

A G E N D A

A regular meeting of the Mayor and City Council of the City of Waxahachie to be held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on ***Monday, August 19, 2024 at 7:00 p.m.***

Council Members: Billie Wallace, Mayor, Council Member Place 4
Chris Wright, Mayor Pro Tem, Council Member Place 3
Tres Atkins, Council Member Place 1
Patrick Souter, Council Member Place 2
Travis Smith, Council Member Place 5

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. ***Speakers must observe the five (5) minute time limit.***

5. ***Consent Agenda***

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

- a. Minutes of the City Council meeting of August 5, 2024
 - b. Minutes of the City Council Work Session of August 14, 2024
 - c. Budget amendment: Travel reimbursement for officers who attended counterterrorism training, and TML reimbursement for repair to police vehicle
 - d. Contract and supplemental appropriation for Downtown Christmas Lighting and Decorations
 - e. Consider closing Lake Parks during Labor Day Weekend
 - f. Resolution approving a negotiated settlement between the Atmos Cities Steering Committee and the Atmos Energy Corp., Mid-Tex Division
6. ***Introduce*** Honorary Councilmember
7. ***Recognize*** Utility Department team member, Ellery Studivant, for achieving highest level of water and wastewater systems operator licenses

8. **Public Hearing** on a request by Michael Jackson, for a Specific Use Permit (SUP) for a Food Manufacturing or Processing Plant use within a Planned Development-Light Industrial-2 zoning district located at the southwest corner of Marshall Road and Solon Road (Property ID 284811) - Owner: WJ South Grove LP (ZDC-141-2024)
9. **Consider** proposed Ordinance approving ZDC-141-2024
10. **Public Hearing** on a request by Tim Jackson, R.P.L.S., for a Replat of Lots 13A and 13B, Block 63 Town Addition of the Official Map of Waxahachie, 1 Residential lot, being 0.45 acres, located at 602 Dr. Martin Luther King JR. Blvd, (Property ID 170996) – Owner: Vanessa Severson (SUB-113-2024)
11. **Consider** approval of SUB-113-2024
12. **Public Hearing** on a request by Juan Flores, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development-Single Family-3 (PD-SF-3) zoning district located at 624 Xavier Court (Property ID 281280) - Owner: Juan Flores (ZDC-140-2024)
13. **Consider** proposed Ordinance approving ZDC-140-2024
14. **Public Hearing** on a request by DeMaudree Massey, Friendship Baptist Church, for a Specific Use Permit (SUP) for a Day Camp for Children use within a Single Family-3 (SF-3) zoning district located at 203 Graham Street (Property ID 193551 & 295840) - Owner: Friendship Missionary Baptist Church of Waxahachie (ZDC-122-2024)
15. **Consider** proposed Ordinance approving ZDC-122-2024
16. **Public Hearing** on a request by Randall Speed, for a Zoning Change from a Future Development (FD) zoning district to Planned Development-Future Development (PD-FD) zoning district located at 2867 Howard Road, (Property ID 204646) - Owner: Randall Speed (ZDC-97-2024)
17. **Consider** proposed Ordinance approving ZDC-97-2024
18. **Consider** proposed Resolution approving assignment of private activity bond authority to Texas Department of Housing and Community Affairs
19. **Consider** Resolution for Eminent Domain to Acquire Water Easements Associated with FM 664 24-inch Water Transmission Main Project
20. Comments by Mayor, City Council, City Attorney and City Manager
21. Adjourn

The City Council reserves the right to go into Executive Session as authorized by Section 551.071(2) of the Texas Government Code, for the purpose of seeking confidential legal advice from legal counsel on any agenda item listed herein. 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 469-309-4006 or (TDD) 1-800-RELAY TX

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City Council
August 5, 2024

A regular meeting of the Mayor and City Council of the City of Waxahachie was held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on Monday, August 5, 2024 at 7:00 p.m.

Council Members Present: Billie Wallace, Mayor, Council Member Place 4
Chris Wright, Mayor Pro Tem, Council Member Place 3
Tres Atkins, Council Member Place 1
Patrick Souter, Council Member Place 2
Travis Smith, Council Member Place 5

Others Present: Michael Scott, City Manager
Albert Lawrence, Deputy City Manager
Terry Welch, City Attorney
Amber Villarreal, City Secretary

1. Call to Order

Mayor Billie Wallace called the meeting to order.

2. Invocation

3. Pledge of Allegiance and Texas Pledge of Allegiance

Chaplain Keith Cooper, Baylor Scott & White Hospital, gave the invocation. Council Member Tres Atkins led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Darlene Miller, 240 Parks School House Road, Waxahachie, Texas, expressed support to continue advocating for animals and working with City Council to solve issues with affordable spay and neutering.

Carolyn Taylor, Ennis, Texas, announced there will be a one day spay and neuter event for Ellis County and community members are looking forward to adding more dates.

Ira Tenpenny, 109 Rosa, Waxahachie, Texas, expressed concern with pool safety and the enforcement of proper fencing to prevent drownings.

5. Consent Agenda

- a. Minutes of the City Council meeting of July 15, 2024
- b. Minutes of the City Council Work Session of July 15, 2024
- c. Minutes of the City Council Work Session of July 29, 2024
- d. Event application for Waxahachie Business Tour to be held October 5, 2024 at Railyard Park
- e. Event application for Tulipalooza to be held March 1-16, 2025 at Getzendaner Park

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- f. Proposed Ordinance approving a request by Addison Carey, for a Petition for ETJ Release for approximately 1.50 acres, located at 3650 South US Highway 287 (Property ID 239038) – Owner: Addison Carey (ETJ-PTN-135-2024)
- g. Proposed Ordinance approving a request by Linda Rogers, for a Petition for ETJ Release for approximately 1.40 acres, located at 1187 Maree Drive (Property ID 148595) – Owners: Ronnie Rogers and Linda Rogers (ETJ-PTN-138-2024)
- h. Proposed Ordinance approving a request by Jesus Oropeza for a Petition for ETJ Release for approximately 5-acres, located at 2590 FM 878, (Property ID 178983) – Owner: Jesus Oropeza (ETJ-PTN-148-2024)
- i. Ordinance correcting a scrivener’s error in the original version of Ordinance 2698 that incorrectly referenced the base zoning of the subject property as Central Area (CA) for 809 Ferris Avenue
- j. Texas Interlocal Purchasing Cooperative Purchasing Agreement
- k. Equalis Group LLC Cooperative Purchasing Agreement
- l. Professional Service Agreement for Construction Materials Testing Services for Wilmington Ave and Charlotte Avenue Reconstruction Project
- m. Supplemental appropriation for the Mid-Way Regional Airport
- n. Supplemental appropriation for Public Works Department
- o. Master Development Agreement for 1601 W. HWY 287
- p. Increase to Employee Vacation and Sick Day Accruals
- q. Set City Council meetings for September 9, 2024 and September 16, 2024

ORDINANCE NO. 3538

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE’S EXTRATERRITORIAL JURISDICTION OF A 1.50 ACRE TRACT OF LAND, LOCATED AT 3650 SOUTH HIGHWAY 287, KNOWN AS PROPERTY ID 239038, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE’S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3539

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE’S EXTRATERRITORIAL JURISDICTION OF A 1.40 ACRE TRACT OF LAND, LOCATED AT 1187 MAREE DRIVE, KNOWN AS PROPERTY ID 148595, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE’S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3540

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE’S EXTRATERRITORIAL JURISDICTION OF A 5 ACRE TRACT OF LAND, LOCATED AT 2590 FM 878 ROAD, KNOWN AS PROPERTY ID 178983, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE’S

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EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3541

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT ON PART OF BLOCK 23, WILLIAMS ADDITION, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND BEING A 70.3 FOOT BY 102.8 FOOT SECTION OF THE COMMERCIAL BUILDING, BEING THE SOUTHERN MOST UNIT IN THE EXISTING BUILDING, BEING KNOWN AS 809 FERRIS AVENUE, WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING ~~CENTRAL AREA (CA)~~ GENERAL RETAIL (GR) TO ~~CENTRAL AREA~~ GENERAL RETAIL WITH SPECIFIC USE PERMIT (~~CA~~ GR w/SUP), FOR THE PURPOSE OF ALLOWING A RESALE SHOP, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Patrick Souter moved to approve all items on the Consent Agenda as presented, except for item d., which was canceled, and authorize the City Manager and/or Mayor to execute all associated documents as necessary. Motion was seconded by Chris Wright and carried unanimously (5-0).

6. Introduce Honorary Councilmember

Mayor Pro Tem Chris Wright introduced Megan Mills as the August Honorary Council Member. Mrs. Mills has been a Waxahachie resident since 1969. She is a graduate of Waxahachie High and Baylor University where she earned a degree in Elementary Education. Megan earned her Masters from UNT in Library Science.

Mrs. Mills devoted 34 years to public education, where she served as the librarian at Waxahachie High for 25 years, before retiring three years ago. Since her retirement, she has helped rebuild the Friends of Sims Library volunteer program, serve as a substitute teacher at First United Methodist Church Funday School, and volunteer at Daymark Living Center each month as part of Sims Library outreach program. She has been married for 31 years to her husband, Jamie Mills, with whom she shares two sons, Max and Alex.

7. Public Hearing on a request by Jose Perez, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Residential-2 (SF-2) zoning district located at 131 Vanderbilt Lane (Property ID 172836) – Owner(s): Jose & Maria Perez (ZDC-131-2024)

The Item was presented by Senior Director of Planning Jennifer Pruitt and owner Jose Perez requested approval. The applicant requested a SUP for short-term rental use at 131 Vanderbilt Lane because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 2,040 square feet, built in 1969 with three (3) bedrooms, two (2) bathrooms and enough improved surface to accommodate for the maximum parking spaces of three (3) vehicles. The subject property is situated on an approximately 0.239 acres (10,410 square feet) lot. The applicant has been operating a short-term rental since approximately July 2021 and has not been paying local hotel occupancy taxes. The Ellis County Appraisal District (ECAD) does

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not identify the subject property as a Homestead. The applicant submitted the SUP application on June 12, 2024.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered two (2) noise and disturbance-related calls had been made regarding the subject property and its current use in the past 12 months. The first call was made on December 18, 2023, regarding a civil matter. The second call was made on December 25, 2023, regarding noise disturbance. The applicant's local emergency contact is located approximately 9.8 miles from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 41 notices were mailed to property owners within 500 feet of the property as required in Section 3.27 of the City's Zoning Ordinance. At the time of the publishing of this staff report, a total of five (5) letters of opposition and three (3) letters of support were received by staff.

Ms. Pruitt noted at the request of the Planning and Zoning Commission, the host rules were updated to restricting off-street parking. Staff noted the ordinance and rules are provided on the City website and they will also provide a printed copy of the information to the applicant.

Mayor Wallace opened the Public Hearing at approximately 7:16 p.m.

There being no others to speak for or against ZDC-131-2024, Mayor Wallace closed the Public Hearing at approximately 7:18 p.m.

8. Consider proposed Ordinance approving ZDC-131-2024

ORDINANCE NO. 3542

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A PLANNED SINGLE FAMILY 2 (SF-2) ZONING DISTRICT, LOCATED AT 131 VANDERBILT LANE, BEING PROPERTY ID 172836 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 16, BLOCK 2 OF THE COLLEGE HILLS #2 ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve ZDC-131-2024, a Specific Use Permit for a Short-Term Rental use, subject to the conditions of the staff report and authorize the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Travis Smith and carried unanimously (5-0).

9. Public Hearing on a request by Jose Perez, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Residential-2 (SF-2) zoning district located at 137 Vanderbilt Lane (Property ID 172839) – Owner(s): Jose Perez (ZDC-129-2024)

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The Item was presented by Ms. Pruitt and owner Jose Perez requested approval. The applicant requested a SUP for short-term rental use at 137 Vanderbilt Lane because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,918 square feet, built in 1969 with three (3) bedrooms, two (2) bathrooms and enough improved surface to accommodate for the maximum parking spaces of three (3) vehicles. The subject property is situated on an approximately 0.239 acres (10,410 square feet) lot. The applicant has been operating a short-term rental since approximately April 2021 and has not been paying local hotel occupancy taxes. The Ellis County Appraisal District (ECAD) does not identify the subject property as a Homestead. The applicant submitted the SUP application on June 12, 2024.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months. The applicant's local emergency contact is located approximately 9.7 miles from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 50 notices were mailed to property owners within 500 feet of the property as required in Section 3.27 of the City's Zoning Ordinance. At the time of the publishing of this staff report, a total of four (4) letters of opposition and three (3) letters of support were received by staff.

Mayor Wallace opened the Public Hearing at approximately 7:20 p.m.

There being no others to speak for or against ZDC-129-2024, Mayor Wallace closed the Public Hearing at approximately 7:20 p.m.

10. Consider proposed Ordinance approving ZDC-129-2024

ORDINANCE NO. 3543

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A PLANNED SINGLE FAMILY 2 (SF-2) ZONING DISTRICT, LOCATED AT 137 VANDERBILT LANE, BEING PROPERTY ID 172839 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 19, BLOCK 2 OF THE COLLEGE HILLS #2 ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve ZDC-129-2024, a Specific Use Permit for a Short-Term Rental use, subject to the conditions of the staff report and authorize the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Patrick Souter and carried unanimously (5-0).

11. Public Hearing on a request by Jose Perez, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family Residential-2 (SF-2) zoning district

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located at 103 Johnston Boulevard (Property ID 174978) – Owner(s): Jose & Maria Perez (ZDC-130-2024)

The Item was presented by Ms. Pruitt and owner Jose Perez requested approval. The applicant requested a SUP for short-term rental use at 103 Johnston Boulevard because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,538 square feet, built in 1983 with three (3) bedrooms, two (2) bathrooms and enough improved surface to accommodate for the maximum parking spaces of three (3) vehicles. The subject property is situated on an approximately 0.177 acres (7,710 square feet) lot. The applicant has been operating a short-term rental since approximately September 2022 and the applicant has not been paying local hotel occupancy taxes. The Ellis County Appraisal District (ECAD) does not identify the subject property as a Homestead. The applicant submitted the SUP application on June 12, 2024.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months. The applicant's local emergency contact is located approximately 9.5 miles from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 109 notices were mailed to property owners within 500 feet of the property as required in Section 3.27 of the City's Zoning Ordinance. At the time of the publishing of this staff report, a total of seventeen (17) letters of opposition and two (2) letters of support were received by staff.

Mayor Wallace opened the Public Hearing at approximately 7:25 p.m.

Those who spoke in opposition:

Ann Watson, 202 San Jacinto, Waxahachie, Texas

Those who spoke in support:

Sharles Edwards, 104 Sweetleaf Drive, Red Oak, Texas

Ira Tenpenny, 109 Rosa, Waxahachie, Texas

Council Members discussed at length the opposition received from the neighbors in the area.

There being no others to speak for or against ZDC-130-2024, Mayor Wallace closed the Public Hearing at approximately 7:54 p.m.

12. Consider proposed Ordinance approving ZDC-130-2024

Action:

Patrick Souter moved to deny ZDC-130-2024, a Specific Use Permit for a Short-Term Rental use. Motion was seconded by Chris Wright and failed 2-3 with Billie Wallace, Tres Atkins, and Travis Smith voting in opposition.

Council Members continued to discuss the opposition letters received and the importance of informing neighbors the stronger regulations for short-term rentals as opposed to long-term rentals.

Action:

Chris Wright moved to deny ZDC-130-2024, a Specific Use Permit for a Short-Term Rental use. Motion was seconded by Patrick Souter and carried 4-1 with Billie Wallace voting in opposition.

13. Public Hearing on a request by Demi Oyerokun for a Specific Use Permit (SUP) for a Minor Auto Repair Shop use within a General Retail (GR) zoning district located at 1011 US HWY 77, Suite 109 (Property ID 173186) – Owner: Marline Six LLC (ZDC-124-2024)

The Item was presented by Ms. Pruitt. The applicant requested a Specific Use Permit for an Auto Repair, Minor or Automotive Center use (Glass Doctor Auto). The proposed business has been operating as an Auto Repair, Minor or Automotive Center use since 2022 without a certificate of occupancy. The applicant submitted a Certificate of Occupancy request on May 15, 2024. Planning staff determined that per the City of Waxahachie Zoning Ordinance, the use of an Auto Repair, Minor or Automotive Center, requires a Specific Use Permit to be approved by the City Council within the General Retail (GR) zoning district. At this time, the CO application is on hold until City Council approves the required SUP. Glass Doctor Auto is a specialized service provider offering professional auto window repair, replacement, and various minor automotive repairs to car windows. All of the repairs take place at their client's locations or within the Glass Doctors interior suite 109.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 19 notices were mailed to property owners within 200 feet of the request. At the time of the publishing of this staff report, one (1) letter of opposition was received and one (1) letter of support.

Mayor Wallace opened the Public Hearing at approximately 8:12 p.m.

Council Member Travis Smith asked how long the business has been operating without a Certificate of Occupancy and in violation of the zoning ordinance and Ms. Pruitt noted since 2021.

Mayor Pro Tem Wright asked why the Certificate of Occupancy was requested now by the applicant and Ms. Pruitt explained staff has asked the applicant and have received no response. She also noted staff requested the applicant attend the Planning and Zoning Commission and City Council meetings to answer questions and received no response from the applicant.

There being no others to speak for or against ZDC-124-2024, Mayor Wallace closed the Public Hearing at approximately 8:14 p.m.

14. Consider proposed Ordinance approving ZDC-124-2024

Action:

Travis Smith moved to deny the Ordinance for ZDC-124-2024, a Specific Use Permit for a Minor Auto Repair Shop use, subject to the conditions of the staff report. Motion was seconded by Tres Atkins and carried unanimously (5-0).

Mayor Pro Tem Wright requested staff notify the applicant that they must cease operations immediately.

15. Public Hearing on a request by Erica Edwards, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single Family-2 (SF-2) zoning district located at 211 Pecan St. (Property ID 175135) - Owner: Seven Partners, LLC (ZDC-128-2024)

The Item was presented by Ms. Pruitt and Erica Edwards requested approval. The applicant requested an SUP for a short-term rental use located at 211 Pecan Street, it is located within an SF-2 zoning district. The subject property consists of a primary structure of approximately 1,073 square feet with three (3) bedrooms and enough improved surface to accommodate the maximum parking spaces of three (3) vehicles situated on an approximately 0.164-acre (7,143 square feet) lot.

