 § FOR THE MARK ON CONQUEST – PHASE 2
COUNTY OF ELLIS §

This Development Agreement for The Mark on Conquest – Phase 2 ("**Agreement**") is entered into between The Mark on Conquest II Owner, LLC ("TMCII") and the City of Waxahachie, Texas ("**City**"). TMCII and the City are sometimes referred herein together as the "**Parties**" and individually as a "**Party**."

Recitals:

1. TMCII is the owner of approximately 10.409 acres of real property generally located at the intersection of Conquest Boulevard and US Highway 287, parcel number 191628, in the City of Waxahachie, Texas (the "**Property**"), for which he has requested a change in the Property's Planned Development-Multi Family-2 zoning to a Planned Development ("**PD**") Multi Family-2 zoning with an amended ordinance, revising specific development standards. The Property is currently zoned Planned Development-Multi Family-2 by the City, and is anticipated to have the zoning changed to a new PD zoning on July 20, 2020.

2. The planned use of the Property is to create a Planned Development to allow for the development of multi family residential structures (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 TMCII 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 TMCII 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. (TBD)** (the "**The Mark on Conquest Phase II PD Ordinance**"), a copy of which is attached hereto as **Exhibit A** and which contains the negotiated zoning and development standards for The Mark on Conquest Phase II.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in The Mark on Conquest Phase II PD Ordinance as contractually-binding obligations between the City of Waxahachie and TMCII, and to recognize TMCII's reasonable investment-backed expectations in The Mark on Conquest Phase II PD Ordinance and the planned development of The Mark on Conquest Phase II.

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

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

(13)

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 Mark on Conquest Phase II 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 TMCII. TMCII, agrees to:

- Per the applicant's request, a Developer's Agreement will be required for the property.
- The maximum density allowed for the second phase development shall be 18.08 dwelling units per acre.
- The minimum lot area shall be 2,411 SF/Unit.
- The minimum one bedroom unit size for the development shall be 568 sq. ft.
- The maximum unit count for the development shall be 188 units.
- The minimum front yard setback shall be 45 ft. setback along the North boundary and a 20 ft. setback along the South boundary.
- The minimum side yard setback shall be 3 ft. side yard setback along the West boundary and a 3 ft. side yard setback along the East boundary.
- A minimum of 40 detached enclosed garages and 84 carports shall be provided for the development.
- The minimum roof pitch shall be 5:12.
- A 6ft. wrought iron fence shall be constructed adjacent to Single Family zoning (along the East and South side of the property).
- A minimum building separation of 27ft. shall be required for the development.
- The exterior of the project shall include brick and cementitious fiber board to match the aesthetic of The Mark on Conquest Phase 1 apartments.
- The Site Plan shall conform as approved by the City Council under case number ZDC-84-2020.
- A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
- The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

(13)

In consideration of TMCII's agreement in this regard, the City of Waxahachie agrees that TMCII has reasonable investment-backed expectations in The Mark on Conquest Phase II PD Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in The Mark on Conquest Phase II PD Ordinance without impacting TMCII's reasonable investment-backed expectations.

Section 4. Miscellaneous

- A. This Agreement and any dispute arising out of or relating to this Agreement shall be governed by and construed in accordance with the laws of the State of Texas, without reference to its conflict of law rules. In the event of any dispute or action under this Agreement, venue for any and all disputes or actions shall be instituted and maintained in Ellis County, Texas.
- B. It is acknowledged and agreed by the Parties that the terms hereof are not intended to and shall not be deemed to create a partnership, joint venture, joint enterprise, or other relationship between or among the Parties.
- C. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect other provisions, and it is the intention of the Parties to this Agreement that in lieu of each provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.
- D. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either Party shall not preclude or waive its right to use any or all other remedies. Said rights and remedies are given in addition to any other rights the Parties may have by law statute, ordinance, or otherwise. The failure by any Party to exercise any right, power, or option given to it by this Agreement, or to insist upon strict compliance with the terms of this Agreement, shall not constitute a waiver of the terms and conditions of this Agreement with respect to any other or subsequent breach thereof, nor a waiver by such Party of its rights at any time thereafter to require exact and strict compliance with all the terms hereof. Any rights and remedies any Party may have with respect to the other arising out of this Agreement shall survive the cancellation, expiration or termination of this Agreement, except as otherwise expressly set forth herein.
- 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.

(13)

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 TMCII and all heirs, successors, and assigns and the future owners of the Property and any portion thereof; provided, however, this Agreement shall not constitute an obligation of or be deemed a restriction or encumbrance with respect to any platted residential lot upon which a completed structure has been constructed.

{Signature Pages Follow}

(13)

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

: The Mark on Conquest II Owner, LLC

By: _____

Date: _____

(13)

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

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

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____ day of _____, 2020, personally appeared _____, representative of The Mark on Conquest Phase II Owner, LLC, 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: _____

(13)

EXHIBIT A

The Mark on Conquest Phase II PD Ordinance

ORDINANCE NO. _____

AN AMENDMENT TO ORDINANCE 2296 AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-MULTI FAMILY-2 (PD-MF2) TO PLANNED DEVELOPMENT-MUTI FAMILY-2 (PD-MF2), WITH AMENDED ORDINANCE LOCATED AT THE INTERSECTION OF CONQUEST BOULEVARD AND US HIGHWAY 287, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 10.407 ACRES KNOWN AS A PORTION OF PROPERTY ID 191628 OF ABSTRACT 1080 OF THE WM C TUNNELL SURVEY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, a proper application for a PD, with Site Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-84-2020. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from PD-MF2 to PD-MF2 with Amended Ordinance, with Site Plan; and

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

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

NOW, THEREFORE, this property is rezoned from PD-MF2 to PD-MF2 with Amended Ordinance, with Site Plan in order to facilitate development of the subject property in a manner that allows multi family residential (apartments) structures on the following property: a portion of Property ID 191628 of Abstract 1080 of the WM C Tunnell Survey, which is shown on Exhibit A, Site Plan shown as Exhibit B, Landscape Plan shown as Exhibit C, and the Elevation/Façade Plan shown as Exhibit D.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development to create a multi family residential (apartments) 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. The maximum density allowed for the second phase development shall be 18.08 dwelling units per acre.
3. The minimum lot area shall be 2,411 SF/Unit.
4. The minimum one bedroom unit size for the development shall be 568 sq. ft.
5. The maximum unit count for the development shall be 188 units.
6. The minimum front yard setback shall be 45 ft. setback along the North boundary and a 20 ft. setback along the South boundary.
7. The minimum side yard setback shall be 3 ft. side yard setback along the West boundary and a 3 ft. side yard setback along the East boundary.
8. A minimum of 40 detached enclosed garages shall be provided for the development.
9. The minimum roof pitch shall be 5:12.
10. A 6ft. wrought iron fence shall be constructed adjacent to Single Family zoning (along the East and South side of the property).
11. A minimum building separation of 27ft. shall be required for the development.
12. The exterior of the project shall include brick and cementitious fiber board to match the aesthetic of The Mark on Conquest Phase 1 apartments.
13. The Site Plan shall conform as approved by the City Council under case number ZDC-84-2020.
14. Any zoning, land use requirement, or restriction not contained within this zoning ordinance or Development Agreement shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan. Where regulations are not specified in Exhibit B, or in this ordinance, the regulations of Multi Family-2 zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.
15. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
16. 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.

(13)

PASSED, APPROVED, AND ADOPTED on this 20th day of July, 2020.

MAYOR

ATTEST:

City Secretary

(13)



Exhibit A - Location Exhibit

(13)