The applicant submitted the SUP application on June 10, 2024 and has not been operating a short-term rental. The Ellis County Appraisal District (ECAD) does not identify the subject property as a Homestead and the applicant has satisfied all of the requirements of Section 3.27 of the Zoning Ordinance.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months. The local emergency contact provided by the applicant is located 12.8 miles from the subject property.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 93 notices were mailed to property owners within 500 feet of the property as required in Section 3.27 of the City's Zoning Ordinance. At the time of the publishing of this staff report, a total of seven (7) letters of support and two (2) letters of opposition were received by staff.

Mayor Wallace opened the Public Hearing at approximately 8:18 p.m.

Owner Erica Edwards explained the steps she takes to reduce/eliminate problem renters noting she doesn't allow instant bookings and requires a \$1,000 fee per police visit to the property during a tenant's stay. The customer and all guests are required to acknowledge and accept the host rules prior to approving the booking.

Those who spoke in support:

Charles Edwards, 104 Sweetleaf Drive, Red Oak, Texas

Ira Tenpenny, 109 Rosa, Waxahachie, Texas

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There being no others to speak for or against ZDC-128-2024, Mayor Wallace closed the Public Hearing at approximately 8:30 p.m.

16. Consider proposed Ordinance approving ZDC-128-2024

ORDINANCE NO. 3544

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 211 PECAN STREET BEING PROPERTY ID 175135, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 8R 3 PARK HILL ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Patrick Souter moved to approve ZDC-128-2024, a Specific Use Permit for a Short-Term Rental use, subject to the conditions of the staff report and authorize the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Chris Wright and carried unanimously (5-0).

17. Consider and adopt an Ordinance providing for the issuance of City of Waxahachie, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2024; levying an annual ad valorem tax and providing for the security for and payment of said Certificates; approving the Official Statement; and ordaining other matters relating to the subject

The Item was presented by Senior Director of Finance Chad Tustison. The Capital Improvement Program (CIP) describes the City's large multi-year capital projects which provide new or improved City infrastructure, and comprises of projects for streets, sidewalks and drainage; park improvements; water and wastewater utilities; and municipal facilities. The CIP is funded through multiple funding sources, including proceeds from bond issuances, operating funds, and development impact fees.

On April 11, 2024, at the City Council Worksession, staff presented the CIP, updated annually, along with strategies to fund various capital projects for the upcoming year. As part of this overall strategy, the CIP includes the issuance of certificates of obligation to fund a portion of these projects. The total bond package is \$42.5 million and consists of streets, parks, public safety, and water and wastewater projects. If approved, these projects will be funded through the ad valorem tax rate, and water and wastewater fees.

ORDINANCE NO. 3545

ORDINANCE PROVIDING FOR THE ISSUANCE OF CITY OF WAXAHACHIE, TEXAS, COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2024; LEVYING AN ANNUAL AD VALOREM TAX AND PROVIDING FOR THE SECURITY FOR AND PAYMENT OF SAID CERTIFICATES; APPROVING THE OFFICIAL STATEMENT; AND ORDAINING OTHER MATTERS RELATING TO THE

SUBJECT

Action:

Patrick Souter moved to adopt an ordinance providing for the issuance of City of Waxahachie, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2024; levying an annual ad valorem tax and providing for the security for and payment of said Certificates; approving the Official Statement; and ordaining other matters relating to the subject. Motion was seconded by Travis Smith and carried 4-1 with Tres Atkins abstaining.

18. Consider setting Proposed Tax Rate and Dates for Public Hearing

The Item was presented by Mr. Tustison. As part of the annual budget process, Chapter 26 of the Property Tax code requires taxing units to comply with truth-in-taxation laws in adopting their tax rates. This item meets the requirement for the City Council to set the proposed rate for future consideration and adoption, set the public hearing date and time, and place an item on a future Council agenda to vote on the tax rate necessary to fund the Fiscal Year (FY) 2024-2025 Annual Budget.

The FY 2024-2025 Proposed Budget includes a proposed tax rate of \$0.61000 (M&O rate: \$0.37700, Interest & Sinking Rate: \$0.23300). The proposed tax rate recommended in the Budget provides additional funding for operating costs to keep up with growth and to fund capital needs throughout the City. The proposed rate exceeds the no-new-revenue rate of \$0.572525 but does not exceed the voter-approval tax rate of \$0.610905. When the proposed rate exceeds the no-new-revenue rate or voter-approval rate, state statute requires a public hearing be held on the proposed tax rate, specific publications, and dates of scheduled adoption.

Staff recommends that the City Council take a record vote to propose an ad valorem tax rate of \$0.610000 for FY 2024-2025 and schedule a public hearing for Tuesday, September 3 at 5:30 PM. The City Council will consider adoption of the tax rate and budget on September 9 at 7:00 PM. Both meetings will be held at the Waxahachie Civic Center, 2000 Civic Center Lane, Waxahachie, Texas.

Action:

Chris Wright moved to consider a property tax rate of 61 cents and set the date, time, and place for a public hearing for September 3 at 5:30 PM at the Waxahachie Civic Center. Motion was seconded by Patrick Souter and carried unanimously (5-0).

19. Consider Resolution for Eminent Domain to Acquire Water Easements Associated with MLK Water Line Replacement Project

The Item was presented by James Gaertner, Executive Director of Public Works & Utilities. The City plans to replace portion of an 8-inch and 16-inch water line along Dr. Martin Luther King Jr. (MLK) Blvd. The limits for the water project is from Clift Street to S. Young Street. The engineering plans are complete, and waiting for the easement acquisition in order to advertise the project for the construction bid. Mr. David Fleming, the property owner for 107 S. Aiken St and 700 MLK, has passed away. Mr. Fleming has a dozen or more heirs to the properties and the city's land acquisition consultant could only find approximately half of his heirs. In order to keep the

water project moving forward in a timely manner, city staff recommend moving forward with the eminent domain process. Once the process is done, and the heirs are notified via newspaper for a period of time, the compensation for the easement will be available through a depository account. The known and unknown heirs are able to claim their portion of the easement compensation once process is complete and the money is available in the depository account.

City Attorney Terry Welch explained this route gives a clear title to the property and protects the City if challenged by an unknown heir.

RESOLUTION NO. 1365

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, DECLARING THE NECESSITY TO ACQUIRE A PERMANENT WATER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT; DETERMINING THE PUBLIC USE AND NECESSITY FOR SUCH ACQUISITION; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE MAYOR OF THE CITY OF WAXAHACHIE, TEXAS, TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE MAYOR TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND RESOLUTIONS; AUTHORIZING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY IF PURCHASE NEGOTIATIONS ARE NOT SUCCESSFUL; AND PROVIDING AN EFFECTIVE DATE.

Action:

Patrick Souter moved that the City of Waxahachie authorize the use of the power of eminent domain to acquire a water easement as referenced in Exhibit A and Exhibit B to the Resolution; determining the public use and necessity for such acquisition; authorizing the acquisition of property rights necessary for such water easement; appointing an appraiser and negotiator as necessary; authorizing the Mayor to establish just compensation for the property rights to be acquired; authorizing the Mayor, or her representative, to take all steps necessary to acquire the needed property rights in compliance with all applicable laws and resolutions; and authorizing the City Attorney, or his representative, to institute condemnation proceedings to acquire the property rights if purchase negotiations are not successful. Motion was seconded by Tres Atkins and carried unanimously (5-0) with the votes as follows:

- Billie Wallace – Aye*
- Chris Wright – Aye*
- Tres Atkins – Aye*
- Patrick Souter – Aye*
- Travis Smith – Aye*

20. Consider Resolution for Eminent Domain to Acquire Water Easements Associated with FM 664 24-inch Water Transmission Main Project

The Item was presented by Mr. Gaertner. Due to TxDOT widening of FM 664 and to expand the city’s water transmission lines, the City plans to construct a 24-inch water line along FM 664. The

limits for the water project are from Marshall Road to the existing 24-inch water line south of Highway 287. The engineering plans are complete, and waiting for the easement acquisition in order to advertise the project for the construction bid. The City is working with Sardis Lone Elm Water Supply Corporation (Sardis Water), to acquire the water easements together. The City of Waxahachie and Sardis Water hired a consultant to negotiate the easement acquisition with the property owners along FM 664. Most of the easements for this project have been acquired, but the property owner at 1201 Ovilla Rd has stopped communication with the consultant and is not willing to negotiate with Sardis Water or the City anymore. Sardis Water Board approved the resolution for acquisition of the water easement through the eminent domain process. If the City wants to be a party to the Sardis Water eminent domain process, we have to approve a resolution for eminent domain as well.

The alternative is for the City to continue attempting to negotiate with the property owner, and possibly have to pay for the easement and eminent domain process by ourselves or may even fail to get the easement. We have been attempting to get the easement for well over a year and the property owner has communicated that the City will have to use eminent domain. City staff recommend approving the resolution at this time in order to save money, ensure completion of the project in a timely manner and have the property owner go through this process once versus with Sardis and again with the City. City staff hopes that once this process starts, the property owner will be willing to negotiate before it goes through the eminent domain process.

Council Member Smith asked if there is written documentation from the property owner supporting the eminent domain process and Mr. Gaertner noted he can provide that information.

Mayor Pro Tem Wright asked if the property owner was notified the City Council would be considering action at tonight's meeting and Mr. Gaertner noted they were not.

Council Members discussed continuing the Item to the August 19th meeting to allow the property owner to be notified of the consideration and for staff to provide written documentation of the owner's consent.

Action:

Travis Smith moved to continue the Item to the August 19, 2024 City Council meeting. Motion was seconded by Tres Atkins and carried unanimously (5-0).

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

Council Member Travis Smith recognized the Parks Department and Railyard Park team for the Swifty event this past weekend.

Council Member Tres Atkins expressed appreciation to the Parks Department for the significantly improved efforts at the Cemetery.

City Manager Michael Scott thanked Senior Human Resources Director Lindsey Mearns for her work on the improved sick and vacation time accruals for employees and Senior Director of Finance Chad Tustison and his team for their work on the bond process. He reiterated the Council

(5a)

meetings in September will be held the 9th and 16th. Mr. Scott also noted staff has also started the process to notify the minor auto repair shop of the zoning request denial.

Council Member Patrick Souter echoed Council Member Atkins' comments and recognized the Cemetery Board requests for improvements at the Cemetery.

Mayor Pro Tem Chris Wright thanked Megan Mills for her participation as Honorary Council Member and her work with the kids and the community. He noted Council will continue efforts with the community on improving animal care needs. Mr. Wright thanked Ira Tenpenny for his comments, Stefanie Lozano for her 20+ years of service to the City, Chad Tustison and his finance team for their work, and encouraged Jose Perez to talk to his neighbors about his property that was denied.

Mayor Billie Wallace echoed Mayor Pro Tem Wright's comments and thanked Megan Mills for her attendance and work in the community. She also thanked City employees for their work on events and recognized recent retirees Stefanie Lozano, Gary Myers, and Billy Aday. Mayor Wallace thanked Darlene Miller and community members for their work on trying to solve the animal issues in Ellis County.

22. Adjourn

There being no further business, the meeting adjourned at 9:02 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

City Council
August 14, 2024

(5b)

A Work Session of the Mayor and City Council of the City of Waxahachie was held in the Hatchet Conference Room at the Charles Beatty Municipal Services Building, 408 S. Rogers, Waxahachie, Texas, on Wednesday, August 14, 2024 at 3:00 p.m.

Council Members Present: Billie Wallace, Mayor, Council Member Place 4
Chris Wright, Mayor Pro Tem, Council Member Place 3
Tres Atkins, Council Member Place 1
Patrick Souter, Council Member Place 2
Travis Smith, Council Member Place 5

Others Present: Michael Scott, City Manager
Albert Lawrence, Deputy City Manager
Amber Villarreal, City Secretary

1. Call to Order

Mayor Billie Wallace called the meeting to order.

2. Discuss and review Board and Commission applications

City Council discussed active Boards and Commissions, possible term limits, role of City Council liaisons, and potential changes to the Ordinance regarding Board and Commission appointments. Council Members reviewed and discussed applications, attendance, and qualifications of each board.

It was the general consensus of City Council to revise attendance requirements. Council Members also discussed removing the City Manager as a voting member on the Waxahachie Community Development Corporation and replace with a citizen voting member. Staff will contact the legal team to confirm that is allowed with a change to the by-laws.

3. Adjourn

There being no further business, the meeting adjourned at 6:08 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(5c)



Memorandum

To: Honorable Mayor and City Council

From: Joe Wiser, Chief of Police

Thru: Michael Scott, City Manager

Date: August 15, 2024

Re: Budget amendment- Travel reimbursement for officers who attended counterterrorism training, and TML reimbursement for repairs to police vehicles and Animal Services vehicles

Recommended Motion: "I move to approve the request to transfer funds in the amount of \$3,257.92 to GL account 100-210-55350, an amount reimbursed to the City of Waxahachie for travel expenses related to training, and \$5,679.85 to GL account 100-210-54340 for repairs made to three police vehicles, and an estimated \$19,450.00 to GL account 100-351-57300 as a result of insurance reimbursements for three Waxahachie Animal Services vehicles and authorize the City Manager to execute all necessary documents."

Item Description: Consider the approval of a budget transfer related to funds reimbursed to general fund for travel expenses related to training, and for insurance funds reimbursed to the general fund for repairs to three police vehicles and three Animal Service vehicles.

Item Summary: This is a request for a budget amendment (transfer) that will allow the police department to recuperate travel costs associated with counterterrorism training for thirteen police officers. Although the training course was free, the travel expenses related to this out-of-state training were paid out of 100-210-55350. Additionally, this budget amendment (transfer) will allow the police department to recuperate insurance reimbursement funds used to repair three police vehicles. These patrol units were damaged while being used to

(5c)

perform law enforcement duties. Expenses related to these repairs were paid out of the vehicle maintenance account 100-210-54340 and have since been reimbursed by TML. Additionally, this budget amendment (transfer) will allow the Animal Services department to recuperate the insurance reimbursement funds as a result of three vehicles totaled by hail damage and have since been reimbursed by TML. Expenses related to these repairs are paid out of 100-351-57300.

Fiscal Impact: I am requesting that the \$3,257.92 be transferred to 100-210-55350 – Travel (Mileage, Meals & Lodging), and that \$5,679.85 be transferred to 100-210-54340 – Maintenance Purchased – Vehicles, and that \$19,450.00 be transferred to 100-351-57300 – Motor Vehicles, resulting in budget increases of the same amounts. Fiscal impact is limited to the redistribution of monies received by the City of Waxahachie related to insurance pay-outs on damaged vehicles, and to a travel reimbursement agreement made with the outside training provider of the counterterrorism training course. In sum, this is a net-zero cost to the City.

(5d)



Memorandum

To: Honorable Mayor and City Council

From: Kyle Cooper, Senior Director of Parks & Recreation

Thru: Michael Scott, City Manager

Date: August 19, 2024

Re: Consider Approval of Contract and Supplemental Appropriation for
Downtown Christmas Lighting and Decorations

Recommended Motion: "I move to approve the contract with Christmas by Zenith in an amount not to exceed \$300,000 for downtown Christmas decorations and authorize a supplemental appropriation in the amount of \$300,000 from the WCDC unrestricted reserve to fund the contract, and authorize the City Manager to execute all necessary documents."

Item Description: Consider the award of a contract to Christmas by Zenith in an amount not to exceed \$300,000 for Downtown Christmas Decorations and authorize a supplemental appropriation in the amount of \$300,000 from the WCDC unrestricted reserve balance to fund the contract.

Item Summary: The expansion of holiday lighting and decor was brought to the City's attention after the 2023 Christmas Parade. A meeting was held with key downtown merchant association members, Council members, County staff, and City staff to discuss expanding the scope and quality of the holiday lighting and decorations throughout the downtown areas.

Staff solicited bids from several companies for the downtown Christmas decorations. Ultimately, it was determined that utilizing an interlocal agreement with the City of Southlake would be the best approach to enable the City to piggyback on an existing contract with Christmas by Zenith. Christmas by Zenith is a vendor with a proven track record of successfully executing similar projects. The scope of the contract covers the decoration of key downtown areas, including

(5d)

the Courthouse, parking garage areas, light poles along Rogers Street, Beatty Building, and Railyard Park.

This item was presented and approved unanimously by the WCDC Board on August 13, 2024.

Fiscal Impact: The WCDC unrestricted reserve fund balance has sufficient capacity to cover the \$300,000 supplemental appropriation request. The specific line item subject to increase is 208-000-53200 Professional Services for FY23-24.



(5c)

Memorandum

To: Honorable Mayor and City Council

From: Kyle Cooper, Senior Director of Parks & Recreation

Thru: Michael Scott, City Manager

Date: August 19, 2024

Re: Consider Closing Lake Parks During Labor Day Weekend Holiday

Recommended Motion: "I move to approve the closing of Boat Dock Park, Jetti Park, and Spring Park Friday, August 30, 2024 – Monday, September 2, 2024.

Item Description: Close all lake parks for Labor Day Weekend Holiday (Friday, August 30, 2024 – Monday, September 2, 2024) due to safety concerns and operational challenges.

Item Summary: During holiday weekends, the lake parks become overcrowded, leading to unsafe conditions, verbal/physical altercations, parking issues, and significant litter accumulation. These situations have generated numerous complaints from Waxahachie residents. The Waxahachie Police Department has also expressed concerns about the inability to manage the large crowds and maintain public safety.

After thorough consideration, staff feel that closing the lake parks for the duration of Labor Day weekend is the most effective solution. Members of the Waxahachie Community Development Corporation commented in their meeting on August 13, 2024 that they also felt that closing the lake parks during this time was necessary. This action would help prevent accidents and altercations, as well as minimize the impact to the local residents during peak holiday usage. Moreover, it would alleviate the operational strain on city staff and law enforcement, who would otherwise be managing the large crowds and dealing with the aftermath of the holiday weekend.

Fiscal Impact: Closing the lake parks is expected to save an estimated \$6,500 (5c) in staffing costs.

(5f)



Memorandum

To: Honorable Mayor and City Council
From: Dale Sigler, Director of Administrative Services
Thru: Michael Scott, City Manager 
Date: August 19, 2024
Re: Consider Resolution to Approve a Negotiated Settlement Between the Atmos Cities Steering Committee and the Atmos Energy Corp., Mid-Tex Division

Motion: "I move to approve the Resolution approving the settlement agreement with the Atmos Cities Steering Committee and the Atmos Energy Corp., Mid-Tex Division."

Item Description: Consider resolution to approve a negotiated settlement between the Atmos Cities Steering Committee (ACSC) and the Atmos Energy Corp., Mid-Tex Division (Atmos) regarding the company's 2024 rate review mechanism filing.