Exhibit B - Site Plan

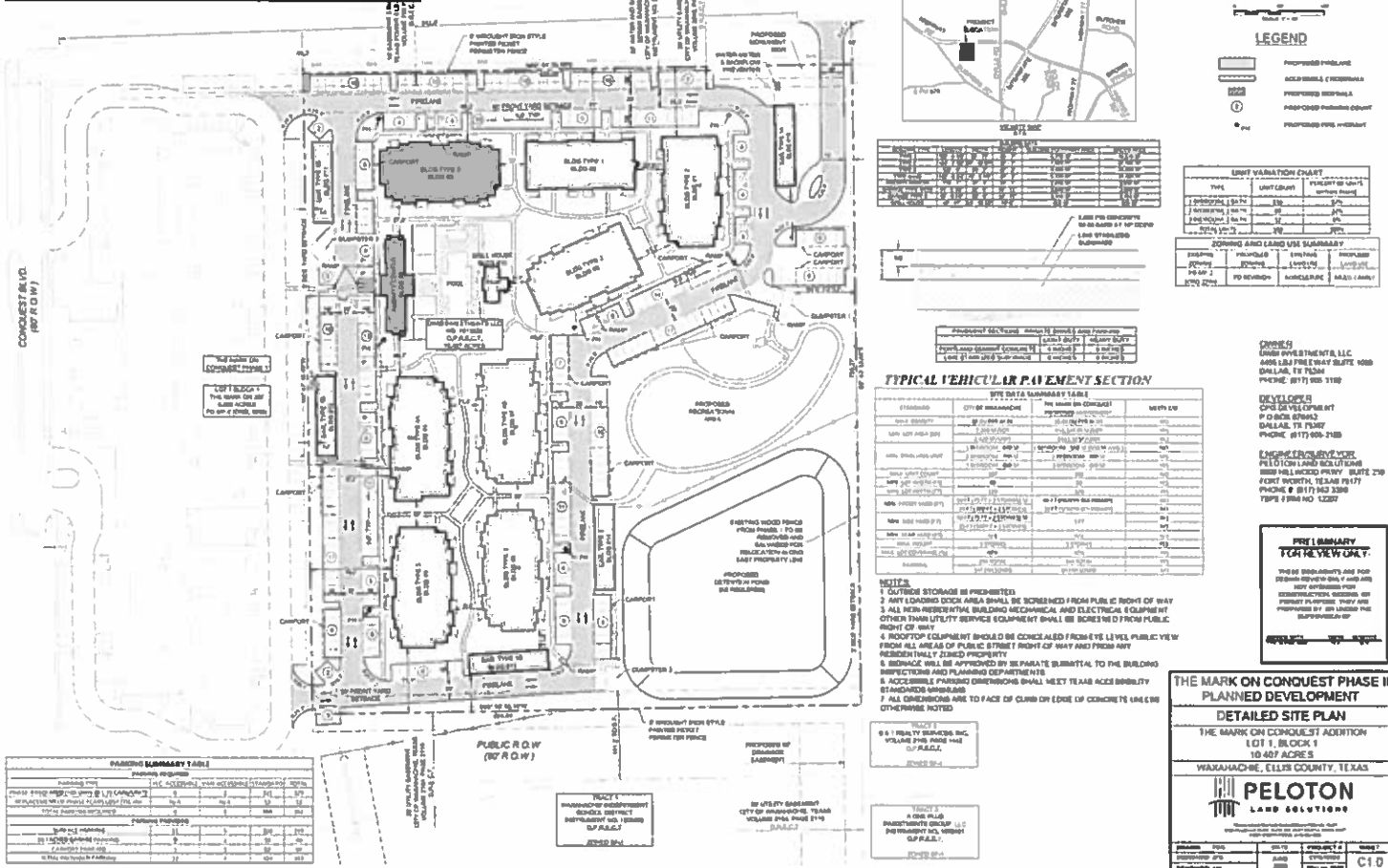
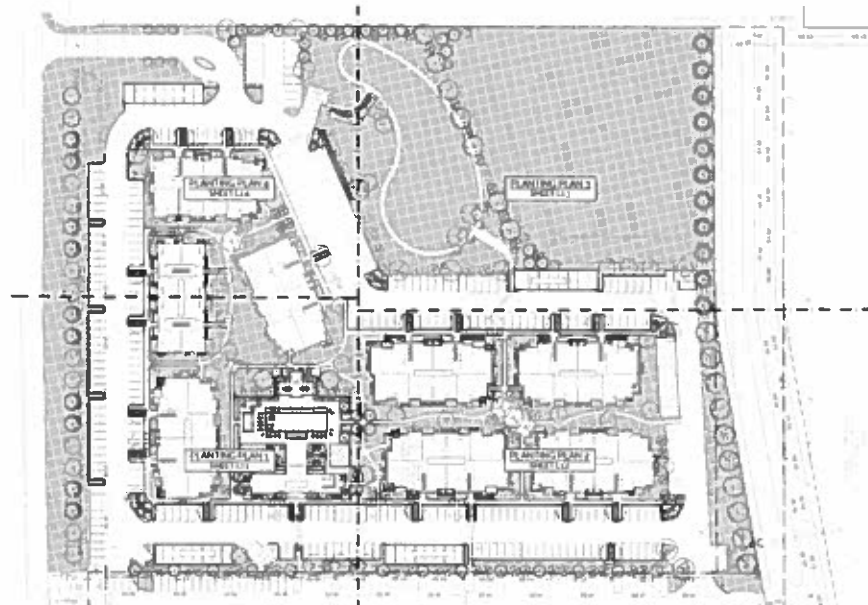


Exhibit C - Landscape Plan



LANDSCAPE PLAN

 Valley Quest DESIGN LANDSCAPE ARCHITECTS 101 S. STEVEN DR. SUITE 100 CHANDLER, TEXAS 75226 TEL: 214-771-9911		
CUSTOMER NAME:		
SHEET NO. / CLIENT:		
DRAWING SCALE: (GRAPHICALLY) 1" = 20' PROJECT ADDRESS: PO BOX 87888 DALLAS, TEXAS 75288 (CONTRACTOR), LLC		
DATE:		
BY:		
FOR:		
REVISIONS:		
No.	Date	Description
		
SCALE OF PLAN:		
PROJECT:		
The Park at Conquest A Country Club & Family Community Cedar Hill, Texas ZDC-NR-0000		
WATERMARK: T&E		
SHEET TITLE:		
LANDSCAPE PLAN		
SHEET NUMBER:		
LP1.0		

Exhibit C - Landscape Plan

[illegible]

(13)

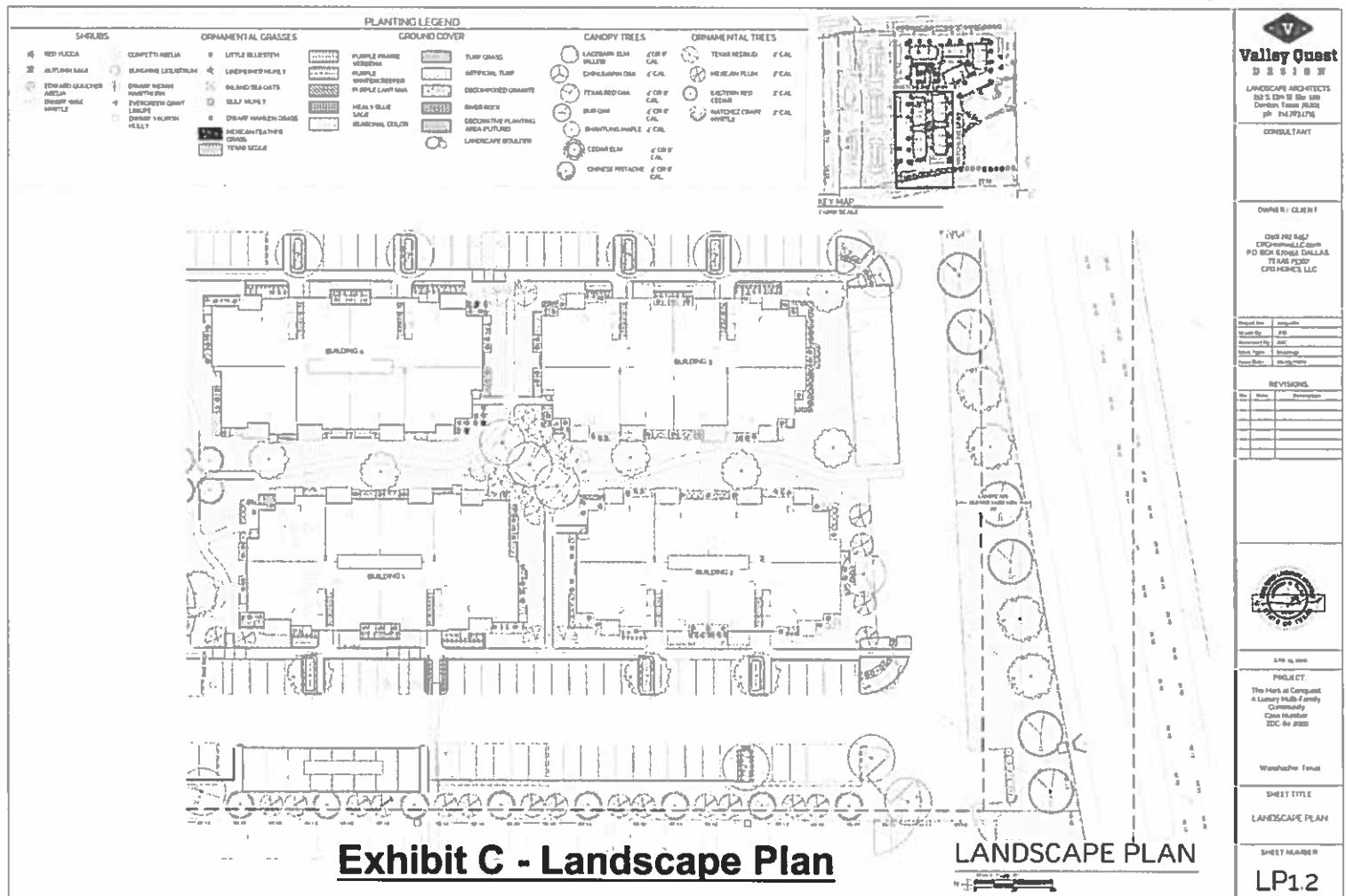
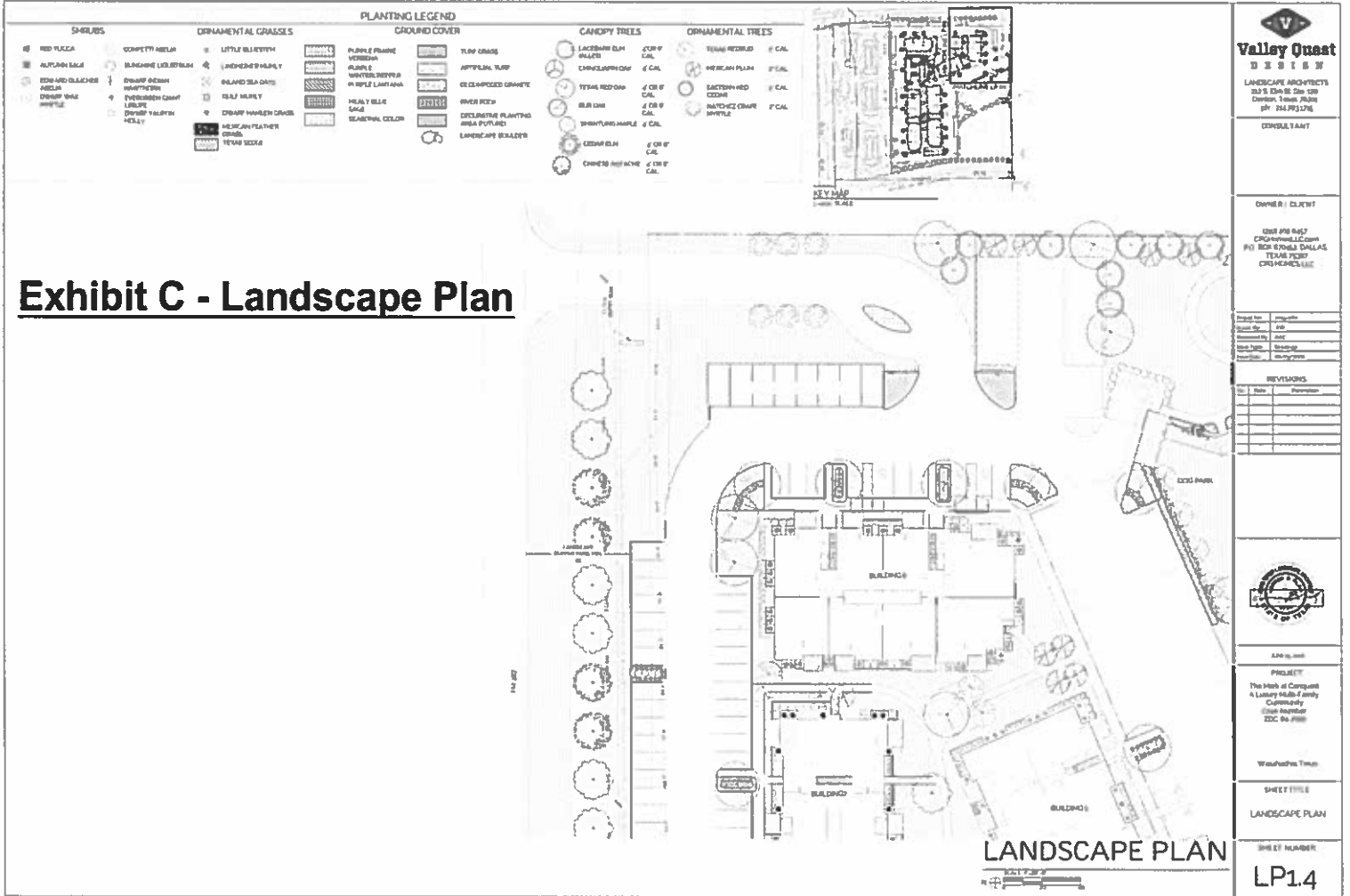


Exhibit C - Landscape Plan



(13)

Exhibit C - Landscape Plan



(13)

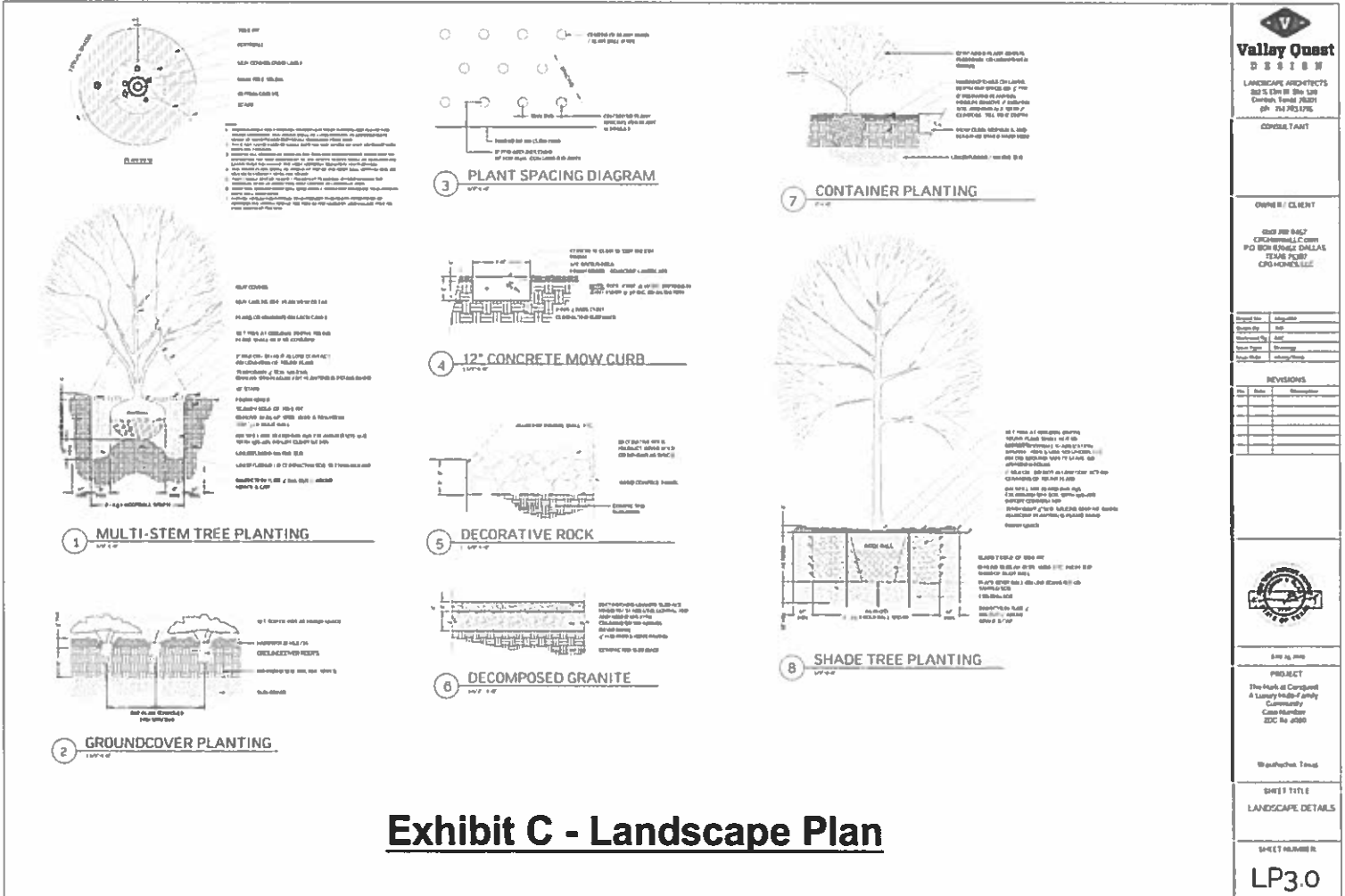


Exhibit C - Landscape Plan

(13)