Item Summary: Waxahachie, along with 181 other Mid-Texas cities served by Atmos, is a member of the ACSC. On or about April 1, 2024, Atmos filed a rate request pursuant to the as Rate Review Mechanism (RRM) Tariff adopted by ACSC members. Atmos claimed that its cost-of-service in a test year ending December 31, 2023, entitled it to additional system-wide revenues of \$196.8 million.

Application of the standards set forth in ACSC's RRM Tariff required Atmos to reduce its request to \$182.5 million, \$132.6 million of which would be applicable to ACSC members. ACSC's consultants concluded that the system-wide deficiency under the RRM regime should be \$149.6 million instead of the claimed \$182.5 million.

(5f)

After Atmos reviewed ACSC's consultants' report, ACSC's Executive Committee and Atmos negotiated a settlement of \$164.7 million. The effective date for the news rates will be October 1, 2024. The negotiated settlement will result in savings to ASCS Cities.

The average Atmos residential customer will see an increase in their monthly bill of about 6.84% (\$5.52) and commercial customers will see an average increase of about 3.44% (\$13.39).

Fiscal Impact: The City of Waxahachie is already a member of the ACSC and there were no additional costs associated with hiring of legal services or consultants to conduct the negotiations on behalf of the ACSC. All legal expenses associated with this negotiation must be paid by Atmos.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE (“ACSC”) AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY’S 2024 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHMENT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; REQUIRING THE COMPANY TO REIMBURSE ACSC’S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC’S LEGAL COUNSEL.

WHEREAS, the City of Waxahachie, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “Company”), and a regulatory authority with an interest in the rates, charges, and services of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of similarly-situated cities served by Atmos Mid-Tex (“ACSC Cities”) that have joined together to facilitate the review of, and response to, natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, ACSC and the Company worked collaboratively to develop a Rate Review Mechanism (“RRM”) tariff that allows for an expedited rate review process by ACSC Cities as a substitute to the Gas Reliability Infrastructure Program (“GRIP”) process instituted by the

Legislature, and that will establish rates for the ACSC Cities based on the system-wide cost of serving the Atmos Mid-Tex Division; and

WHEREAS, the current RRM tariff was adopted by the City in a rate ordinance in 2018; and

WHEREAS, on about April 1, 2024, Atmos Mid-Tex filed its 2024 RRM rate request with ACSC Cities based on a test year ending December 31, 2023; and

WHEREAS, ACSC coordinated its review of the Atmos Mid-Tex 2024 RRM filing through its Executive Committee, assisted by ACSC's attorneys and consultants, to resolve issues identified in the Company's RRM filing; and

WHEREAS, the Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve an increase in base rates for Atmos Mid-Tex of \$164.7 million on a system-wide basis with an Effective Date of October 1, 2024; and

WHEREAS, ACSC agrees that Atmos' plant-in-service is reasonable; and

WHEREAS, with the exception of approved plant-in-service, ACSC is not foreclosed from future reasonableness evaluation of costs associated with incidents related to gas leaks; and

WHEREAS, the attached tariffs (Attachment 1) implementing new rates are consistent with the recommendation of the ACSC Executive Committee, are agreed to by the Company, and are just, reasonable, and in the public interest; and

WHEREAS, the settlement agreement sets a new benchmark for pensions and retiree medical benefits (Attachment 2); and

WHEREAS, the RRM Tariff contemplates reimbursement of ACSC's reasonable expenses associated with RRM applications.

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

Section 1. That the findings set forth in this Resolution are hereby in all things approved.

Section 2. That, without prejudice to future litigation of any issue identified by ACSC, the City Council finds that the settled amount of an increase in revenues of \$164.7 million on a system-wide basis represents a comprehensive settlement of gas utility rate issues affecting the rates, operations, and services offered by Atmos Mid-Tex within the municipal limits arising from Atmos Mid-Tex's 2024 RRM filing, is in the public interest, and is consistent with the City's authority under Section 103.001 of the Texas Utilities Code.

Section 3. That despite finding Atmos Mid-Tex's plant-in-service to be reasonable, ACSC is not foreclosed in future cases from evaluating the reasonableness of costs associated with incidents involving leaks of natural gas.

Section 4. That the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable. The new tariffs attached hereto and incorporated herein as Attachment 1, are just and reasonable, and are designed to allow Atmos Mid-Tex to recover annually an additional \$164.7 million on a system-wide basis, over the amount allowed under currently approved rates. Such tariffs are hereby adopted.

Section 5. That the ratemaking treatment for pensions and retiree medical benefits in Atmos Mid-Tex's next RRM filing shall be as set forth on Attachment 2, attached hereto and incorporated herein.

Section 6. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC in processing the Company's 2024 RRM filing.

(5f)

Section 7. That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Resolution, it is hereby repealed.

Section 8. That the meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 9. That if any one or more sections or clauses of this Resolution is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

Section 10. That consistent with the City Ordinance that established the RRM process, this Resolution shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after October 1, 2024.

Section 11. That a copy of this Resolution shall be sent to Atmos Mid-Tex, care of Chris Felan, Vice President of Rates and Regulatory Affairs Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Thomas Brocato, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

(5f)

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, BY A VOTE OF ____ TO ____, ON THIS THE _____ DAY OF _____, 2024.

Billie Wallace
Mayor, City of Waxahachie

ATTEST:

Amber Villarreal, TRMC, CMC
City Secretary, City of Waxahachie

**Planning & Zoning Department
Zoning Staff Report**

(8)



Case: ZDC-141-2024

MEETING DATE(S)

Planning & Zoning Commission: August 13, 2024
City Council: August 19, 2024

CAPTION

Public Hearing on a request by Michael Jackson, for a **Specific Use Permit (SUP)** for a **Food Manufacturing or Processing Plant** use within a Planned Development-Light Industrial-2 zoning district located at the southwest corner of Marshall Road and Solon Road (Property ID 284811) - Owner: WJ South Grove LP (ZDC-141-2024)

RECOMMENDED MOTION

"I move to approve ZDC-141-2024, a Specific Use Permit (SUP) for a Food Manufacturing or Processing Plant use, subject to the conditions the staff report."

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting held on August 13, 2024, the Commission voted 7-0 to recommend approval of case number ZDC-141-2024, subject to the conditions of the staff report.

APPLICANT REQUEST

The applicant requests a Specific Use Permit (SUP) for a Food Manufacturing or Processing Plant use (Bridor) at the southwest corner of Marshall Road and Solon Road.

CASE INFORMATION

Applicant: Michael Jackson, WJ South Grove LP
Property Owner(s): WJ South Grove LP
Site Acreage: 50.97 acres
Current Zoning: Planned Development-Light Industrial-2 (PD-LI-2)
Requested Zoning: PD-LI-2 with SUP for a Food Manufacturing or Processing Plant use (Bridor)

SUBJECT PROPERTY

General Location: Southwest corner of Marshall Road and Solon Road
Parcel ID Number(s): 284811
Existing Use: The subject property is currently undeveloped.
Development History: Ordinance 3313, the Wynn Jackson PD, was approved for the subject property in December of 2021. A Plat (SUB-170-2022) for the property was approved for the property in January of 2023; but has not yet been filed.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	PD-LI-2 (Ord. 3313)	Undeveloped
East	Commercial (C)	Undeveloped
South	PD-C (Ord. 2517)	Undeveloped
West	PD-LI-2 (Ord. 3313)	Undeveloped

Future Land Use Plan: Industrial

Comprehensive Plan: Industrial uses vary from the technology industry to manufacturing. The designated locations for heavier industrial uses are intended to keep them away from residential categories. These are located along roadways that have adequate capacity to serve the larger industrial vehicles. Required parking is encouraged to be placed behind structures to keep these areas more readily able to redevelop into more urban places over time. When uses are abutting a residential property, a separation should be provided such as a landscape buffer, deeper setback, and/or a screening wall.

Thoroughfare Plan: The subject property is accessible via Marshall Road and Solon Road.

Site Image:



CASE BACKGROUND:

The subject property is located in the "Wynn Jackson" Planned Development zoning district (Ordinance 3313). This Planned Development request was approved by City Council on December 20th, 2021 and changed the zoning from Single-Family-1 (SF-1) to Planned Development-Light Industrial-2 (PD-LI-2). The Wynn Jackson PD covers a total of 341.02 acres. As part of the initial development of the Wynn Jackson PD, the property owner has constructed a four-lane extension of Marshall Road to connect the property directly to I-35. This SUP request only covers a 50.97-acre portion of the property, southwest of the intersection of the new four-lane Marshall Road and Solon Road.

Case Background (continued):

The Wynn Jackson PD allows for the development of Land Uses on the subject property that are permitted within the base Light Industrial-2 (LI-2) zoning district of the City of Waxahachie. The PD allows for 33% of the property to be developed as General Warehouse Distribution through 2026 and up to 66% of the property to be developed as General Warehouse Distribution after 2026. Notably, the PD does not override the base Waxahachie Zoning Ordinance in regard to Specific Use Permits (SUPs). This means that Land Uses that require approval of a SUP in the LI-2 zoning district are allowed by right in the Wynn Jackson PD. Land Uses such as a Food Manufacturing or Processing Plant are required to receive approval of a SUP by the Planning & Zoning Commission and City Council before they can pursue the development of the subject property.

PLANNING ANALYSIS:

The applicant proposes a Specific Use Permit (SUP) for a Food Manufacturing or Processing Plant use at the southwest corner of Marshall Road and Solon Road. The Food Manufacturing or Processing Plant use is proposed to be restricted exclusively to Bridor, a subsidiary of Groupe Le Duff. The Bridor facility is proposed to be dedicated exclusively to the production and assembly of bakery items, including frozen, partially baked, and fully baked goods. The Bridor facility is not for public retail purposes.

At this time, the applicant proposes this SUP only to permit the Food Manufacturing or Processing Plant Land Use. The applicant has not provided a detailed Site Plan, Landscape Plan, or Elevation/Façade Plan for the facility. The applicant proposes to adhere to the site, landscaping, and architectural design requirements of the Wynn Jackson PD (Ordinance 3313).

The Bridor facility is proposed to fully enclose all manufacturing activity. The facility is proposed to include both office and manufacturing staff on-site and is expected to operate 24-hours a day, six (6) days a week. The facility is proposed to develop in at least three (3) phases. At build-out, the Bridor facility is proposed to employ 240-450 individuals. Daily traffic generated by the facility at build-out is anticipated to reach 60 truck trips and 350 commuter vehicle trips.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 45 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.

PUBLIC NOTIFICATION RESPONSES

Staff has received a total of twenty-four (24) letters of opposition and one (1) letter of support for the proposed SUP. Twelve (12) letters of opposition were received from outside the 200' notification buffer.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, staff recommends approval of the SUP request subject to the conditions noted below.

Conditions:

1. Permission to operate a Food Manufacturing or Processing Plant use is restricted exclusively to Bridor. Approval to operate a Food Manufacturing or Processing Plant use at this location will not transfer to another Food Manufacturing or Processing Plant establishment or owner of the subject property.
2. An amendment to the SUP will be required in the event that the property owner wishes to expand the Food Manufacturing or Processing Plant use beyond the approximately 50.97-acre area identified in the Location Map – Exhibit A.
3. The development shall adhere to the site, landscaping, and architectural design requirements of the Wynn Jackson PD (Ordinance 3313).
4. The Operational Plan is required to be revised to require approval of a Detailed Site Plan, Landscape Plan, and Elevation/Façade Plan by the Planning & Zoning Commission and City Council.
5. A Detailed Site Plan Application is required to be reviewed and approved by the Planning & Zoning Commission and City Council.
6. Exterior Construction and Building Articulation for the Food Manufacturing or Processing Plant use shall adhere to the following requirement of the Wynn Jackson PD (Ord. 3313):
 - a. Any exterior façade of a building that faces, or is visible from, a public street shall consist of not less than eighty (80) percent Masonry Construction (Poured-in-place concrete and tilt-wall concrete shall be credited towards the masonry requirement. Concrete products shall be painted or patterned.
 - b. All other façades that are not facing, or visible from, a right-of-way shall consist of not less than fifty (50) percent Masonry Construction.
 - c. Areas of a façade that are devoted to windows, doors, covered porches, stoops, breezeways, or courtyards shall not be counted as "wall surface" when calculating the Masonry Construction requirement.
 - d. Metal exterior construction is not allowed unless when the area is not facing or visible from an existing or planned public right-of-way, as identified on the City's Thoroughfare Plan or plat records.
 - e. Horizontal Articulation: No building wall shall extend for a distance equal to three (3) times the wall's height without having an off-set equal to five (5) percent of the wall's height, and that new plane shall extend for a distance equal to at least twenty-five (25) percent of the maximum length of the first plane.
 - f. Vertical Articulation: No horizontal wall shall extend for a distance greater than three (3) times the height of the wall without changing height by a minimum of two and one-half (2 ½) percent of the wall's height.
 - g. Main Façade at Pedestrian/Office Entrance: (Exterior building sides which face a public street and is utilized as the primary pedestrian entrance)
 - h. Main Façade at Pedestrian/Office Elements: Two (2) masonry materials which comprise 100% of the vertical surface area of the main facade. Masonry accent material is defined as either brick, stone, cast stone, cultured stone, tilt wall concrete or Portland cement (stucco). Metal panel or engineered wood may substitute for masonry on a maximum of 15% of each façade.

Conditions (continued):

7. Required parking for the Food Manufacturing or Processing Plant use shall adhere to the following requirement of the Wynn Jackson PD (Ord. 3313):
 - a. Shall be the lesser of the following:
 - i. One (1) space for each three hundred (300) square feet of office/display area plus one (1) space for each one thousand (1,000) square feet of warehouse/manufacturing space up to 20,000 sf and one (1) space per 4,000 sf thereafter.
 - ii. Truck court areas may be striped to meet this requirement if necessary.
 - iii. The utilization of shared and/or converted parking is encouraged to reduce impervious coverage.
 - iv. The Planning Director or his/her designee is authorized to permit on a case by case basis a reduction in the required parking based on the actual demonstrated needs of a specific tenant or user.
 - v. Each standard surface parking space shall be the following minimum size: nine (9) feet by eighteen (18) feet.
8. Required Landscaping for the Food Manufacturing or Processing Plant use shall adhere to the following requirement of the Wynn Jackson PD (Ord. 3313). All required landscaping shall be installed with the first phase of construction of the Bridor Food Manufacturing or Processing Plant facility.
 - a. Street trees and buffer planting will be credited against on-site landscaping requirements at the reasonable discretion of the Planning Director or his/her designee.
 - b. Landscape Buffer (Settler's Glen Adjacency) – A one hundred-foot (100') landscape buffer shall be provided along Patrick Road where adjacent to the existing Settler's Glen residential development. Within that landscape buffer, a six-foot earthen berm shall be provided along with trees spaced at one tree per 50' of adjacency to the roadway, a minimum 8' wide concrete trail, and a six-foot high wrought iron fence. All trees shall be six-inch (6") minimum caliper diameter at breast height (dbh) at the time of planting. Utilities may be located in the landscape buffer. Crepe Myrtle trees shall be used in select areas, such as entry points, as accent landscaping.
 - c. Landscape Areas – This SUP shall meet the landscaping requirement from Section 5.04 of the zoning ordinance with the following exceptions:
 - i. Landscape buffers will be provided as shown in the Wynn Jackson PD (Ordinance 3313).
 - ii. A minimum of 10% landscape area shall be provided.
 - iii. Subject to the reasonable approval of the Planning Director or his/her designee, Landscape buffers, parking landscaping, open spaces and detention ponds shall be included in the required landscape area calculations.
 - iv. Landscaping for truck parking shall be subject to the reasonable approval of the Planning Director or his/her designee.
9. To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent residential properties and in accordance with the standards in Article V – Development Standards.

Conditions (continued):

10. The Food Manufacturing or Processing Plant use shall meet the noise restrictions from Chapter 20 of the Code of Ordinances.
11. The Food Manufacturing or Processing Plant use shall have no direct access or curb cuts to Patrick Road, south of Marshall Road.
12. Truck traffic associated with the Bridor Food Manufacturing or Processing Plant shall be prohibited from using Patrick Road.

ATTACHED EXHIBITS

1. PON Responses
2. Settler's Glen HOA Letter
3. Waxahachie Land Use Chart
4. SUP Ordinance
5. Location Map – Exhibit A
6. Operational Plan – Exhibit B

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 the applicant will be notified to make corrections.

STAFF CONTACT INFORMATION

Prepared by:

Zack King, AICP
Senior Planner
zking@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning
jennifer.pruitt@waxahachie.com



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-141-2024

RILEY STEFANIE & PHILIP H
251 DAKOTA DR
WAXAHACHIE, TX 75167

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, August 13, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 19, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Michael Jackson, for a Specific Use Permit (SUP) for a Food Manufacturing or Processing Plant use within a Planned Development-Light Industrial-2 zoning district located at the southwest corner of Marshall Road and Solon Road (Property ID 284811) - Owner: WJ South Grove LP (ZDC-141-2024) Staff:

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-141-2024 City Reference: 269187

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SUPPORT OPPOSE

Comments:
we are a family neighborhood in Settlers Glen when building our
home here in 2017, this was zoned residential A food manufacturing
7/28/2024
Signature: Stefanie Riley Date: 7/28/2024
Printed Name and Title: Stefanie Riley Address: 251 Dakota Dr



plant so close by would ~~the~~ drastically change the dynamics of the community when we chose to plant roots & begin ~~our~~ our family. This is not a good move for residents

(8)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-141-2024

SANDSTONE 93 PARTNERS LTD
5560 TENNYSON PKWY STE 250
PLANO, TX 75024

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Case Number: ZDC-141-2024

City Reference: 279123

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Comments: SUPPORT OPPOSE


Signature
Jeremy Steenerson
Printed Name and Title
Managing Member

7-29-24
Date
5560 Tennyson Pky, Ste 250
Address Plano, TX 75024

Case Number: ZDC-141-2024

City Reference: 269202

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Comments:

SUPPORT

OPPOSE

RECEIVED JUL 31 2024

Jeanne Gage
Signature

7-29-24
Date

Jeanne Gage
Printed Name and Title

190 Colter Dr
Address
Waxahachie 75167

(8)

(8)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-141-2024



HAWKINS THOMAS M & JANA E L
208 COLTER DR
WAXAHACHIE, TX 75167

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Case Number: ZDC-141-2024

City Reference: 269193

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SUPPORT

OPPOSE

Comments:

Signature

GEORGE THOMAS

Printed Name and Title

08-02-2024

Date

229 FRONTIER DR

Address

(8)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-141-2024

HAWKINS THOMAS M & JANA E L
208 COLTER DR
WAXAHACHIE, TX 75167

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SUPPORT

OPPOSE



Comments:

Not what was presented in first zone chg! ~~Odors~~
Odors, No Mtg behind Residents! I don't care if its ~~cookies!~~ cookies!