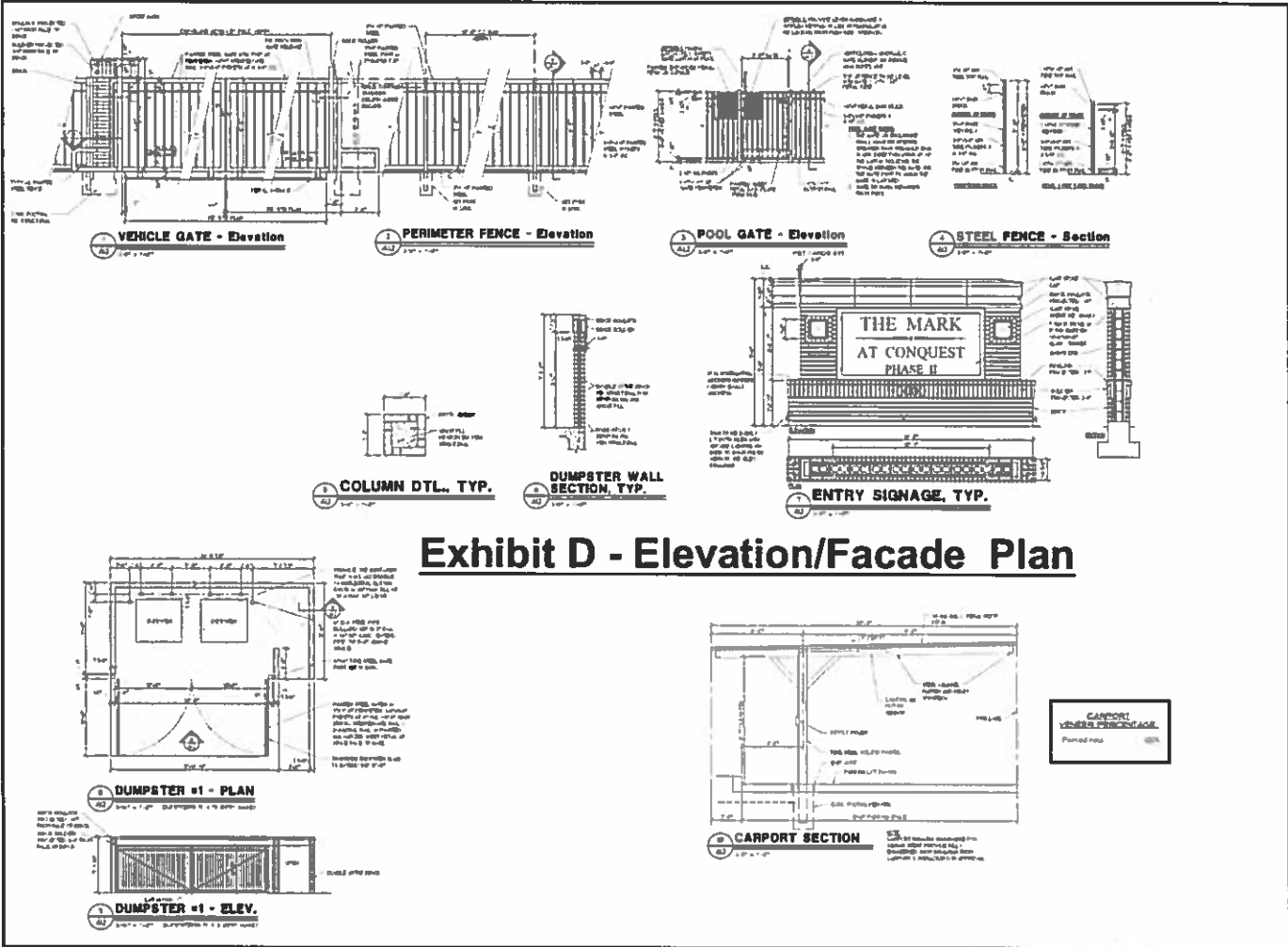


Exhibit D - Elevation/Facade Plan



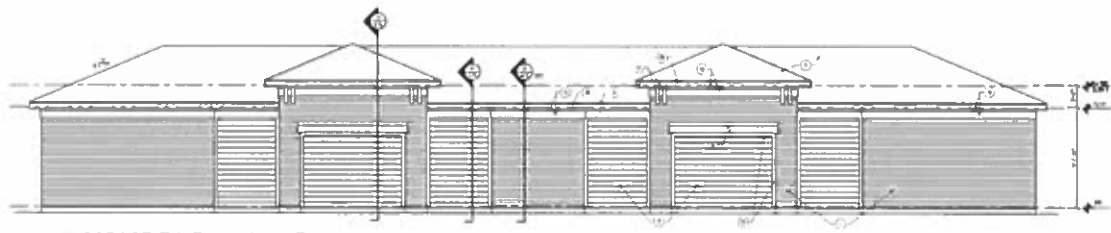
MUCASEY & Associates
Architects
1000 S. Orange Ave. Suite 200
Orlando, FL 32801
Tel: (407) 525-1234
Fax: (407) 525-1235
Email: info@mucasey.com

THE MARK AT CONQUEST PHASE II
A Luxury Multi-Family Community

Project Name	THE MARK AT CONQUEST PHASE II
Project Location	Orlando, FL
Project Type	Multi-Family
Project Status	Under Construction
Project Manager	John Doe
Project Engineer	Jane Smith
Project Architect	Mucasey & Associates
Project Designer	John Doe
Project Consultant	Jane Smith
Project Contractor	ABC Construction
Project Subcontractor	DEF Construction
Project Supplier	GHI Construction
Project Vendor	JKL Construction
Project Fabricator	MNO Construction
Project Installer	PQR Construction
Project Maintainer	RST Construction
Project Operator	UVW Construction
Project Owner	XYZ Construction

A1.2

(13)



GARAGE TYPE 1b - Back Elevation

GARAGE TYPE 1b VEHICLE DESCRIPTION	
Quantity	471

Exhibit D - Elevation/Facade Plan

- GENERAL NOTES:**
1. General notes to the set of drawings are located on the first sheet of the set.
 2. Dimensions are given in feet and inches. Dimensions in parentheses are for reference only.
 3. Materials and finishes are indicated by notes and symbols.
 4. Details are shown in section and elevation.
 5. The architect reserves the right to make changes to the drawings without notice.
 6. The contractor is responsible for obtaining all necessary permits.
 7. The contractor is responsible for the quality of the work.
 8. The contractor is responsible for the safety of the work.
 9. The contractor is responsible for the protection of the site.
 10. The contractor is responsible for the cleanup of the site.
 11. The contractor is responsible for the disposal of waste.
 12. The contractor is responsible for the storage of materials.
 13. The contractor is responsible for the transportation of materials.
 14. The contractor is responsible for the installation of materials.
 15. The contractor is responsible for the removal of materials.
 16. The contractor is responsible for the repair of damage.
 17. The contractor is responsible for the completion of the work.
 18. The contractor is responsible for the acceptance of the work.
 19. The contractor is responsible for the payment of the work.
 20. The contractor is responsible for the release of the work.
- TYPICAL ELEVATION NOTES:**
1. The elevation is shown in section and elevation.
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 19. The elevation is shown in section and elevation.
 20. The elevation is shown in section and elevation.



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Fax: 602.998.8889
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THE MARK AT CONQUEST PHASE II
A Luxury Multi-Family Community

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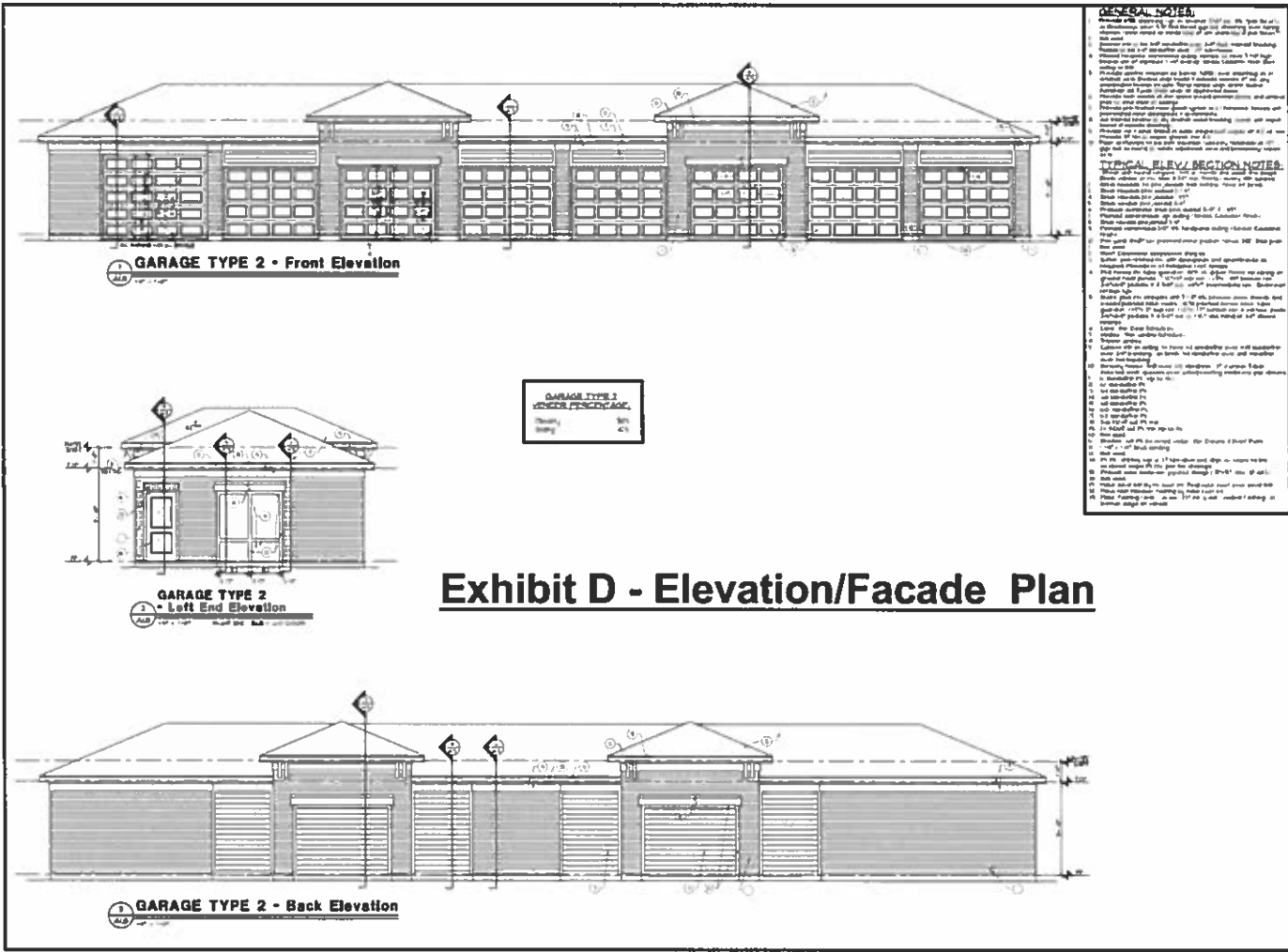