Janae Hawkins
Signature

8/1/2024
Date

Janae Hawkins
Printed Name and Title

208 COLTER DR.
Address

If this goes out of business, then what food processing would replace it??
Lower House Values! Do you want this in your Back yard?!

(8)

Venissat, Michelle

From: The Hawkins <hawhome@att.net>
Sent: Friday, August 2, 2024 1:52 PM
To: Planning
Subject: ZDC-141-2024
Attachments: Food Processing.pdf; FOR SALE SIGN.jpg

Please see attached:

Will the fences, berms and walking trail be added as specified in the first zoning change from SF1 to Light Industrial before any buildings are erected?

What was presented during the first zoning change debate, was "data center, final step ecommerce delivery warehouse or our former Mayor Hill asked if his sales office could be there". No mention of **FOOD PROCESSING!**

Also, the picture that Michael Jackson presented during the first planning meeting for the rezoning, it was in the middle of a neighborhood with beautiful trees but not **FOOD PROCESSING.**

We were under the impression that Mr. Jackson was to own the whole complex and rent out space as is being done along I67 in the warehouses built there. If the City of Waxahachie knew he was going to piece meal sell this parcel of land, that should have been brought up to the residents. Is he going to NOW going to ask for SUP on all these tracts?

We were misled and lied to if that is the case.

The City of Waxahachie approved the building of Settlers Glen and now it seems the city wants to destroy it.

Janae Hawkins
208 Colter Dr

(8)



STREAM

For Sale

**South Grove
Industrial Park**

**50 - 575 Acres
Available**

For More Information
**Matt Dornak
Ridley Culp**

214.267.0461
www.streamrealty.com

(8)

Venissat, Michelle

From: Sean Draper <draperbowling@gmail.com>
Sent: Sunday, August 4, 2024 10:48 AM
To: Planning
Subject: Case# ZDC-141-2024

Hello,

I Oppose!

Regards,

David Draper, owner
247 Buckskin Dr, Waxahachie, TX 75167

(8)

Venissat, Michelle

From: ladonna hack <lhack117@sbcglobal.net>
Sent: Sunday, August 4, 2024 1:48 PM
To: Planning
Subject: No to proposed zoning change

August 5, 2024

Dear Chairman Keeler,
RE: ZDC-141-2024

In the past 5, 10, 15 years, hundreds of families moved to Settler's Glen in Waxahachie, a quiet neighborhood in a growing city, with hopes for a great future. Part of that hope was based on the surrounding farm land being zoned for SF1. Instead, the planning and zoning commission has broken it's word on zoning. A warehouse is already in process along Marshall and Patrick, which will bring traffic on roads that can't handle it, at times when parents are trying to get to and from school, and noise and light pollution.

Now a food processing plant is being proposed along those same roads, bringing actual pollution, chemicals in our air, ground, and water, and more traffic on the same roads already being repaired for potholes every other month.

Why is it ok for this commission to go back on it's word and negatively impact our neighborhood?

Why do you put so much effort into protecting our historic downtown from even a tattoo parlor, but then make every effort to build as ugly of buildings as possible around our neighborhood?

If you continue down this path, in a few years you could have an entirely vacant neighborhood due to crashed home values. How would that reflect on our growing city?

Please do the right thing and keep your word and keep the zoning around our neighborhood SF1.

I ask would you want this next to your home?

I think not!

LaDonna Hack
Sent from my iPhone
214-797-7184

It's due August 7 and is the easiest way to weigh in.

Case Number: ZDC-141-2024

City Reference: 269193

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SUPPORT

OPPOSE

Comments:

Concerns regarding noise, pollution and traffic. Do not need traffic to cut through Settlers Glen as roads are narrow difficult to navigate with homeowner traffic. Patrick Road is in constant need of repair and will not stand up to added burden. Also concerned with property values if surrounding properties are re-zoned to other uses.

Linda Dianne Kile
Signature

August 6, 2024
Date

Linda Dianne Kile, Homeowner
Printed Name and Title

114 Old Spanish Trail, Waxahachie 75167
Address

(8)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-141-2024

HAWKINS THOMAS M & JANAEL
208 COLTER DR
WAXAHACHIE, TX 75167

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Case Number: ZDC-141-2024

City Reference: 269193

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SUPPORT

OPPOSE

Comments:

please don't put that monstrosity of a building
next to our beloved neighborhood. There is already
that huge warehouse going up right across 287. Keep
Kaytlin Bechtol waxahachie 08/05/2024
Signature beautiful. Date

Kaytlin Bechtol, resident
Printed Name and Title in Settler's
Eiken

240 Valley View Drive
Address Waxahachie, TX
75167

Case Number: ZDC-141-2024

City Reference: 269193

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SUPPORT

OPPOSE

Comments:

A food processing plant right next to our neighborhood will drive residents to leave. No one will want to live here anymore.

Laura Boaz
Signature

8/5/24
Date

Laura Boaz
Printed Name and Title

241 Valley View Dr.
Address

(8)

From: JOSEPH TEDESCO <tedescjd@yahoo.com>
Sent: Monday, August 5, 2024 11:08 AM
To: Planning
Cc: Billie Wallace; trsavis@waxahachie.com; Chris Wright; Tres Atkins; Patrick Souter
Subject: Case Number ZDC-141-2024 Attn: Planning

I am writing this in response to the Notice of Public Hearing Case Number ZDC-141-2024.

I OPPOSE the zoning change unless there are changes to include everything that was included in the last proposed change.

Before any vote should occur, the following items should be addressed.

1. The last zoning change that took place talked about a walking trail and trees for sound because of the residential area.
2. Safety needs for city park that is across the street from the change.
3. Patrick Rd will not support the truck traffic that will occur.

I believe we were misled and lied to by the developer to which the City of Waxahachie bought it hook, line and sinker.

The City of Waxahachie approved the building of Settlers Glen and now it sees the city wants to destroy it.

Joseph and Melinda Tedesco
194 Colter Dr
Waxahachie TX 75167

(8)

Venissat, Michelle

From: Angel L. Martinez <anmartinez@txwes.edu>
Sent: Tuesday, August 6, 2024 2:03 PM
To: Planning
Subject: Case Number :ZDC-141-2024 City Reference: 269188
Attachments: Case Number ZDC-141-2024.pdf

Please find our 2 protests forms attached.

We strongly oppose this. When we purchased our home in 2018 this was zoned Single Family. Over the last 2 years it has been changed and now a Food Processing plant is supposed to go in this area. We are **STRONGLY OPPOSED TO THIS!!!** This is my home to retire in. I choose Waxahachie because of the quiet, rural feel it had. I turned down multiple other cities to live in. Please do not do this to all of the residents in Settler's Glen.

Respectfully,

Angel Martinez, USPTA Elite Professional
Head Women's Tennis Coach
Texas Wesleyan University
1201 Wesleyan Street
Fort Worth, Texas 76105
817.531.4223
anmartinez@txwes.edu

(8)

Case Number: ZDC-141-2024

01A01W0L3Z

City Reference: 269189

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on August 7, 2024 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, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Please Do Not!

Christina Maisonet
Signature

7-28-24
Date

Christina Maisonet
Printed Name and Title

216 Colter Dr. Waxahachie
Address TX 75167

Case Number: ZDC-141-2024

City Reference: 269188

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SUPPORT

OPPOSE

Comments:

Do NOT want this in our neighborhood

Suzanne Martinez
Signature
Suzanne Martinez
Printed Name and Title

8/6/2024
Date
218 Colter Dr
Address

(8)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-141-2024

HUCKABY HAYDEN & COURTNEY
182 COLTER DR
WAXAHACHIE, TX 75167

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Case Number: ZDC-141-2024

City Reference: 269118

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SUPPORT

OPPOSE

Comments: The road Patrick is already very busy & unfit for large vehicles. A factory construction would disrupt our lives.

Huckaby
Signature

08/04/24
Date

Hayden Huckaby
Printed Name and Title

182 Colter Dr
Address

(8)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-141-2024



THOMAS ASHLEE M & TIMOTHY GARETT
212 COLTER DR
WAXAHACHIE, TX 75167

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Case Number: ZDC-141-2024

City Reference: 269191

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SUPPORT

OPPOSE

Comments:

Strongly opposed to this. This was NOT what the City or developer promised to us in settlers Glen.

Signature

8.5.24

Date

Ashlee Thang

Printed Name and Title

212 Colter Dr. Waxahachie
Address TX 75167

(8)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-141-2024

HAWKINS THOMAS M & JANA E L
208 COLTER DR
WAXAHACHIE, TX 75167

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Case Number: ZDC-141-2024

City Reference: 269193

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SUPPORT

OPPOSE

Comments:

This factory would negatively impact air quality, traffic, and quality of life for our neighborhood

Terri Roberts

Signature

8-5-2024

Date

Terri Roberts (home owner)

Printed Name and Title

143 Buckskin Dr.

Address

(8)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-141-2024

HAWKINS THOMAS M & JANA E L
208 COLTER DR
WAXAHACHIE, TX 75167

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SUPPORT

OPPOSE

Comments:

A factory this close to our neighborhood would affect property values, cause noise and traffic that affects quality of life.

Signature

Jerry W. Roberts Jr

Printed Name and Title

(homeowner)

Date

8/5/2024
143 Backstop Dr.

Address

(8)

Jake Roberts
145 Oregon Trl
Waxahachie, TX 75167

August 5, 2024

Waxahachie Planning and Zoning Commission
RE:ZDC-141-2024

Dear Chairman Keeler,

The request by Michael Jackson, for a Specific Use Permit for a Food Manufacturing or Processing Plant use within a Planned Development-Light Industrial-2 zoning district located at the southwest corner of Marshal Road and Solon Road (Property ID 284811) is OPPOSED.

When we moved to the Settler's Glen, we understood the zoning around the community and moved there with those expectations with how the roads around the community would grow. The proposal is a negative move for the community and those that live near it. The increased traffic is a major concern to the lives of families that travel Ovilla Rd, Marshall Rd and Patrick Rd. The trucking that would be needed to supply a food manufacturing or processing plant would destroy the inadequate roads and put the lives of these families at risk. The added traffic would increase the local air pollution further from these trucks traveling up and down the roads throughout the day and night. To top it off, the smell and air pollution the facilities would create will be abominable. Families will flee Settler's Glen, destroying this 20-year-old community. Waxahachie needs more communities like Setter's Glen, the undeveloped land around the community should be continued for agriculture commodities or development for more communities.

Sincerely,



Jake Roberts

(8)

RECEIVED AUG 05 2024

7/31/24

Re: Proposed Processing Plant

ATTN: City of Waxahachie, Planning Department and City Counsel

To whom it may concern,

My understanding is that there is a proposed food processing plant to be built next to Settler's Glen. Something that should not be next to a residential neighborhood. It not on smells but creates an environment that should not be next to homes. We care about where we live and should not want to move because of rezoning. When we moved in the area was designated for residential. Knowing it could be rezoned I would never have moved here. Please, take our feelings into account. Please understand that we want our neighborhood to continue to be a beautiful part of Waxahachie. I appreciate you taking the time to address this and listen to the affect it could have on Settler's Glen.

Thank you,



Michelle Parry

(8)

Venissat, Michelle

From: Kathi Bolliger <kabolliger@hotmail.com>
Sent: Tuesday, August 6, 2024 11:32 PM
To: Planning
Subject: Planning Notice

Hi. I live in Settler's Glen off Ovilla Rd. in Waxahachie. I want to express my opposition to the proposed food manufacturing plant at Marshall & Patrick roads. I moved to this neighborhood because it was on the outskirts of town and had a lot of open land surrounding it. I am extremely concerned about the pollution, noise, smell, traffic, decreasing property values as well as chemicals in the air, water and ground.

As much as I would like the ranch/farm land to remain as is, I understand cities in North Texas are growing at a rapid rate. I prefer to see houses as opposed to apartments, manufacturing plants, warehouses, shopping centers, etc. if there is no way to keep the open land. I ask that you be picky like other cities and make sure what you approve to be built is what is best for the people, neighborhoods and city. A manufacturing plant is something that should never be built next to homes. They belong in an industrial section of the city where no one lives.

Attached please find my notification form expressing my opposition.

Sincerely,

Kathi Bolliger
132 Liberty Way
Waxahachie

Case Number: ZDC-141-2024 City Reference: 269193

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on August 7, 2024 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, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT OPPOSE

Comments:
I want to express my opposition to the food manufacturing plant proposed at Marshall + Patrick roads. I am concerned about pollution, traffic, property values decreasing, chemicals in the air, ground + water.

Kathi Bolliger
Signature

8/6/24
Date

Kathi Bolliger
Printed Name and Title

132 Liberty Way, Waxahachie
Address

(8)

RECEIVED AUG 07 2024

August 5, 2024

Dear Chairman Keeler,

RE: ZDC-141-2024

In the past 5, 10, 15 years, hundreds of families moved to Settler's Glen in Waxahachie, a quiet neighborhood in a growing city, with hopes for a great future. Part of that hope was based on the surrounding farmland being zoned for SF1.

Instead, the planning and zoning commission has broken its word on zoning. A warehouse is already in process along Marshall and Patrick, which will bring traffic on roads that can't handle it, at times when parents are trying to get to and from school, and noise and light pollution.

Now a food processing plant is being proposed along those same roads, bringing actual pollution, chemicals in our air, ground, and water, and more traffic on the same roads already being repaired for potholes every other month.

Why is it ok for this commission to go back on its word and negatively impact our neighborhood?

Why do you put so much effort into protecting our historic downtown from even a tattoo parlor, but then make every effort to build as ugly of buildings as possible around our neighborhood?

If you continue down this path, in a few years you could have an entirely vacant neighborhood due to crashed home values. How would that reflect on our growing city?

Please do the right thing and keep your word and keep the zoning around our neighborhood SF1.

Sincerely,



Beth Mauldin

236 Valley View Dr

Waxahachie, TX 75167

(8)

Venissat, Michelle

From: jrattan03@hotmail.com
Sent: Wednesday, August 7, 2024 4:14 PM
To: Planning
Subject: Case# ZDC-141-2024

Jeremy Rattan
206 Colter Dr.
Waxahachie Tx 75167

I oppose this project being built behind our neighborhood and my home. The city has already changed the zoning 1 time to support this developer. Why is in needing to change again? All the promises the developer laid out to buffer our homes from the warehouse complex, are they still in play with this new site plan? (Tree row and raised earth berm) Honestly the city has failed our neighborhood, and is not worried about the citizens of this town if they will follow the bidding of every developer! What will this project bring to our neighborhood as far as air pollution and smell on a daily bases? What's going to happen to my property value, that the county has already set sky high? I chose to live in this neighborhood and chose the lot knowing it was zoned residential behind us, obviously that was a bad decision!

Sent from my iPhone

(8)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-141-2024

OJEDA ANTONIO O & SOCORRO J
2620 SOLON RD
WAXAHACHIE, TX 75167

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, August 13, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 19, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Michael Jackson, for a Specific Use Permit (SUP) for a Food Manufacturing or Processing Plant use within a Planned Development-Light Industrial-2 zoning district located at the southwest corner of Marshall Road and Solon Road (Property ID 284811) - Owner: WJ South Grove LP (ZDC-141-2024) Staff:

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-141-2024

City Reference: 205894

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *August 7, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Socorro Jimenez
Signature

8-7-24
Date

SOCORRO JIMENEZ owner
Printed Name and Title

2620 SOLON RD
Address
WAXAHACHIE TX 75167

Property ID: 284811

(8)



eau & rivières
DE BRETAGNE
Dour ha Sterioù Breizh

From: Settlers Glen HOA

For: City Council Meeting
Monday, Aug 19, 2024
at 7:00 PM

- [Welcome](#)
- [Who are we?](#)
- [discover](#)
- [to understand](#)
- [act](#)
- [contacts](#)



Act

- [Water & Rivers is 50 years old](#)
- [Become a volunteer](#)
- [To train to inform oneself](#)
- [Represent the association](#)
- [Participate in consultations](#)
- [Near you](#)
- [Launch a Sentinels alert](#)
- [Create a frog shelter](#)
- [Mission Fontaine](#)
- [Become a partner](#)

This tells about the appeal against Bridor mentioned on p3 of 4 on article

Why we filed an appeal against Bridor

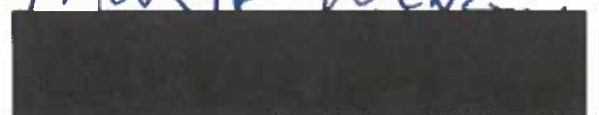
- see page 3 of 4
- 2nd paragraph

lunc 01. 2023

This is the appeal referenced on this page to keep Bridor from building a bakery in France.

Article is dated 4-5-2024

Thank you,
Marcie Wenz



NON AU

PROJET DE

BRIDOR

À LIFFRÉ

Eau et Rivières de Bretagne welcomes, like the other structures involved in this case, the abandonment of the Bridor project. On this occasion, we are republishing our article initially published on November 19, which details the many reasons for this opposition and the choice of an appeal

On November 5, Eau & Rivières de Bretagne, Bretagne Vivante and the Confédération Paysanne d'Ille-et-Vilaine filed a joint appeal against the Bridor project in Liffré (35). Explanation of this general interest appeal.

The factory project located on more than 21 ha of agricultural and natural land aims, in the long term, to produce 650 tonnes day of industrial bread and pastries intended for the world market, this, at the level of 70% of its production. However, despite the many "good advertisements" broadcast in the press, the project has not managed to prove its legitimacy.

This was also raised by the many experts consulted. For example, we can cite the Regional Scientific Council for Natural Heritage (CRSPN) which noted that " *the major public interest is not really justified* ". Or the OFB, specifying that " *The reasons for choosing the location of the site in Liffré do not present environmental or naturalist criteria* ".

But above all, we warn that as it stands, and despite the fact that the consequences of climate change are, day after day, more and more visible (need we still recall the waves of heat waves and droughts that hit us this summer) and that it should therefore be urgent to take all the necessary transition measures, the Bridor project is in total contradiction with these requirements. This results from the very nature of the project which consists, based on raw materials of sometimes very distant origin, in transforming them into frozen products before transporting them again for international trade. The carbon footprint of the project will also be, by the admission of the project leaders, disastrous, and would represent at least each year

The equivalent of 500 Airbus A330s flying around the world $\frac{1}{2}$

Settler's Glen HOA Letter

(8)

p. 3 of 3

Thus, even though the destruction and fragmentation of ecosystems constitute one of the five causes of biodiversity erosion, the site of implantation is located, as the CRSPN points out, "on a territorial junction between the forest of Rennes and the forest of Liffré, the inclusion of which in a Natura 2000 perimeter is envisaged." On this point too, the analysis of the experts consulted (OEB, CRSPN, SAGE Vilaine or even the environmental authority) shows the lack of seriousness of the project both in terms of the quality of the inventories carried out and in the implementation of the "Avoid/Reduce/Compensate" sequence. As the deficiencies accumulate at each stage of the file, they ultimately pose disproportionate threats to biodiversity.