Exhibit D - Elevation/Facade Plan

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THE MARK AT CONQUEST PHASE II
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A1.8



Exhibit D - Elevation/ Facade Plan

(13)



BLDG. TYPE 1 - Driveway (Front) Elevation

Exhibit D - Elevation/Facade Plan



BLDG. TYPE 1 - Courtyard (Back) Elevation

GENERAL NOTES:

1. All dimensions are in feet and inches. Dimensions are given in feet and inches to the nearest 1/4\"/>
2. All elevations are shown in elevation. Elevation is shown in feet and inches to the nearest 1/4\"/>
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TYPICAL ELEVATION NOTES:

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THE MARK AT CONQUEST PHASE I
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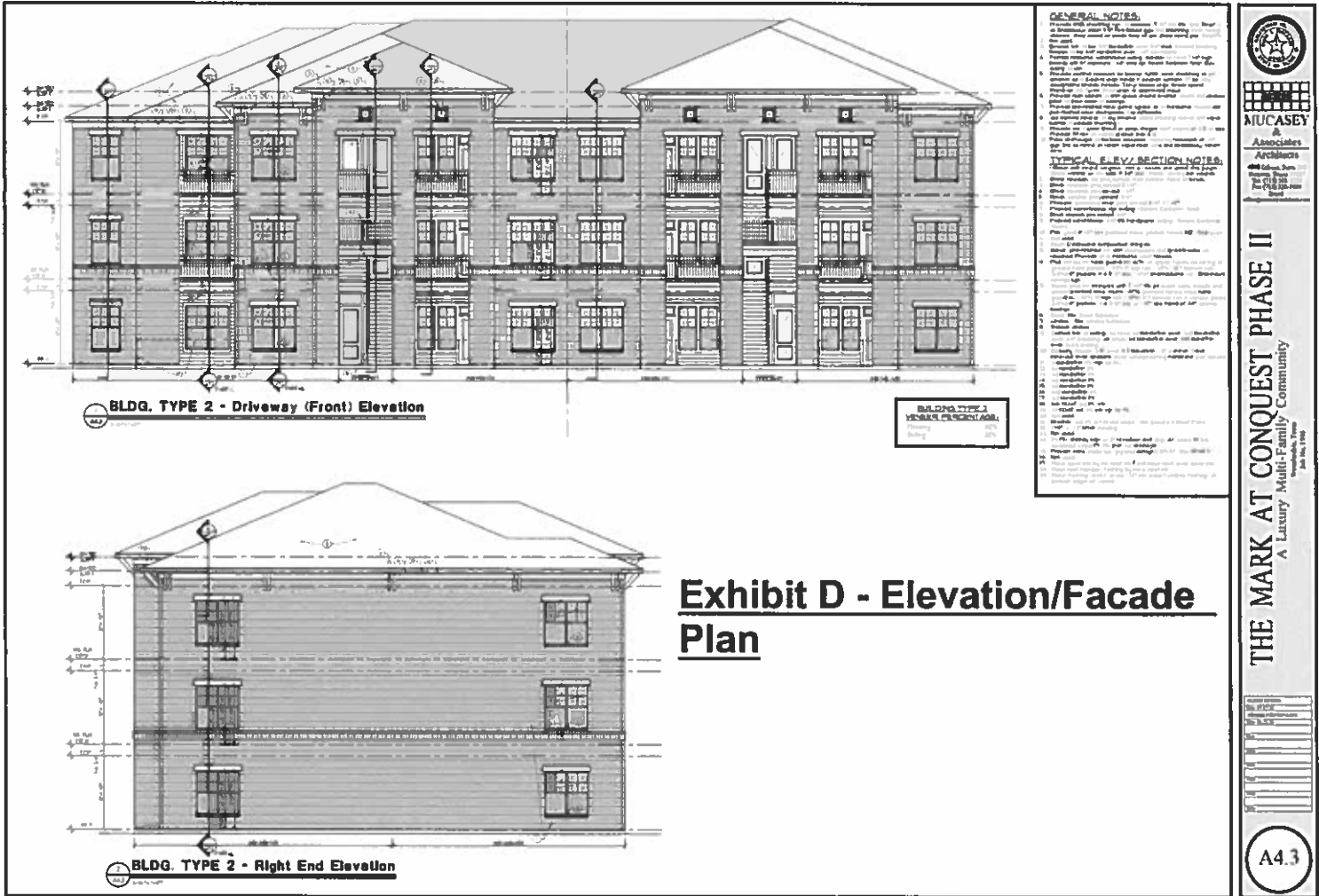
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 Fax: 713-761-7100

THE MARK AT CONQUEST PHASE II
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 713-761-1140

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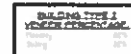
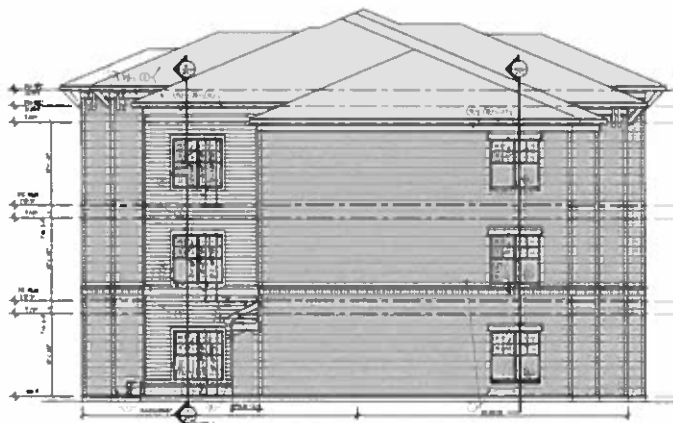
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BLDG. TYPE 2 - Courtyard (Back) Elevation

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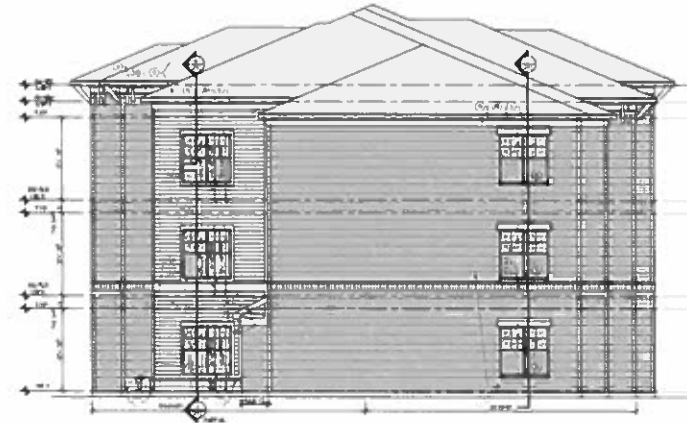
BLDG. TYPE 2 - Left End Elevation

Exhibit D - Elevation/Facade Plan

(13)



BLDG. TYPE 3 - Courtyard (Back) Elevation



BLDG. TYPE 3 - Left End Elevation

Exhibit D - Elevation/ Facade Plan

NO.	DESCRIPTION	DATE
1	REVISION	10/1
2	REVISION	10/1

- GENERAL NOTES:**
1. General notes shall apply to all drawings.
 2. All dimensions shall be in feet and inches.
 3. All materials shall be as specified in the schedule.
 4. All work shall be in accordance with the latest edition of the building code.
 5. All work shall be in accordance with the latest edition of the mechanical code.
 6. All work shall be in accordance with the latest edition of the electrical code.
 7. All work shall be in accordance with the latest edition of the plumbing code.
 8. All work shall be in accordance with the latest edition of the fire code.
 9. All work shall be in accordance with the latest edition of the health code.
 10. All work shall be in accordance with the latest edition of the safety code.
- TYPICAL SECTION NOTES:**
1. Section notes shall apply to all sections.
 2. All dimensions shall be in feet and inches.
 3. All materials shall be as specified in the schedule.
 4. All work shall be in accordance with the latest edition of the building code.
 5. All work shall be in accordance with the latest edition of the mechanical code.
 6. All work shall be in accordance with the latest edition of the electrical code.
 7. All work shall be in accordance with the latest edition of the plumbing code.
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 10. All work shall be in accordance with the latest edition of the safety code.

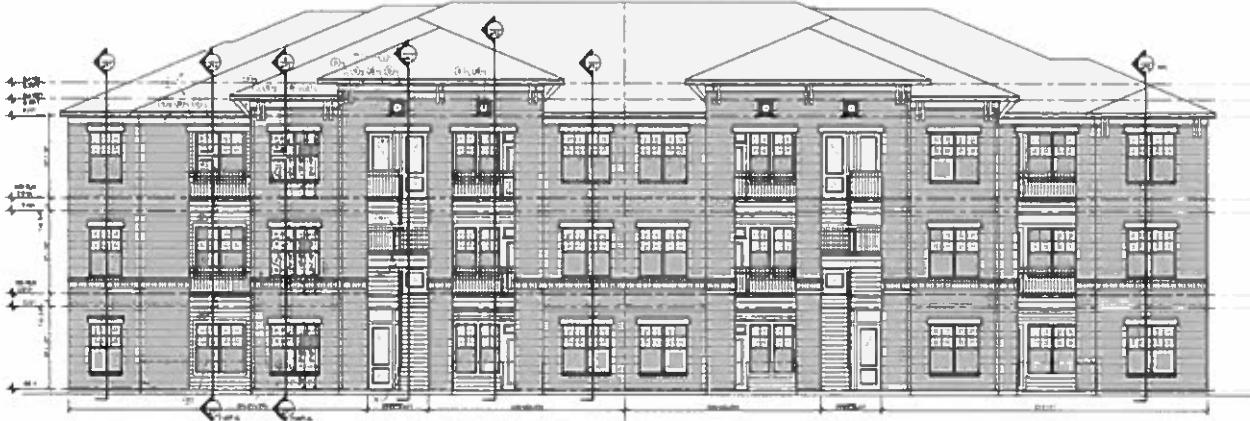


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BLDG. TYPES 4a & 4b - Driveway (Front) Elevation



BLDG. TYPES 4a & 4b (Sim.) - Right End Elevation

Exhibit D - Elevation/ Facade Plan

BLDG. TYPE 4
GENERAL NOTES:
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2. See page 75

GENERAL NOTES:

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TYPICAL ELEVATION SECTION NOTES:

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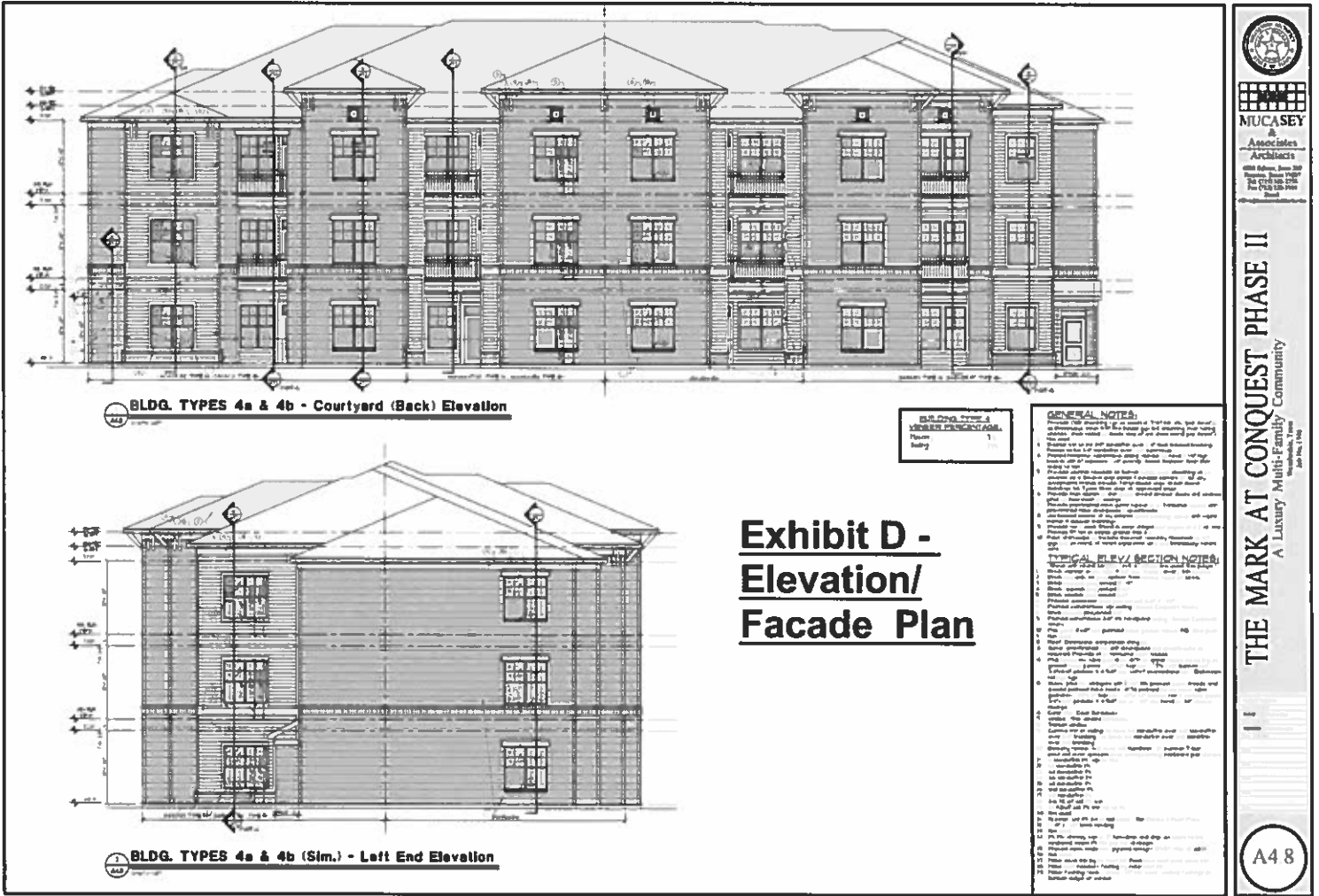


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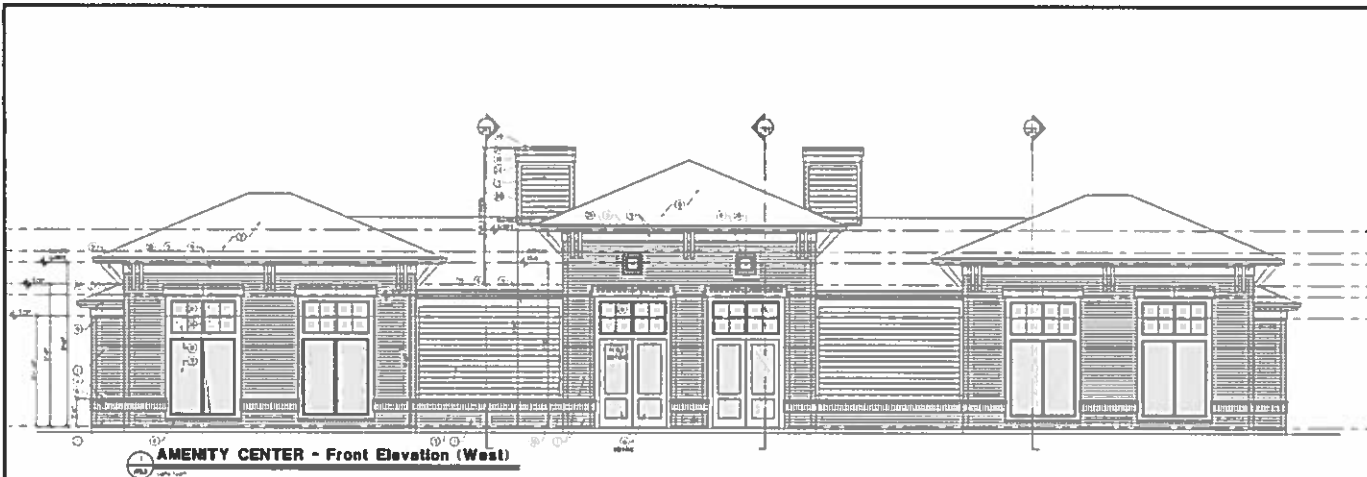
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AMENITY CENTER - Front Elevation (West)