[Learn more about the impact on biodiversity by consulting the Bretagne Vivante article](#)

Without going back over the many arguments developed in our appeal, we denounce in particular the excessive consumption of drinking water, 187,250 m³ per year! A consumption that represents that of a town of nearly 6,250 people! This appropriation of a common good, for the benefit of a single user, and to the detriment of the majority, is particularly serious in an area where this resource is in chronic deficit. We would like to point out that only 3% of the department's watercourses are in good condition and that a majority of them are degraded in terms of the quantitative parameter. While Brittany does indeed benefit from a temperate climate, the Rennes basin area is among the least watered in France with rainfall of barely 700 mm per year. In this context, it is appropriate to prioritize water uses, with regulation ² clearly specifying that it is uses for citizens' access to drinking water and the protection of aquatic environments that must be ensured as a priority, with industrial uses coming much later.

The association therefore denounces this umpteenth large-scale agro-industrial project in total contradiction with the urgency of the climate transition and the necessary sobriety in the use of resources. A project which, moreover, fails to justify its interest, nor to prove its lack of impact on biodiversity, and even less on water resources.

The Eau & Rivière de Bretagne association has therefore decided, with Bretagne Vivante and the Confédération Paysanne d'Ille-et-Vilaine, to challenge the prefectural authorisation before the courts in order to ensure that the general interest prevails.

Learn more

- [Consult our analysis submitted during the public inquiry](#)

Information available in the [memorandum in response to the criticisms of the environmental authority](#).

§ L. 211-1 of the environmental code.

Support Water & Rivers

[Join or donate for the water and rivers of Brittany](#)



Regional River Initiation Center

River classes, water classes, training, nature outings...

Become a Water Sentinel

[Become an actor in your environment by adding geolocated alerts](#)

La
[Web TV](#)

[Consult the Water and Rivers of Brittany video catalog online](#)

Nos PUBLICATIONS

Agenda

Settler's Glen HOA Letter

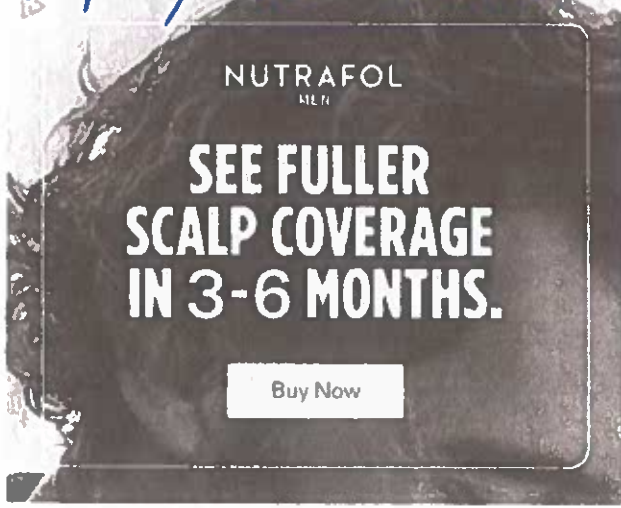
^first please (8) p. 1 of 4

COUNTIES

Home Southern Utah Boise Salt Lake Davis Weber Utah Summit

On page 3 of 4, it tells you a French company denied a Bidor bakery, and filed an appeal

Re: ZDC-141-2024
Property ID: 284811



From: Settlers
Glen HOA
For City Council
meeting
Monday
Aug 19, 2024
at 7:00 PM

appeal telling why it was denied.
French pastry company looks to northern Utah after environmental opposition at home

By Collin Leonard, KSL.com | Posted - April 5, 2024 at 7:03 p.m.



Bridor, a wholesale manufacturer of pastry and bread dough, could be investing over \$200 million into a new facility in Box Elder County. (Groupe Le Duff)

Settler's Glen HOA Letter

(8)

p. 2 of 4



Leer en español

Estimated read time: 4-5 minutes

BRIGHAM CITY — A French pastry company is in the process of evaluating whether it will commit hundreds of millions to building a new manufacturing plant in Box Elder County after a stalled project at home forced the company to look to expand elsewhere.

While no official announcement has been made, Utah could see an influx of croissants in the next few years.

Paul Larsen, Brigham City's economic development director, said he has been working with Bridor, an international wholesale pastry producer, for the last nine months to reel in what would likely be a \$250 to \$300 million investment. The company produces bread dough and pastries that are frozen and shipped to customers to be baked and packaged.

The city submitted a proposal for the project to the Economic Development Corporation of Utah in June 2023. A month prior, the French company announced it would be abandoning plans for a pastry plant outside of Rennes, in the Bretagne region of France, after environmental protests and litigation stalled the project.

Settler's Glen HOA Letter

(8)

p. 3 of 4

Despite receiving the necessary administrative authorizations, a press release in May 2023 stated construction had yet to get off the ground due to the legal appeals pending. "We can't afford to wait 10 years or longer for our industrial project to come to fruition, when our competitors abroad take a maximum of one to two years to obtain the same building permits," Louis Le Duff, CEO of Bridor's parent company Groupe Le Duff, said in French.

Eau et Rivières de Bretagne, an environmental organization, said it filed an appeal against the plant due to concerns over the company's carbon footprint and water usage, among other reasons, claiming the proposed site would use over 187,000 cubic meters of water a year, which it equates to the usage of a town of over 6,000 people.

In response to the growing pressure at its home, Bridor acquired American company Lecoq Cuisine and doubled its Montreal site "to meet U.S. demand," the press release said in French. It also appears that it is targeting northern Utah for its first push into the western United States. The proposed site would open January 2026.

"This is a company we would love to see in northern Utah, without question," said Ben Hart, executive director of the Utah Inland Port Authority. The industrial facility would be part of the Reeder Ranch section of the city's Golden Spike Inland Port Project Area. The port authority approved an annual property tax rebate for Bridor during its December 2023 board meeting, contingent on capital expenditures greater than \$100 million, and reinvestment into the community.

Settler's Glen HOA Letter

still a lot of moving parts," and his experience recruiting (8) businesses tells him "you can never count on something before the ink is dry on the deal."

The county's first public infrastructure district was also set up to fund improvements the project necessitates. Larsen said a rail crossing would have to be relocated, along with other local infrastructure projects, site preparation and internal road plans for the industrial park.

With an estimated 200 new jobs or more, Larsen said the company may need to develop a talent pipeline among the several thousand people who commute to Weber, Davis and Salt Lake counties, given the low unemployment rate in the surrounding area.

cautiousness on us I have ever seen on any project, in the water usage of the plant, adjacent to the Bear River steel plant, and is "not a heavy water user."

Hart said the company would have to comply with all regulations if it were to move in, but the port authority of the conversation.

Bridor has not yet submitted comprehensive development to a request for comment.

"We're excited to see them come," Larsen said. "It w

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New Box Elder County fire now 55% contained after t

Salt Lake



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VORTEX

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Weather Alerts

Outdoor Weather Planner

Air Quality

Weather Works

Snowpack

Ski Report

Close

Chat

3PM

6PM

9PM

Waxahachie Land Use Chart

Sec. 4.03 Use Charts.

LEGEND • - Permitted Use S - Use may be approved via SUP □ - Prohibited Use See Appendix A-3 for use definitions	Future Development	Rural Residential	Single-Family Dwelling-1	Single-Family Dwelling-2	Single-Family Dwelling-3	Two-Family Dwelling	Multiple-Family Dwelling-1	Multiple-Family Dwelling-2	Mobile Home	Mixed Use Residential	Downtown Neighborhood	Mixed Use Non-Residential	Office	Neighborhood Service	General Retail	Central Area	Commercial	Light Industrial-1	Light Industrial-2	Heavy Industrial	Airport District
	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP
Animal Production Facility																			S	S	
Antenna, Non-Commercial	•	•	•	•	•	•	•	•	•	•		•	•	•	•	•	•	•	•	•	•
Batch Plant (Permanent Facility)																		S	S	S	
Data Center																		•	•	•	
Electrical Generating Plant	S	S							S				S	S	S	S	S	S	S	S	S
Equipment Sales, New or Used																		S	S	S	
Food Manufacturing or Processing Plant																S	S	S	S	S	S
Heavy Manufacturing, Fully Indoor																		S	S	S	S
Light Manufacturing												S					•	•	•	•	•

(8)

Waxahachie Land Use Chart

LEGEND • - Permitted Use S - Use may be approved via SUP □ - Prohibited Use See Appendix A-3 for use definitions	Future Development	Rural Residential	Single-Family Dwelling-1	Single-Family Dwelling-2	Single-Family Dwelling-3	Two-Family Dwelling	Multiple-Family Dwelling-1	Multiple-Family Dwelling-2	Mobile Home	Mixed Use Residential	Downtown Neighborhood	Mixed Use Non-Residential	Office	Neighborhood Service	General Retail	Central Area	Commercial	Light Industrial-1	Light Industrial-2	Heavy Industrial	Airport District
	FD	RR	SF1	SF2	SF3	2F	MF1	MF2	MH	MUR	DN	MUNR	O	NS	GR	CA	C	LI1	LI2	HI	AP
Machine Shop or Welding Shop																		•	•	•	
Medium Manufacturing, Fully Indoor																		•	•	•	•
Medium Manufacturing, Outdoor																		S	S	S	S
Municipally-Owned Facilities and Uses	•	•	•	•	•	•	•	•	•	•		•	•	•	•	•	•	•	•	•	•
Noxious Uses																		S	S	S	S
Public Building, Shop, or Yard of a Local, State, or Federal Agency	S	S													S		•	•	•	•	•
Public or Private Utility Shop or Storage																		•	•	•	•
Sand, Gravel, Stone or Petroleum Extraction																		S	S	S	
Storage Warehouse																S	•	•	•	•	S

(8)

(9)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A FOOD MANUFACTURING OR PROCESSING PLANT (BRIDOR) USE WITHIN A PLANNED DEVELOPMENT-LIGHT INDUSTRIAL-2 (PD-LI-2) ZONING DISTRICT, LOCATED AT THE SOUTHWEST CORNER OF MARSHALL ROAD AND SOLON ROAD, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 50.97 ACRES KNOWN AS A PORTION OF PROPERTY ID 284811, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

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

WHEREAS, a proper application for a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-141-2024. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from PD-LI-2 to PD-LI-2, with a SUP in order to permit a Food Manufacturing or Processing Plant (Bridor) use on the following property: a portion of Property ID 284811, which is shown on Exhibit A, in accordance with the Operational Plan attached as Exhibit B.

SPECIFIC USE PERMIT

Purpose and Intent

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

(9)

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A FOOD MANUFACTURING OR PROCESSING PLANT (BRIDOR) USE WITHIN A PLANNED DEVELOPMENT-LIGHT INDUSTRIAL-2 (PD-LI-2) ZONING DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The development shall conform as approved by the City Council under case number ZDC-141-2024.
2. Permission to operate a Food Manufacturing or Processing Plant use is restricted exclusively to Bridor. Approval to operate a Food Manufacturing or Processing Plant use at this location will not transfer to another Food Manufacturing or Processing Plant establishment or owner of the subject property.
3. An amendment to the SUP will be required in the event that the property owner wishes to expand the Food Manufacturing or Processing Plant use beyond the approximately 50.97-acre area identified in the Location Map – Exhibit A.
4. The development shall adhere to the site, landscaping, and architectural design requirements of the Wynn Jackson PD (Ordinance 3313).
5. The Operational Plan is required to be revised to require approval of a Detailed Site Plan, Landscape Plan, and Elevation/Façade Plan by the Planning & Zoning Commission and City Council.
6. A Detailed Site Plan Application is required to be reviewed and approved by the Planning & Zoning Commission and City Council.
7. Exterior Construction and Building Articulation for the Food Manufacturing or Processing Plant use shall adhere to the following requirement of the Wynn Jackson PD (Ord. 3313):
 - a. Any exterior façade of a building that faces, or is visible from, a public street shall consist of not less than eighty (80) percent Masonry Construction (Poured-in-place concrete and tilt-wall concrete shall be credited towards the masonry requirement. Concrete products shall be painted or patterned.
 - b. All other façades that are not facing, or visible from, a right-of-way shall consist of not less than fifty (50) percent Masonry Construction.
 - c. Areas of a façade that are devoted to windows, doors, covered porches, stoops, breezeways, or courtyards shall not be counted as "wall surface" when calculating the Masonry Construction requirement.
 - d. Metal exterior construction is not allowed unless when the area is not facing or visible from an existing or planned public right-of-way, as identified on the City's Thoroughfare Plan or plat records.
 - e. Horizontal Articulation: No building wall shall extend for a distance equal to three (3) times the wall's height without having an off-set equal to five (5) percent of the wall's height, and that new plane shall extend for a distance equal to at least twenty-five (25) percent of the maximum length of the first plane.
 - f. Vertical Articulation: No horizontal wall shall extend for a distance greater than three (3) times the height of the wall without changing height by a minimum of two and one-half (2 ½) percent of the wall's height.

(9)

- g. Main Façade at Pedestrian/Office Entrance: (Exterior building sides which face a public street and is utilized as the primary pedestrian entrance)
 - h. Main Façade at Pedestrian/Office Elements: Two (2) masonry materials which comprise 100% of the vertical surface area of the main facade. Masonry accent material is defined as either brick, stone, cast stone, cultured stone, tilt wall concrete or Portland cement (stucco). Metal panel or engineered wood may substitute for masonry on a maximum of 15% of each façade.
8. Required parking for the Food Manufacturing or Processing Plant use shall adhere to the following requirement of the Wynn Jackson PD (Ord. 3313):
- a. Shall be the lesser of the following:
 - i. One (1) space for each three hundred (300) square feet of office/display area plus one (1) space for each one thousand (1,000) square feet of warehouse/manufacturing space up to 20,000 sf and one (1) space per 4,000 sf thereafter.
 - ii. Truck court areas may be striped to meet this requirement if necessary.
 - iii. The utilization of shared and/or converted parking is encouraged to reduce impervious coverage.
 - iv. The Planning Director or his/her designee is authorized to permit on a case by case basis a reduction in the required parking based on the actual demonstrated needs of a specific tenant or user.
 - v. Each standard surface parking space shall be the following minimum size: nine (9) feet by eighteen (18) feet.
9. Required Landscaping for the Food Manufacturing or Processing Plant use shall adhere to the following requirement of the Wynn Jackson PD (Ord. 3313). All required landscaping shall be installed with the first phase of construction of the Bridor Food Manufacturing or Processing Plant facility.
- a. Street trees and buffer planting will be credited against on-site landscaping requirements at the reasonable discretion of the Planning Director or his/her designee.
 - b. Landscape Buffer (Settler's Glen Adjacency) – A one hundred-foot (100') landscape buffer shall be provided along Patrick Road where adjacent to the existing Settler's Glen residential development. Within that landscape buffer, a six-foot earthen berm shall be provided along with trees spaced at one tree per 50' of adjacency to the roadway, a minimum 8' wide concrete trail, and a six-foot high wrought iron fence. All trees shall be six-inch (6") minimum caliper diameter at breast height (dbh) at the time of planting. Utilities may be located in the landscape buffer. Crepe Myrtle trees shall be used in select areas, such as entry points, as accent landscaping.
 - c. Landscape Areas – This SUP shall meet the landscaping requirement from Section 5.04 of the zoning ordinance with the following exceptions:
 - i. Landscape buffers will be provided as shown in the Wynn Jackson PD (Ordinance 3313).
 - ii. A minimum of 10% landscape area shall be provided.

- iii. Subject to the reasonable approval of the Planning Director or his/her designee, Landscape buffers, parking landscaping, open spaces and detention ponds shall be included in the required landscape area calculations.
 - iv. Landscaping for truck parking shall be subject to the reasonable approval of the Planning Director or his/her designee.
10. To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent residential properties and in accordance with the standards in Article V – Development Standards.
 11. The Food Manufacturing or Processing Plant use shall meet the noise restrictions from Chapter 20 of the Code of Ordinances.
 12. The Food Manufacturing or Processing Plant use shall have no direct access or curb cuts to Patrick Road, south of Marshall Road.
 13. Truck traffic associated with the Bridor Food Manufacturing or Processing Plant shall be prohibited from using Patrick Road.
 14. The Property Owner shall provide a permanent irrigation system for all required landscape areas and maintain the required landscaping at all times.
 15. All improvements within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
 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.
 17. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance (Ordinance No. TBD) or the Wynn Jackson PD (Ord. 3313), shall conform to those requirements and/or standards prescribed in Exhibit B – Operational Plan. Where regulations are not specified in Exhibits B, in this Zoning Ordinance (Ordinance No. TBD) or the Wynn Jackson PD (Ord. 3313), the regulations of the Light Industrial-2 (LI-2) zoning district of the City of Waxahachie Zoning Ordinance shall apply to this development.
 18. City Council shall have the right to review the Specific Use Permit at any point, if needed.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or cease to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to re-establish the use.
3. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

(9)

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

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

PASSED, APPROVED AND ADOPTED on this 19th day of August, 2024.

MAYOR

ATTEST:

City Secretary

Location Map - Exhibit A



(9)

operational plan

1. Proposed hours of operation:
 - a. Manufacturing 24 hours per day, 6 days per week.
 - b. Truck traffic only during day hours
 - i. January 2028 : 20 daily truckloads
 - ii. January 2030: 40 daily truckloads
 - iii. January 2032: 60 daily truckloads
 - c. Employee traffic:
 - i. January 2028 : 120 daily car traffic
 - ii. January 2030: 200 daily car traffic
 - iii. January 2032: 350 daily car traffic
 - d. A Traffic Impact Analysis will be performed for this development according to the city requirements.
2. Number of employees:
 - a. Phase I: 60-120 jobs (January 2028)
 - b. Phase II: Total 120-240 jobs (January 2030)
 - c. Phase III: 240-450 jobs (January 2032)
3. Compatibility with adjoining uses:
 - a. Site zoned as PLANNED DEVELOPMENT-LIGHT INDUSTRIAL-2 (PD-LI2)
 - b. We propose a land use compatible with light industrial manufacturing, specifically food processing/manufacturing. According to the International Energy Agency, food processing/manufacturing is considered light industrial because the absolute energy use is lower than heavy industry such as steel and cement. Light industry generates less emissions, noise and odors than heavy industry and production of food represents about 30% of all light industrial sector. Same as we are proposing for our use. Emissions generated by light industrial users are also easier to abate from a technological point of view than heavier industry. Food manufacturing is one of the best light industrial uses for proximity to other zonings and land uses from the technological point of view and the nature of the production process.
4. The company's business plan for the proposed establishment:
 - a. New plant to support both Bridor and our customers' growth in the Southeast. A plant in the Southeast will help Bridor stay competitive in terms of pricing as well as timely deliveries to customers in that region.
 - b. Bridor is a bakery product manufacturing company founded by Louis Le Duff in 1988 and a subsidiary of Groupe Le Duff.