Exhibit D - Elevation/Facade Plan



AMENITY CENTER - Side Elevation (South)

GENERAL NOTES:

1. All dimensions are in feet and inches. Fractions shall be in eighths, sixteenths, or thirty-seconds of an inch.
2. All elevations are shown in section.
3. All elevations are shown in section.
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MUCASEY
Associates
Architects

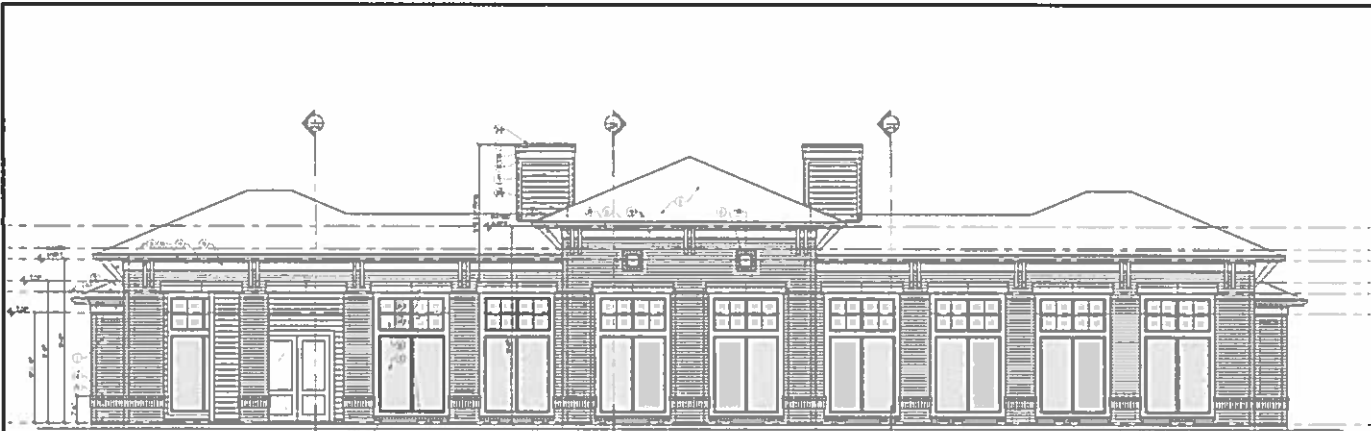
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A9.3

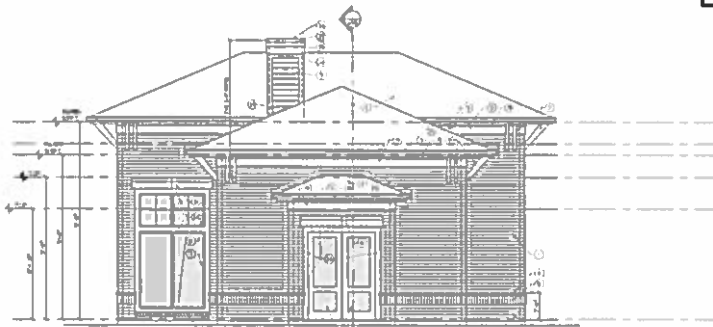
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AMENITY CENTER - Rear Elevation (East)

Exhibit D - Elevation/Facade Plan

AMENITY CENTER
FLOOR PLAN
Sheet 13



AMENITY CENTER - Side Elevation (North)

GENERAL NOTES

1. General Notes: See the General Notes on the first sheet of the set.
2. Materials: All materials shall be as specified in the schedule of materials.
3. Workmanship: All work shall be done in accordance with the standards of the industry.
4. Protection: All existing structures shall be protected during construction.
5. Safety: All safety measures shall be taken in accordance with the OSHA regulations.
6. Environmental: All environmental measures shall be taken in accordance with the local regulations.
7. Utilities: All utilities shall be located and protected before construction.
8. Access: All access to the site shall be maintained throughout construction.
9. Storage: All materials and equipment shall be stored in a secure and accessible location.
10. Cleanup: The site shall be kept clean and free of debris throughout construction.

11. Foundation: The foundation shall be as specified in the schedule of materials.
12. Framing: The framing shall be as specified in the schedule of materials.
13. Roofing: The roofing shall be as specified in the schedule of materials.
14. Siding: The siding shall be as specified in the schedule of materials.
15. Windows: The windows shall be as specified in the schedule of materials.
16. Doors: The doors shall be as specified in the schedule of materials.
17. Finishes: The finishes shall be as specified in the schedule of materials.
18. Mechanical: The mechanical systems shall be as specified in the schedule of materials.
19. Electrical: The electrical systems shall be as specified in the schedule of materials.
20. Plumbing: The plumbing systems shall be as specified in the schedule of materials.
21. Fire Protection: The fire protection systems shall be as specified in the schedule of materials.
22. Security: The security systems shall be as specified in the schedule of materials.
23. Accessibility: The building shall be accessible to all persons in accordance with the ADA requirements.
24. Signage: The signage shall be as specified in the schedule of materials.
25. Landscaping: The landscaping shall be as specified in the schedule of materials.
26. Parking: The parking area shall be as specified in the schedule of materials.
27. Driveway: The driveway shall be as specified in the schedule of materials.
28. Fencing: The fencing shall be as specified in the schedule of materials.
29. Lighting: The lighting shall be as specified in the schedule of materials.
30. Other: All other items shall be as specified in the schedule of materials.

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A9.4

(14)



Memorandum

To: Honorable Mayor and City Council
From: Tommy Ludwig, Assistant City Manager
Thru: Michael Scott, City Manager
Date: July 9, 2020
Re: Bardwell Channel Dredging (Minor) Contract

On Monday July 20, 2020 an award of a bid to U.S. Underwater Services, LLC associated with the Lake Bardwell Raw Water Intake Channel Dredging (Minor) Project, will appear before the City Council in the amount of \$63,000.

In June 2020, the Utilities Department advertised a request for competitive bids for this service. The Department received two proposals in response:

- U.S. Underwater Services, LLC - \$63,000
- J&K Excavation - \$63,700

U.S. Underwater Services, LLC located in Mansfield, Texas was the lowest responsible bidder and staff recommends awarding this scope of work to the vendor. U.S. Underwater Services, LLC has successfully completed previous diving and cleaning projects with the City and have performed very satisfactorily. This project will conduct a minor dredging to remove accumulated lake sedimentation from the Bardwell Raw Water Pump Station and in the channel immediately in front of the station. This scope of work will de-silt the areas around the Raw Water Intake pumps so the City can fully utilize the Lake Bardwell Raw Water Pump Station later this summer during peak demand.

This project is included in the Five Year Water Capital Improvement Program (CIP) and is scheduled to be funded with certificate of obligations in this year's bond sale. The

(14)

Utilities Department will fund any expenses associated with this project from its operating budget, until bonds are sold. There is a companion resolution to this agenda item authorizing a reimbursement to the Utilities Department Operating fund from future bond sales. As a reminder, a project to perform a full dredging of the Lake Bardwell Channel is included in the FY 2020-21 Water CIP.

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

Tommy Ludwig

(14)



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GARY C. HENDRICKS, P.E., R.P.L.S.
JOE R. CARTER, P.E.
MATT HICKEY, P.E.
ANDREW MATA, JR., P.E.
JOSEPH T. GRAJEWSKI, III, P.E.
DEREK B. CHANEY, P.E., R.P.L.S.
CRAIG M. KERKHOFF, P.E.
JUSTIN R. IVY, P.E.

July 8, 2020

TRANSMITTED VIA EMAIL

Mr. David Bailey
Director of Utilities
City of Waxahachie
P.O. Box 757
Waxahachie, Texas 75168

Re: Lake Bardwell Raw Water Intake Channel Dredging (Minor) and Intake Structure De-Silting
Waxahachie Project No. 20-013
Bid Award Recommendation

Dear Mr. Bailey

We have checked the bids received at 10:00 a.m., July 7, 2020 for the Lake Bardwell Raw Water Intake Channel Dredging (Minor) and Intake Structure De-Silting project (*Waxahachie Project No. 20-013*). Two (2) contractors submitted bids on this project. We are enclosing three (3) copies of the Bid Summary and Bid Tabulation for the City's reference and files.

U.S. Underwater Services, LLC of Mansfield, Texas submitted the low bid in the amount of \$63,000.00. We are familiar with the capabilities and previous work history of U.S Underwater Services, LLC, and they have a record of satisfactory completed similar projects for the City of Waxahachie, including this same project in the past.

Accordingly, based on the information we have available to us, we recommend that the City accept the bid from U.S Underwater Services, LLC. and award them a construction contract in the amount of \$63,000.00 for the Lake Bardwell Raw Water Intake Channel Dredging (Minor) and Intake Structure De-Silting project

We are available to discuss our recommendation further at your convenience.

Sincerely,

Gary C. Hendricks, P.E., R.P.L.S.

Enclosures

cc: Mr. Tommy Ludwig
Mr. Richard Abernathy

(14)

CITY OF WAXAHACHIE, TEXAS
Lake Bardwell Raw Water Intake Channel Dredging (Minor)
(U.S. Army Corps of Engineers Project No. SWF-2011-00423)

BID SUMMARY
Bids Received at 10:00 a.m., Tuesday, July 7, 2020

<u>Contractor</u>	<u>Total Amount Bid</u>
1. U.S Underwater Services, LLC Mansfield, Texas 76063 Rachel Potter 817-447-7321 rpotter@usunderwaterservices.com	\$ <u>63,000.00</u>
2. J & K Excavation P.O. Box 886 Italy, Texas 76651 Joshua Trees 972-923-2250 jkexcavation@yahoo.com	\$ <u>63,700.00</u>

(15)

RESOLUTION NO.

A RESOLUTION DECLARING INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT FOR THE PURPOSE OF PERFORMING A MINOR DREDGING AT THE LAKE BARDWELL RAW WATER INTAKE CHANNEL

WHEREAS, the City of Waxahachie (the "City") intends to issue debt to finance cost to be incurred to perform a minor dredging at the Lake Bardwell Raw Water Intake Channel and related expenses prior to the issuance of such debt with the expectation that such expenditures are to be reimbursed with proceeds of such debt; and

WHEREAS, Treas. Reg. § 1.150-2 (the "Regulation") provides that to fund such reimbursement with proceeds of tax-exempt obligations the City must declare its expectation to make such reimbursement; and

WHEREAS, the City desires to preserve its ability to reimburse the expenditures with proceeds of tax-exempt obligations.

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

SECTION 1

That the City reasonably expects to reimburse the Water Fund with proceeds of debt hereafter to be issued by the City, and this resolution shall constitute a declaration of official intent under the Regulation.

SECTION 2

That the City Manager is authorized to take those steps reasonable and necessary to comply with the intent of this resolution including a loan from the Water Fund in an amount not to exceed \$70,000.

SECTION 3

That this resolution shall take effect immediately from and after the date of passage.

ADOPTED THIS 20th day of July, 2020.

MAYOR

ATTEST:

Assistant City Secretary



Memorandum

To: Honorable Mayor and City Council
From: James Gaertner, Director of Public Works and Engineering
Thru: Michael Scott, City Manager
Date: June 20, 2020
Re: FM 813 Road Closure Resolution

On Monday, July 20, 2020, a Resolution for FM 813 road closure will appear before the City Council for consideration related to John Houston Homes Development installation of the drainage box culverts under FM813. TxDOT requires a City Council Resolution to enter into an agreement for the FM 813 road closure. The road closure will begin July 22, 2020 and will re-open on September 2, 2020. Attached is the detour map for this road closure.

John Houston Homes Development has coordinated this closure with TxDOT in order to expedite the impacts to FM 813. All expenses with the design and construction of the drainage system under FM 813 will be the sole responsibility of John Houston Homes Development.

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

James Gaertner

(110)

RESOLUTION NO.

A RESOLUTION OF THE CITY OF WAXAHACHIE, TEXAS, ENTERING AN AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR THE ROADWAY CLOSURE OF FARM TO MARKET 813 (FM 813) BETWEEN SPRING CREEK DRIVE AND GROVE CREEK DRIVE FROM JULY 22, 2020 TO SEPTEMBER 2, 2020.

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

SECTION 1

The City of Waxahachie enters into an agreement with TxDOT for the roadway closure of FM 813 from Spring Creek Drive and Grove Creek Drive. The closure will be from July 22, 2020 through September 2, 2020. The closure will be performed in order to install the box culvert and drainage system across FM 813.

SECTION 2

Engineering plans for the construction and traffic control plan was prepared by John Houston Homes Development Professional Engineer consultant. All cost associated with this project will be the responsibility of John Houston Homes Development.

SECTION 3

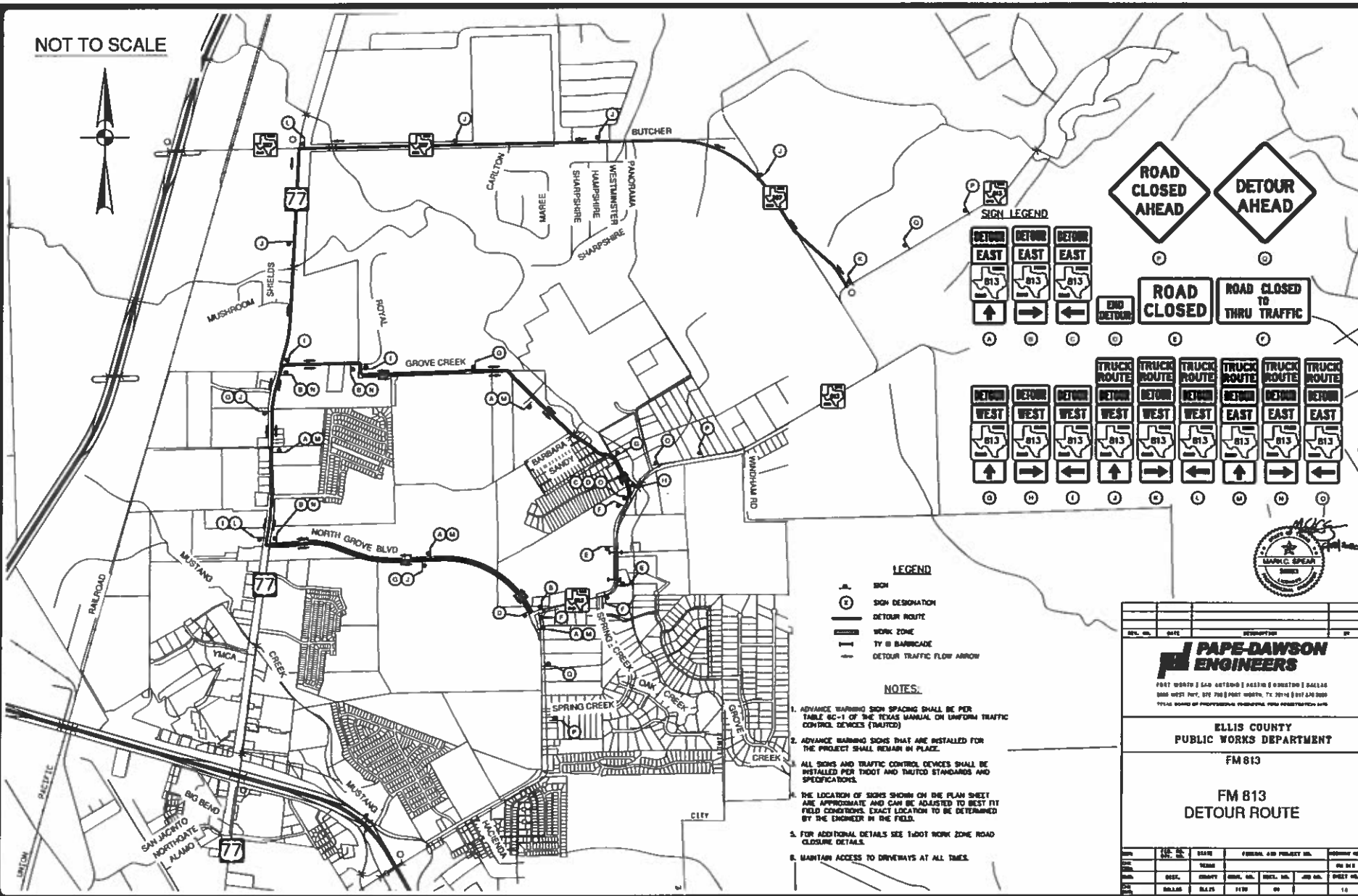
That this resolution shall take effect immediately from and after the date of passage.

ADOPTED THIS 20th day of July, 2020.

MAYOR

ATTEST:

City Secretary



State of New York

PD JOB NO. 6104003 TXDOT FM 813 BCS