Operational Plan - Exhibit B

(9)

- c. This facility will be dedicated to the production and assembly of bakery items, some that will be partially baked, and frozen as well as the distribution of the frozen and partially baked goods.
 - d. There will be no light, odor and noise pollutions transpassing the property boundaries. All manufacturing operations are enclosed.
5. SUP application:
- a. Since we are proceeding with the SUP to enable the Food Manufacturing or Processing Plant Land Use for Bridor exclusively (Project Ker), a Detailed Site Plan, Landscape Plan, Sign Plan, and Elevation/Facade Plan will be required to be reviewed and approved administratively by the city at the time the site is selected and they move into design.
 - b. Detailed Site Plan, Landscape Plan, Sign Plan, and Elevation/Facade Plan will need to adhere to the requirements of the Wynn Jackson PD (Ord. 3313) will be required. Deviations from the requirements of Wynn Jackson PD (Ord. 3313) will require a PD Amendment.

Planning & Zoning Department

Plat Staff Report

Case: SUB-113-2024



MEETING DATE(S)

Planning & Zoning Commission: August 13, 2024
City Council: August 19, 2024

CAPTION

Present a request by Tim Jackson, R.P.L.S., for a Replat of Lots 13A and 13B, Block 63 of the Town Addition, 2 residential lots, being 0.465 acres, located at 602 Dr. Martin Luther King JR. Blvd, (Property ID 170996) – Owner: Vanessa Severson & Sergio Sanchez (SUB-113-2024) Staff: Harper Lindamood

RECOMMENDED MOTION

"I move to approve SUB-113-2024, a Replat of Lot 13, Block 63 of the Town Addition, and the associated variance request, subject to the conditions the staff report, authorizing the Mayor to sign the associated documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting held on August 13, 2024, the Commission voted 7-0 to recommend approval of case number SUB-113-2024, subject to the conditions of the staff report.

APPLICANT REQUEST

The applicant requests to replat the subject property from one (1) lot into two (2) residential lots.

CASE INFORMATION

Applicant: Tim Jackson, R.P.L.S
Property Owner(s): Vanessa Severson & Sergio Sanchez
Site Acreage: 0.465 acres
Number of Lots: 2 lots
Number of Dwelling Units: 2 units
Park Land Dedication: N/A
Adequate Public Facilities: Adequate public facilities are available to the subject property.

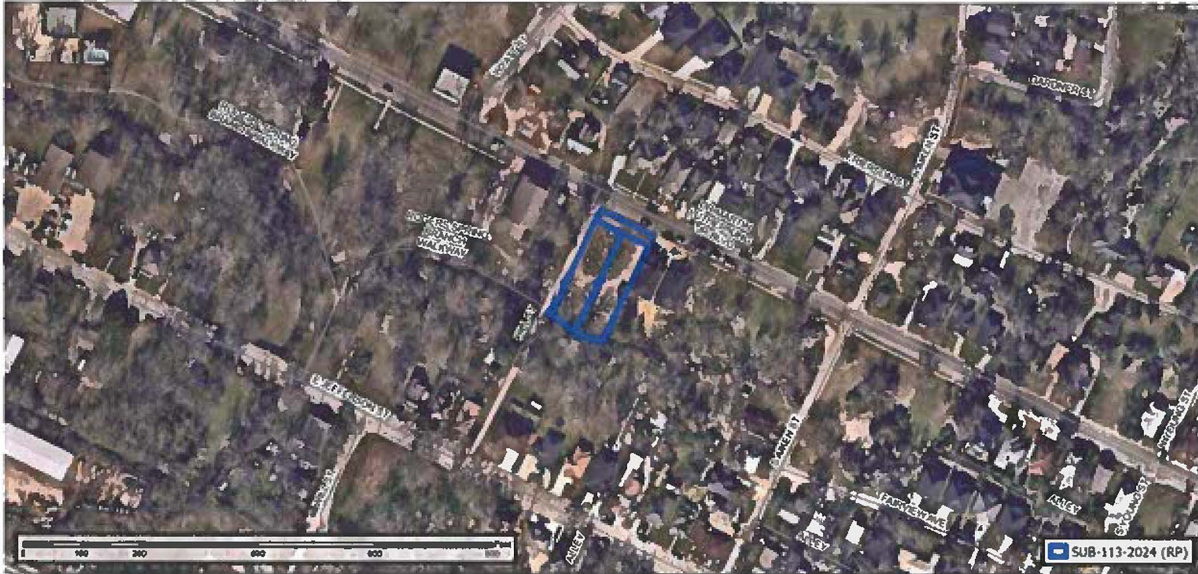
SUBJECT PROPERTY

General Location: 602 Dr. Martin Luther King JR. Blvd
Parcel ID Number(s): 170996
Current Zoning: Single Family-2 (SF-2)
Existing Use: Residential

Platting History:

The subject property is platted as Lot 13, Block 63 of the Town Addition.

Site Aerial:



PLANNING ANALYSIS

The applicant proposes to replat the subject property from one (1) lot into two (2) residential lots. The applicant is providing a twenty (20) foot ROW dedication along MLK Boulevard, as required by the City of Waxahachie Thoroughfare plan.

As part of the review of the Replat application, staff identified multiple technical items that conflict with the requirements of the Waxahachie Subdivision Ordinance and need to be corrected. These technical items are required to be corrected prior to the filing of the Replat. The correction of each item has been identified as a condition of approval in the staff recommendation section below.

Variance Request – Right of Way Dedication (ROW)

The City of Waxahachie subdivision ordinance requires Right-of-way dedication (ROW) at the time of platting or replating in conformance with the City of Waxahachie Construction and Design (C&D) Manual. The C&D Manual requires ROW for residential streets to be a minimum fifty (50) feet in width. Hill Street has an existing ROW width of twenty (20) feet. The applicant is proposing to dedicate ten (10) feet of ROW along Hill Street, as opposed to the required fifteen (15) feet of ROW dedication. The applicant is requesting a variance for minimum ROW dedication to leave sufficient property to meet the minimum lot size requirements of the Infill Overlay District. Staff is supportive of the variance request.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 38 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.

PUBLIC NOTIFICATION RESPONSES

Staff has received zero (0) letters of opposition and two (2) letters of support for the proposed Replat.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, staff recommends approval of the Replat request, subject to the conditions noted below.

Conditions:

1. Per Section 2.1.a & 7.1.h of the Waxahachie Subdivision Ordinance, Filing Fees, Recording Fees, Tax Certificate Fee are required to be paid with your Replat application. These fees can be paid via check to the City of Waxahachie or via the invoice on our Citizen Self-Service (CSS) Portal.
2. Per Section 2.2.e of the Waxahachie Subdivision Ordinance, as part of proof of ownership for the subject property, the applicant is required to provide a notarized statement (Property Owner Affidavit) for each property owner with this Replat Application. Based on the deeds provided with the initial application, a notarized property owner affidavit is required to be provided for "Ellis County, Texas" and "Town Addition Lots 13A & 13B, Block 63".
3. Per Section 2.3.b of the Waxahachie Subdivision Ordinance, a hard copy of the embossed tax certificate for the property showing that no delinquent taxes exist against the property is required to be provided at the time of plat filing.

ATTACHED EXHIBITS

1. PON Responses
2. Variance Request
3. Replat

APPLICANT REQUIREMENTS

1. If approved by the Planning & Zoning Commission, 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 the applicant will be notified to make corrections.
 - b. If all comments were satisfied, then the applicant shall provide five signed, hard-copy plats.

STAFF CONTACT INFORMATION

Prepared by:

Harper Lindamood

Planner

Harper.lindamood@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

jennifer.pruitt@waxahachie.com

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City of Waxahachie, Texas
Notice of Public Hearing
Case Number: SUB-113-2024



LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168-8868

RECEIVED JUL 01 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Monday, July 8, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, July 15, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Tim Jackson., for a Replat of Lot 13, Block 63 of the Town Addition, to create Lots 13A & 13B, Block 63 of the Town Addition, 2 single family lots, being 0.45-acres, located at 602 Dr. Martin Luther King Jr Blvd., (Property ID 170996) – Owner: Sergio Sanchez & Vanessa Severson (SUB-113-2024) Staff: Harper Lindamood

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: SUB-113-2024

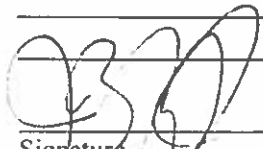
City Reference: 171270

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on July 3, 2024 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, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:



Signature
Brad Yates member

Printed Name and Title

6/30/24

Date
613 Dr. Martin Luther King

Address

(10811



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: SUB-113-2024

RECEIVED JUL 01 2024

LOREN GRAY INVESTMENTS LLC
PO BOX 2868
WAXAHACHIE, TX 75168-8868

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Case Number: SUB-113-2024

City Reference: 171281

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on July 3, 2024 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, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Signature

Date

Printed Name and Title

Address

[Handwritten Signature]
Brad Yates member

6/30/24

110 Friarson

(10&11



Tue 7/2/2024 9:02 AM

v s <darooofisiwindows@hotmail.com>

Re: SUB-113-2024 (602 DR MARTIN LUTHER KING JR BLVD WAXAHACHIE)

To Lindamood, Harper

Hello,

The reason I am requesting a replat on:

602 DR MARTIN LUTHER KING JR BLVD WAXAHACHIE

I am splitting my Lot into 2 Lot(s). I have dedicated 20ft ROW from MLK but also have to dedicate 20 on Hill Street. With that being said I will not have enough to build on my Lots. So, I ask that if I could dedicate 10ft of ROW to the city that you guys will approve and allow me to continue to replat and build on my property.

Thank you,

Vanessa Severson

Sergio Tapia Sanchez

(10)



0' 15' 30"
SCALE: 1" = 30'

LOT 10, BLOCK 189
CAB. A, PG. 181
OPRECT

LOT 6, BLOCK 189
CAB. A, PG. 181
OPRECT

MONA PANDEY
INST. NO. 1809478
FURTHER DESCRIBED IN
VOL. 187, PG. 111
OPRECT

KEAN MEGAHAN
INST. NO. 1916457
OPRECT

RF SFR LP
INST. NO. 2242708
OPRECT

STATE OF TEXAS
COUNTY OF ELLIS
KNOW ALL MEN BY THESE PRESENTS

WHEREAS, SERGIO TAPIA SANCHEZ AND VANESSA ANN SEVERSON, ARE THE OWNERS OF A TRACT OF LAND SITUATED IN THE A KEEN SURVEY, ABSTRACT NO. 586 AND THE E. ROGERS SURVEY, ABSTRACT NO. 890, CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND BEING ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO SERGIO TAPIA SANCHEZ AND VANESSA ANN SEVERSON, RECORDED IN INSTRUMENT NO. 1828214, FURTHER DESCRIBED IN VOLUME 08, PAGE 294, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT), AND BEING ALL OF LOT 13, BLOCK 63, TOWN ADDITION, RECORDED IN CABINET A, SLIDE 181, OPRECT, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR THE NORTHWEST CORNER OF SAID LOT 13 AND, SAME BEING THE INTERSECTION OF THE NORTH ROW OF BUSINESS 287 / MAIN STREET (ALSO KNOWN AS MARTIN LUTHER KING, JR BOULEVARD (MLK BLVD)) (A VARIABLE WIDTH ROW) AND THE EAST RIGHT-OF-WAY (ROW) LINE OF HILL STREET (A CALLED 20' ROW);

THENCE S 83°56'02" E, ALONG THE NORTH LINE OF SAID LOT 13 AND THE COMMON SOUTH ROW LINE OF SAID MLK BLVD, A DISTANCE OF 100.00 FEET TO A 1/2" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID LOT 13 AND THE COMMON NORTHWEST CORNER OF LOTS 1 AND 2, BLOCK 1, STERLING'S ADDITION, RECORDED IN CABINET M, SLIDE 188, OPRECT, FROM WHICH A 1/2" IRON ROD WITH CAP STAMPED "38" FOUND FOR THE NORTHEAST CORNER OF SAID LOTS 1 AND 2, BLOCK 1, STERLING'S ADDITION, BEARS S 83°56'02" E, A DISTANCE OF 90.00 FEET;

THENCE S 28°19'58" W, ALONG THE EAST LINE OF SAID LOT 13 AND THE COMMON WEST LINE OF SAID LOTS 1 AND 2, BLOCK 1, STERLING ADDITION, PASSING A 1/2" IRON ROD WITH CAP STAMPED "38" FOUND FOR THE NORTHWEST CORNER OF LOT 1, BLOCK 1 OF SAID LOTS 1 AND 2, BLOCK 1, STERLING ADDITION AT A DISTANCE OF 10.00 FEET, AND PASSING A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR WITNESS AT A DISTANCE OF 178.90 FEET, IN ALL A TOTAL DISTANCE OF 198.90 FEET TO A POINT FOR THE SOUTHEAST CORNER OF SAID LOT 13 AND THE COMMON SOUTHWEST CORNER OF SAID LOT 1 AND 2, BLOCK 1, STERLING'S ADDITION, BEARS S 83°56'02" E, A DISTANCE OF 90.00 FEET, AND IN THE NORTH LINE OF LOT 4A, BLOCK 63, TOWN ADDITION, RECORDED IN CABINET A, SLIDE 181, OPRECT, AND IN THE APPROXIMATE CENTERLINE OF ROCK CREEK, FROM WHICH A 1/2" IRON ROD WITH CAP STAMPED "38" FOUND FOR THE NORTHEAST CORNER OF SAID LOT 4A AND THE COMMON NORTHWEST CORNER OF LOT 1, BLOCK 1, LOTS 1 & 2, BLOCK 1, QUINZO ADDITION, RECORDED IN CABINET K, SLIDE 83, OPRECT BEARS N 87°48'48" E, A DISTANCE OF 28.08 FEET;

THENCE N 74°44'55" W, ALONG THE SOUTH LINE OF SAID LOT 13 AND THE COMMON NORTH LINE OF SAID LOT 4A AND THE COMMON NORTH LINE OF SAID TOWN ADDITION, AND THE APPROXIMATE CENTERLINE OF SAID ROCK CREEK, A DISTANCE OF 44.40 FEET TO A POINT FOR CORNER;

THENCE N 53°25'12" W, ALONG THE SOUTH LINE OF SAID LOT 13 AND THE COMMON NORTH LINE OF SAID LOT 4C, AND THE APPROXIMATE CENTERLINE OF SAID ROCK CREEK, A DISTANCE OF 57.38 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID LOT 13 AND THE COMMON NORTHWEST CORNER OF SAID LOT 4C, SAME BEING IN THE EAST ROW LINE OF SAID HILL STREET;

THENCE N 28°19'58" E, ALONG THE WEST LINE OF SAID LOT 13 AND THE COMMON EAST ROW LINE OF SAID HILL STREET, PASSING A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR WITNESS AT A DISTANCE OF 20.00 FEET, AND PASSING A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR WITNESS AT A DISTANCE OF 188.78 FEET, IN ALL A TOTAL DISTANCE OF 198.78 FEET TO THE POINT OF BEGINNING, AND CONTAINING 1.486 ACRES OF LAND, MORE OR LESS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS

THAT SERGIO TAPIA SANCHEZ AND VANESSA ANN SEVERSON, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS LOTS 13A & 13B, BLOCK 63, TOWN ADDITION, AN ADDITION TO THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND DOES HEREBY DEDICATE, IN FEE SIMPLE, TO THE CITY OF WAXAHACHIE, TEXAS FOR THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON. THE STREETS AND ALLEYS ARE DEDICATED FOR STREET PURPOSES. THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN, ARE DEDICATED, FOR THE PUBLIC USE FOREVER, FOR THE PURPOSES INDICATED ON THIS PLAT. NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN, EXCEPT THAT LANDSCAPE IMPROVEMENTS MAY BE PLACED IN LANDSCAPE EASEMENTS, IF APPROVED BY THE CITY OF WAXAHACHIE. IN ADDITION, UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME UNLESS THE EASEMENT LIMITS THE USE TO PARTICULAR UTILITIES. SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC'S AND CITY OF WAXAHACHIE'S USE THEREOF. THE CITY OF WAXAHACHIE AND PUBLIC UTILITY ENTITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN SAID EASEMENTS. THE CITY OF WAXAHACHIE AND PUBLIC UTILITY ENTITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF INGRESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, INSPECTING, PATROLLING, MAINTAINING, REPAIRING, REPAIRING, AND CLOSING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE.

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

WITNESS, MY HAND, THIS THE _____ DAY OF _____ 2024

SERGIO TAPIA SANCHEZ VANESSA ANN SEVERSON

STATE OF TEXAS
COUNTY OF ELLIS

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

GIVEN UNDER MY HAND AND SEAL THIS, THE _____ DAY OF _____, 2024

NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

STATE OF TEXAS
COUNTY OF ELLIS

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

GIVEN UNDER MY HAND AND SEAL THIS, THE _____ DAY OF _____, 2024

NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

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

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

TIMOTHY L. JACKSON
REGISTRATION NUMBER 5488

APPROVED BY PLANNING AND ZONING COMMISSION CITY OF WAXAHACHIE

BY: _____ DATE _____

ATTEST _____ DATE _____

APPROVED BY CITY COUNCIL, CITY OF WAXAHACHIE

BY: _____ DATE _____

ATTEST _____ DATE _____

REPLAT

LOTS 13A & 13B, BLOCK 63
TOWN ADDITION

BEING A REPLAT OF LOT 13, BLOCK 63
TOWN ADDITION, OFFICIAL MAP OF WAXAHACHIE, TEXAS
AS RECORDED IN CABINET A, SLIDE 181, OPRECT
SITUATED IN THE

A KEEN SURVEY, ABSTRACT NO. 586 &
E. ROGERS SURVEY, ABSTRACT NO. 890
CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS
0.465 ACRES (20,246 S. F.)
2 NON-RESIDENTIAL LOTS
ZONED CA
CASE NO. SUB-113-2024

OWNERS:
SERGIO TAPIA SANCHEZ AND
VANESSA ANN SEVERSON
105 WILLOW BEND DR
WAXAHACHIE, TX 75167
469.309.1211

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

JOB NO. 2352

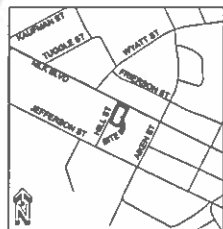
AUGUST 2023

PAGE 1 OF 1

NOTES:
BEARING BASIS FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NAD 83 PER GPS OBSERVATIONS

A PORTION OF THE SUBJECT PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA ZONE "AE" DEFINED AS "WITH BASE FLOOD ELEVATIONS" ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 48128C0190G DATED OCTOBER 18, 2023, AS PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THE FLOODPLAIN LINES SHOWN HEREON ARE A GRAPHICAL REPRESENTATION THEREOF AND HAVE BEEN SCALED FROM SAID MAP(S) AND THE SURVEYOR CANNOT CONFIRM THE ACCURACY OF SAID LINES.

FENCES, RETAINING WALLS, AND SCREENING WALLS SHALL NOT BE PLACED IN UTILITY EASEMENTS



VICINITY MAP
NOT TO SCALE

LEGEND

- CIRS = 6/8 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TXRCS" SET
- = POINT FOR CORNER
- RF = IRON ROD FOUND
- OPRECT = OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS
- PS = PAGE
- DE = DRAINAGE EASEMENT
- BL = BUILDING LINE
- CAB. = CABINET
- SL = SLIDE
- INST. NO. = INSTRUMENT NO.
- VOL. = VOLUME
- S.F. = SQUARE FEET
- MFF = MINIMUM FINISHED FLOOR ELEVATION
- = FEMA FLOOD ZONE "AE" - SEE NOTES
- - - - - APPROXIMATE FLOODPLAIN LINE

(10)

Planning & Zoning Department

Zoning Staff Report



Case: ZDC-140-2024

MEETING DATE(S)

Planning & Zoning Commission: August 13, 2024
City Council: August 19, 2024

CAPTION

Public Hearing on a request by Juan Flores, for a **Specific Use Permit (SUP)** for a **Short-Term Rental** use within a Planned Development-Single Family-3 (PD-SF-3) zoning district located at 624 Xavier Court (Property ID 281280) - Owner: Juan Flores. (ZDC-140-2024) Staff: Harper Lindamood

RECOMMENDED MOTION

- "I move to deny of ZDC-140-2024, a Specific Use Permit (SUP) for Short-Term Rental use."
- "I move to approve of ZDC-140-2024, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting held on August 13, 2024, the Commission voted 7-0 to recommend approval of case number ZDC-140-2024, subject to the conditions of the staff report.

APPLICANT REQUEST

The Applicant requests a specific use permit for a Short-Term Rental use at 624 Xavier Court.

CASE INFORMATION

Applicant: Juan Flores

Property Owner(s): Juan Flores

Site Acreage: 0.736 acres

Current Zoning: Planned Development-Single Family-3 (PD-SF-3)

Requested Zoning: PD-SF-3 with a Specific Use Permit (SUP) for a Short-Term Rental

SUBJECT PROPERTY

General Location: 624 Xavier Court

Parcel ID Number(s): 281280

Existing Use: A single-family residence occupies the subject property.

Development History: The subject property is platted as Lot 15, Block A of the Clift Estates Phase 5 subdivision.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	PD-SF-3	Single Family Residence
East	PD-SF-3	Single Family Residence
South	SF-3	Undeveloped
West	PD-SF-3	Single Family Residence

Future Land Use Plan:

Mixed Use Neighborhood

Comprehensive Plan:

A mixed-use neighborhood hearkens back to the pre-suburban development pattern with smaller lots, smaller setbacks, shorter blocks, diverse housing typologies and very importantly, a mix of uses. This mixing of activities and uses allows the area to adapt and change over time to suit the needs of its inhabitants. Though it is not imperative for uses to always be mixed within the same building, it is important to note that large monolithic developments with near exclusive uses such as large multiplex apartments or retail centers with large land area being devoted to automobile parking do not suit mixed-use neighborhoods. Mixed-use neighborhoods are places where residents can live, work and play and are primarily accessible by foot. Given the various housing typologies encouraged in this place type, it is essential to make sure residential uses appropriately transition from one another based on the housing typology

Thoroughfare Plan:

The subject property is accessible via Xavier Ct.

Site Image:



PLANNING ANALYSIS

During the City Council meeting held on October 16, 2023, Councilmembers approved an ordinance to allow the use of a short-term rental in all zoning districts with an approved SUP, with the exception of the Central Area (CA) zoning district. All residential-use properties located within the Central Area (CA) zoning district are allowed to operate a short-term rental by right without seeking the approval of a SUP.

The applicant requests a SUP for short-term rental use at 624 Xavier Court because it is located within the PD-SF-3 zoning district. The subject property consists of a primary structure of approximately 3,481 square feet, built in 2023 with four (4) bedrooms, 2.5 bathrooms and enough improved surface to accommodate for the maximum parking spaces of four (4) vehicles, situated on an approximately 0.736-acre (32,076 square feet) lot.

CASE HISTORY

The applicant was approved by the Planning and Zoning May 14, 2024, was denied at City Council May 20, 2024. The applicant stopped operating immediately after denial by City Council; but the subject property's advertisement is still active as a short-term rental listing. The applicant has resubmitted a new application for a Short-Term Rental Specific Use Permit.

The applicant submitted this SUP Application on July 3, 2024. The applicant has not been operating a short-term rental, and has not been paying local hotel occupancy taxes. The Ellis County Appraisal District (ECAD) does not identify whether the subject property is a Homestead. The applicant has satisfied all of the requirements of Section 3.27 of the Zoning Ordinance. At the time of publishing this staff report, the City has received no complaints regarding any issues considered a nuisance.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered no nuisance-related calls had been made regarding the subject property and its current use in the past 12 months.

The applicant's local emergency contact is Juan Carlos Flores (214) 288-4805, 611 Malloy Lane, Ovilla, TX. 75154, FloresF123@att.net , which is located 14.4 miles from the subject property.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 81 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. At the time of the publishing of this staff report, a total eight (8) letters of opposition and six (6) letters of support were received by staff. One (1) letter of opposition and three (3) letters of support were received from the 200' buffer and seven (7) letters of opposition and three (3) letters of support were received from inside the 500' buffer.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents associated with the request, if considering a recommendation for approval:

Conditions:

1. The applicant shall provide an updated Certificate of Insurance or the Declaration page of the insurance policy to reflect the subject property's address and the minimum coverage amount of \$1,000,000 per occurrence.
2. The short-term rental operator shall complete the STR registration process with the City's vendor, and pay the annual and a renewal fee set by Ordinance No. 3415, or as amended.
3. The short-term rental operator shall register for a Hotel Occupancy Tax account with the City's vendor.
4. The short-term rental operator shall allow a maximum occupancy of Ten (10) guests per stay.
5. The short-term rental operator shall provide a maximum of four (4) off-street parking spaces.
6. The short-term rental operator shall adhere to all regulations stated in Section 3.27 of the City's Zoning Ordinance.
7. The applicant shall apply for the required STR registration within thirty (30) calendar days from the City Council approval of this SUP.

ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. SUP Ordinance
3. Location Map (Exhibit A)
4. Zoning Map (Exhibit B)
5. Floorplan (Exhibit C)
6. Site Plan (Exhibit D)
7. Host Rules (Exhibit E)

STAFF CONTACT INFORMATION

Prepared by:

Harper Lindamood
Planner

Harper.lindamood@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning

jennifer.pruitt@waxahachie.com

(12)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-140-2024

GALINDO ABELARDO JR & NELLY
208 Abel Dr
Glenn Heights, TX 75154-3862

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, August 13, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 19, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln. Waxahachie, Texas to consider the following:

Request by Juan Flores, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Planned Development-Single Family-3 (PD-SF-3) zoning district located at 624 Xavier Court (Property ID 281280) - Owner: Juan Flores (ZDC-140-2024) Staff:

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-140-2024

City Reference: 243616

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *August 7, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Signature

Abelardo Galindo Jr OWNER

Printed Name and Title

Date

7/26/2024

Address

623 Antonio Ln Waxahachie TX 75165

Case Number: ZDC-140-2024

City Reference: 281278

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *August 7, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:


Signature

Christa Lee
Printed Name and Title

7/28/24
Date

641 Xavier Ct
Address

(12)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-140-2024



ESCALANTE FERNANDO
644 XAVIER CT
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, August 13, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 19, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

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Case Number: ZDC-140-2024

City Reference: 281285

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on August 7, 2024 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, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

The owner is hands on and very responsive to our neighborhood.

Fernando Escalante
Signature

7/27/24
Date

FERNANDO ESCALANTE
Printed Name and Title

644 Xavier Ct. Waxahachie, Tx
Address

(12)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-140-2024

JC & AG INVESTMENT GROUP INC
611 Malloy Ln
Ovilla, TX 75154-1617

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, August 13, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 19, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

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Case Number: ZDC-140-2024

City Reference: 281280

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SUPPORT

OPPOSE

Comments:

Signature

Juan Flores

Printed Name and Title

Date

7-30-24

Address

624 Xavier Ct.

(12)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-140-2024
◇◇◇◇

RECEIVED JUL 3 12024

LABREC STEVE & LINDA
645 XAVIER CT
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, August 13, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 19, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

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Case Number: ZDC-140-2024


City Reference: 281277

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on August 7, 2024 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, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:


Signature
STEVEN R. LABREC
Printed Name and Title

7-27-24
Date
645 Xavier Ct
Address

Linda LaBree

(12)

RECEIVED JUL 3 1 2024

July 27, 2024

City of Waxahachie

Thank you for reaching out to our property, for our response to application for SUP, STR rental on our block, Xavier Court.

We are including our response from April 28, 2004, we still oppose a STR on our block, for the same reasons. We would like to add a few more comments, our street is a dead end, with, the 624 Xavier Ct, at the end of the street. Any traffic this house would bring, and this house can hold considerable amount of visitors, would have to go directly by all the other homes, and could possibly be a safety concern, for all the young children on our street.

As stated in our last comments, holidays are approaching, and could be disturbing to our quiet neighborhood. We all on this block, bought our homes, never expecting a STR on our block, we would have reconsidered, if we knew, and I feel our neighbors agree with us.

If we understand, the STR rules, the request for a STR, needs to be approved, before, allowing customers, into their rental. It appears, Mr. Flores, did not obtain the proper authorization, before renting out his STR. This is a concern for us.

Thank you for you time,

Steve and Linda LaBrec
505-934-8922
rlabrec11@comcast.net
645 Xavier Ct
Waxahachie, Texas 75165

(12)

RECEIVED JUL 3 1 2024

April 28, 2024

We oppose the SUP for short-term rental at 624 Xavier Court. Juan Flores, has been renting out this address, for over 1 ½ months. The first rental was for a week, several different vehicles, coming and going. The visitors were here for the Texas Motorplex street races. This address is the end of our cul-d-sac. These visitors had a huge motor home, pulling a enclosed trailer, that fit 2 street racer cars. Those 2 vehicles, blocked the whole end of our cul-d-sac. 2 neighbors had difficulty getting to their drive ways. If there was a fire, the fire department, would not be able to get to the end of our street. The police were called, but no one showed up. The noise from the 2 street race cars, were unbelievable. During the eclipse, some weather folks from Georgia, parked all of their huge vehicles, about 6 of them on Carter Court.

Since then, several visitors, have been renting this location. This house has a swimming pool, outdoor kitchen, outdoor bathroom, once the weather warms, the noise could be unacceptable, from our street, to the next street, (Antonio), for those neighbors back yards. The parking could be a problem for our street.

This is a great family street, including 10 children that are junior high, to grade school age. They play outside nearly every evening. The rest of the neighborhood is comprised of retirees, grandparents, working couples, police man, dispatcher, teacher. We enjoy the quiet, semi, secluded part of our community. We do not, nor knew that there would be a "party house", at the end of our street. We say "party house" because that is what Juan Flores, indicated, when asked about him building this house. We believe, the value of our homes, would be affected, if we have a party, or STR rental on our block. Who wants to purchase a home, on a block with a "party house"? This house, was the last house to be built on our block, and was told originally, it was for Juan Flores, son, then, once completed, it became a "party house".

We are anxious about upcoming graduation parties, holidays, etc, and the SAFETY of our neighborhood. We have pictures of the parking, and amount of cars, but we do not know how to print them off. We could email, if you would like.

Thank you for your time,

Steve and Linda LaBrec
505-934-8922
rlabrec11@comcast.net
645 Xavier Ct
Waxahachie, Texas

(12)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-140-2024



MOSER NICK & KATHLEEN
4621 JAKES WY
MIDLOTHIAN, TX 76065

RECEIVED JUL 31 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, August 13, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 19, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

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Case Number: ZDC-140-2024

City Reference: 236567

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **August 7, 2024** 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, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

This would open the neighborhood to the chance of drug dealers and sex traffickers to be in a neighborhood of families - elementary school

Signature

Kathleen Moser

Printed Name and Title

Date

July 27, 2024

Address

(owner of 624 Jordan Lane)

School right there!

(12)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-140-2024

<><>

YANEZ MILDRED & URBINA JUAN C
161 Owen Way
Waxahachie, TX 75165-4474

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, August 13, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 19, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

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Case Number: ZDC-140-2024

City Reference: 281271

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *August 7, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Juan C Urbina
Signature

7/27/24
Date

Juan C Urbina
Printed Name and Title

161 Owen Way
Address
Waxahachie TX
75165



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-140-2024

ESCALANTE FERNANDO
644 XAVIER CT
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, August 13, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 19, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

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Case Number: ZDC-140-2024

City Reference: 281285

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on August 7, 2024 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, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

The owner is hands on and very responsive to our neighborhood!

Fernando Escalante
Signature

FERNANDO ESCALANTE
Printed Name and Title

7/27/24
Date

644 Xavier Ct. Waxahachie, TX.
Address

(12)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-140-2024

PAZ BRANDON A & BELIA MARTINEZ
628 Xavier Ct
Waxahachie, TX 75165-2094

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Case Number: ZDC-140-2024

City Reference: 281281

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on August 7, 2024 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, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Brandon Paz
Signature

08/03/24
Date

Brandon Paz, Owner
Printed Name and Title

628 Xavier Ct.
Address



BUMBUS AUBREY A
1815 SW STATE HWY 34
ITALY, TX 76051

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City Reference: 243610

Case Number: **ZDC-140-2024**

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SUPPORT

OPPOSE

Comments:

A stream of unknow persons would not add to the stability of the neighborhood. Safety of families should be the priority.

Aubrey A. Bumpus
Signature

Aug 6, 2024
Date

Aubrey A. Bumpus, Ms.
Printed Name and Title

1815 SW State Hwy 34, Italy, TX
Address

Homeowner
635 Antonio
Waxahachie

Case Number: ZDC-140-2024

City Reference: 281275

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *August 7, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Paul Charles Hunt Sr.
Signature

July 27, 2024
Date

Paul Charles Hunt Sr.
Printed Name and Title
Dossier Hunt

137 Duane Way Waxahachie, TX 75165
Address

(12)

(13)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A SHORT-TERM RENTAL USE WITHIN A PLANNED DEVELOPMENT-SINGLE FAMILY 3 (PD-SF-3) ZONING DISTRICT, LOCATED AT 624 XAVIER COURT, BEING PROPERTY ID 281280 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 15, BLOCK A OF THE CLIFT ESTATES PHASE V SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as PD-SF-3; and

WHEREAS, a proper application for a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-140-2024. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from PD-SF-3 to PD-SF-3 with a SUP in order to permit a Short-Term use on the following property: Lot 15, Block A of the Clift Estates Phase V subdivision, which is shown on Exhibit A, in accordance with the Zoning Map attached as Exhibit B, the Floor Plan attached as Exhibit C, the Site Plan attached as Exhibit D, and the Host Rules attached as Exhibit E.

SPECIFIC USE PERMIT

Purpose and Intent

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

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A SHORT-TERM RENTAL USE IN A PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF-3) ZONING DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The subject property shall conform to the site plan approved by the City Council under case number ZDC-140-2024.
2. Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A - Location Map, Exhibit B – Zoning Map, Exhibit C – Floor Plan, Exhibit D – Site Plan, and Exhibit E – Host Rules.
3. The applicant shall provide an updated Certificate of Insurance or the Declaration page of the insurance policy to reflect the subject property’s address and the minimum coverage amount of \$1,000,000 per occurrence.
4. The STR Operator for the subject property shall be responsible for obtaining registration per the City’s applicable rules and regulations governing such permits.
5. The STR Operator for the subject property shall be responsible to pay hotel occupancy taxes as required per Section 3.27.e.7 of the City of Waxahachie Zoning Ordinance.
6. The subject property shall comply with the City of Waxahachie Municipal Code and Zoning Ordinance when any zoning, land use requirement, or restriction is not addressed or disclosed in Exhibits C, D, and E.
7. 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.
8. City Council shall have the right to review the Specific Use Permit at any point, necessary.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate, a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the owner and therefore shall not be transferred from owner to owner.
4. The owner and/or short-term rental operator shall renew registration on an annual basis of the amount in the Fee Schedule set forth by Ordinance 3415, or as amended.
5. The short-term rental operator shall register for a Hotel Occupancy Tax account with the City’s vendor.

(13)

6. The owner/short-term rental operator is subject to a maximum occupancy of ten (10) guests per stay.
7. The short-term rental operator is subject to provide a maximum of four (4) off-street parking spaces.
8. The short-term rental operator must adhere to all regulations stated in Section 3.27 of the City's Zoning Ordinance.
9. The applicant shall apply for the required STR registration within thirty (30) calendar days from the City Council approval of this SUP.
10. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

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

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

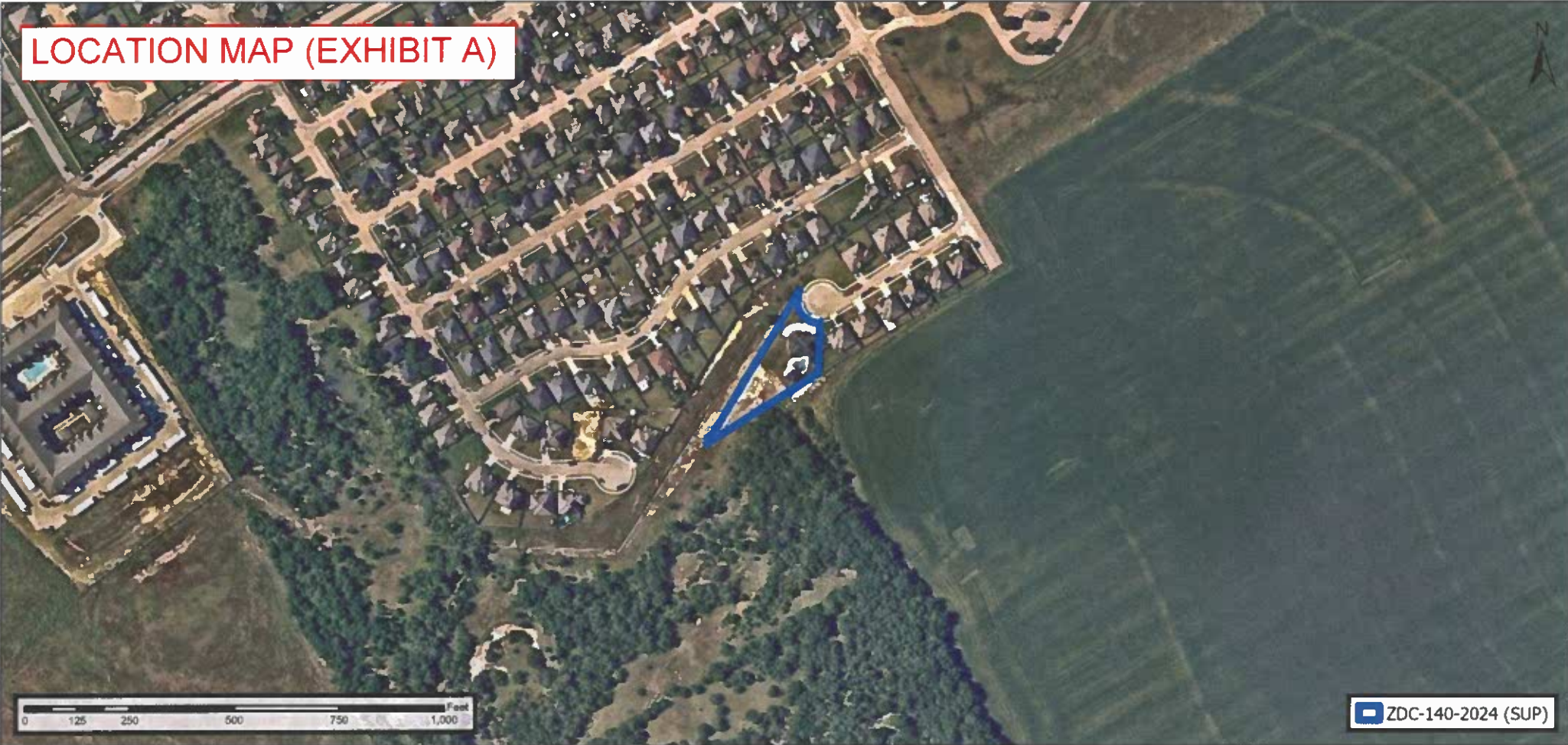
PASSED, APPROVED AND ADOPTED on this 19th day of August, 2024.

MAYOR

ATTEST:

City Secretary

LOCATION MAP (EXHIBIT A)



0 125 250 500 750 1,000 Feet

ZDC-140-2024 (SUP)

ZONING MAP (EXHIBIT B)



FLOORPLAN (EXHIBIT C)



FLOOR PLAN

SCALE : 1/8" = 1'-0"



GENERAL NOTES

- 1 THE GENERAL CONTRACTOR/OWNER SHALL EXAMINE AND VERIFY THE ACCURACY OF ALL DIMENSIONS AND CONDITIONS OF THESE FLOORPLANS/NOTES AND SHALL NOTIFY OWNER OF ANY DISCREPANCIES/CHANGES PRIOR TO THE START OF CONSTRUCTION.
- 2 THESE PLANS ARE INTENDED FOR THE GENERAL RESIDENTIAL CONTRACTOR/OWNER ONLY AND ARE NOT EXHAUSTIVELY DETAILED OR FULLY SPECIFIED.
- 3 THE GENERAL CONTRACTOR SHALL SUPERVISE CONSTRUCTION AND BE FULLY RESPONSIBLE TO SELECT, VERIFY, ASSEMBLE, AND INSTALL ALL EQUIPMENT AND MATERIALS AND TO COMPLY WITH ALL APPLICABLE BUILDING CODES AND ALL APPLICABLE STATE AND LOCAL ORDINANCES, LAWS AND REGULATIONS.
- 4 ALL WORK PERFORMED ON THIS PROJECT SHALL MEET OR EXCEED THE CURRENT EDITION OF THE APPLICABLE BUILDING CODE AND ALL APPLICABLE STATE AND LOCAL ORDINANCES, LAWS AND REGULATIONS.
- 5 IF IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO PROVIDE ANY ENGINEERING NECESSARY TO THE STABILITY OF THE STRUCTURE OF THE PROJECT, ALL PROVISIONS OF ANY AGREEMENTS THAT THESE PLANS SHALL BE REVIEWED BY A QUALIFIED PROFESSIONAL ENGINEER.

SQUARE FOOTAGE

LIVING AREA	2,800.0 SQ. FT.
PORCH AREA	50.0 SQ. FT.
COVERED PATIO	145.0 SQ. FT.
GARAGE AREA	486.0 SQ. FT.
TOTAL AREA	3,481.0 SQ. FT.



FLORES HOMES

Plan No. 1000

NEW HOUSE

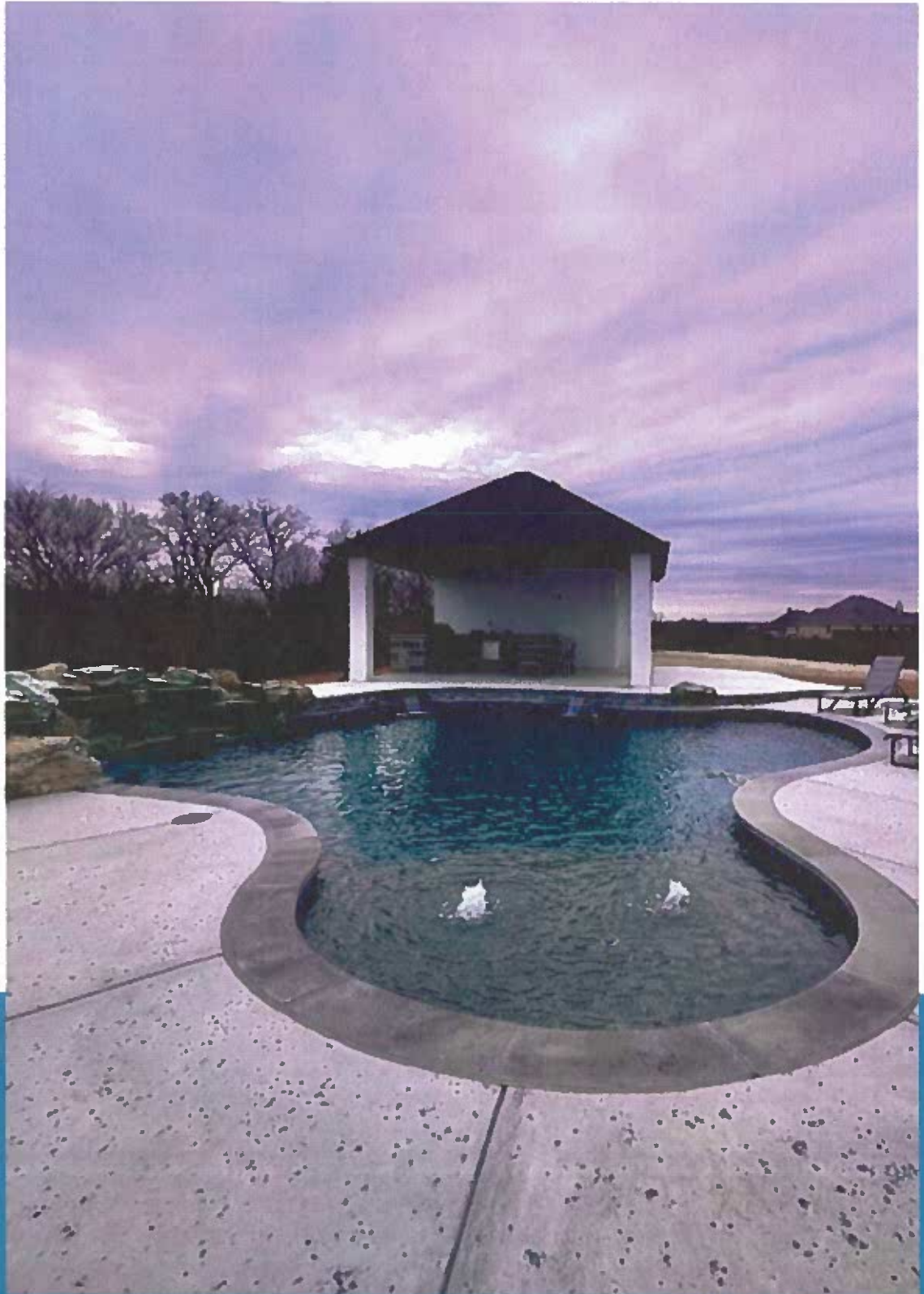
Plan No. 1000

**624 XAVIER COURT
WAXAHACHIE, TX 75165**

FLOOR PLAN	
Project #	030723
Drawn By	JAM
Date	03-07-2023
Scale	1/8" = 1'-0"
Sheet #	2 of 5

(13)

WELCOME



Waxahachie Home
624 Xavier Ct

Welcome !

Thank you for choosing our home. I am excited you are here and want to make sure you have an excellent stay.

This guidebook will provide you with details on our house rules and instructions. If you have any questions during your stay please don't be afraid to reach out!

Contact Information:

Airbnb Inbox

Call or Text: 972-955-7639

House Manual

CHECK IN/ CHECK OUT

Check in is at 3:00PM

Check out is before 12:00 PM

WHEN CHECKING OUT

Please put all towels in the laundry room by the garage door.

Throw away all trash bags in the outside bins.

WIFI

Wireless Router: TP-Link_F46F

Password: 35913818

CAMERAS

Camera system is active on the exterior 24 hours a day.

HOUSE CAPACITY

This house only accommodates for 10 guests.

FIRST AID KIT & FIRE EXTINGUISHER

The first aid kit & the extinguisher can be found inside the pantry.

TV/SURROUND SYSTEM

Tv and surround system remotes will be on top of the console. Please leave remotes where they are found.

TRASH BINS

Recycling and trash bins are on the left side of the house. Please put all trash bags inside the bins. Guests staying more than a week please set trash bins out for pick up on Thursday mornings.

LINENS

We have provided all linens for your comfort.

AIR CONDITIONING AND HEATER

You are allowed to set the room temperature to your liking. Standard level will be set at 70.

GRILL

To use the grill, open the valve connected to the propane tank. When done please close the valve.

GARAGE DOOR

We will provide a garage opener for easy access. It is a 2 car garage.

PARKING

No parking on grass. No RVs permitted.

POOL SAFETY

Children must be supervised by adults at all times. No diving or jumping into the pool. No glass or breakable items allowed in the pool area. We are not liable for any accidents that take place around or in the pool. You are responsible for any accidents that take place. Pool rules displayed on site.

House Rules A Friendly Reminder



No Smoking

Please do not smoke on the property.



No Parties

No parties. DJ, karaoke, and loudspeakers are not allowed. No music outdoors after 10 PM.



No Pets

We love animals however pets are currently not allowed in this property. A \$500 fee will be charged if the rule is broken.



Quiet Time

Please respect our neighbors by keeping the noise down after 10 PM.



Report Damages

Please report any damages during your stay.



Enjoy Yourself!

We hope you enjoy your stay. Thank you for leaving the place as you found it.

Planning & Zoning Department

Zoning Staff Report



Case: ZDC-122-2024

MEETING DATE(S)

Planning & Zoning Commission: August 13, 2024
City Council: August 19, 2024

CAPTION

Public Hearing on a request by DeMaudree Massey, Friendship Baptist Church, for a **Specific Use Permit (SUP)** for a **Day Camp for Children** use within a Single Family-3 (SF-3) zoning district located at 203 Graham Street (Property ID 193551) - Owner: Friendship Missionary Baptist Church of Waxahachie (ZDC-122-2024)

RECOMMENDED MOTION

"I move to approve ZDC-122-2024, a Specific Use Permit (SUP) for a Day Camp for Children use, subject to the conditions the staff report."

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting held on August 13, 2024, the Commission voted 7-0 to recommend approval of case number ZDC-122-2024, subject to the conditions of the staff report.

APPLICANT REQUEST

The Applicant requests a Specific Use Permit (SUP) for a Day Camp for Children Use (Shepherd's Circle) at 203 Graham Street.

CASE INFORMATION

Applicant: DeMaudree Massey, Friendship Missionary Baptist Church of Waxahachie
Property Owner(s): Friendship Missionary Baptist Church of Waxahachie
Site Acreage: 2.01 acres
Current Zoning: Single Family-3 (SF-3)
Requested Zoning: SF-3 with a SUP for a Day Camp for Children use.

SUBJECT PROPERTY

General Location: 203 Graham Street
Parcel ID Number(s): 193551
Existing Use: Friendship Missionary Church of Waxahachie

Development History:

The subject property is currently platted as Lot 43 of the Highland Park Addition and a portion of Lot 3 of the HI Nowlin addition. (Lot 16, Block C of the Symphony Estates subdivision was deeded to Friendship Missionary Baptist Church in 2023 by the developer of Symphony Estates; but is not part of this SUP request.)

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	PD-SF-3	Single Family Residences
East	PD-SF-3 & SF-3	Single Family Residences
South	SF-3	Single Family Residences
West	SF-3	Single Family Residences

Future Land Use Plan:

Mixed Use Neighborhood

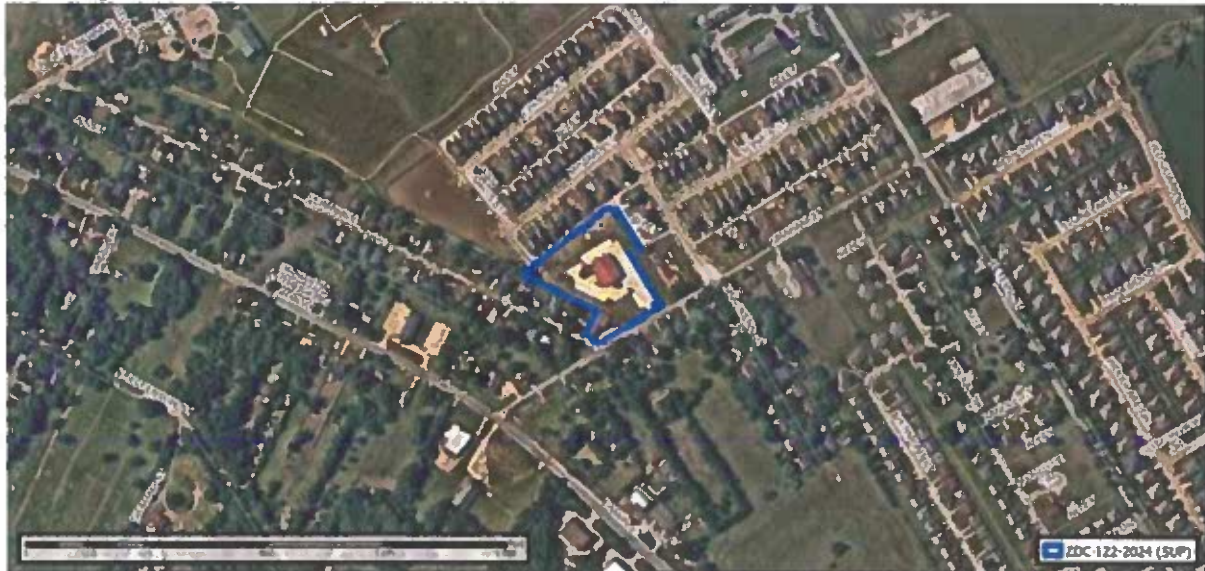
Comprehensive Plan:

A mixed-use neighborhood harkens back to the pre-suburban development pattern with smaller lots, smaller setbacks, shorter blocks, diverse housing typologies and very importantly, a mix of uses. This mixing of activities and uses allows the area to adapt and change over time to suit the needs of its inhabitants. Though it is not imperative for uses to always be mixed within the same building, it is important to note that large monolithic developments with near exclusive uses such as large multiplex apartments or retail centers with large land area being devoted to automobile parking do not suit mixed-use neighborhoods. Mixed-use neighborhoods are places where residents can live, work and play and are primarily accessible by foot. Given the various housing typologies encouraged in this placetype, it is essential to make sure residential uses appropriately transition from one another based on the housing typology.

Thoroughfare Plan:

The subject property is accessible via Graham Street.

Site Image:



PLANNING ANALYSIS

The applicant proposes a Specific Use Permit (SUP) for a Day Camp for Children use (Shepherd's Circle) within the existing Friendship Missionary Baptist Church building at 203 Graham Street. A "Day Camp for Children" Land Use is defined by the Waxahachie Zoning Ordinance:

- "A facility arranged and conducted for the organized recreation and instruction of children, including primarily outdoor activities on a daytime or overnight basis."

The Waxahachie Zoning Ordinance requires approval of a SUP to allow for a Day Camp for Children use within a Single Family-3 zoning district. The Shepherd's Circle Day Camp is proposed to be an after-school program operated directly by Friendship Missionary Baptist Church. The applicant has confirmed that the program is an educational and instructional program for at-risk children, not a daycare.

The applicant has noted that Shepherd's Circle will be a free program that is open to the general public for children ranging in age from 6 to 18. Shepherd's Circle is proposed to accommodate up to sixty-five (65) children and eight (8) staff members. Meals are proposed to be provided as part of the Shepherd's Circle program. The applicant proposes to operate Shepherd's Circle Monday through Friday from 4:00pm to 7:00pm during the school year. The program is not proposed to operate over the weekend, during school holidays, or during summer break. The applicant has not indicated when the program may begin, if this SUP is approved.

The applicant has noted explicitly that the Shepherd's Circle program will be located completely indoors and will not feature any outdoor activities. Specifically, the applicant proposes to utilize the approximately 1,242 square foot space identified on the Floor Plan attached to this report as Exhibit D. Existing parking on the subject property is sufficient to support the proposed use.

At this time, the applicant does not propose to operate buses or shuttles as part of the Shepherd's Circle program. No playground equipment, additional fencing, or interior/exterior alterations to the existing building are proposed as part of this request.

Circulation

The drive aisles on the subject property do not currently have directional striping. The applicant proposes to add directional striping to the subject property to facilitate parent pick-up and drop-off for the Day Camp. The proposed striping can be referenced on the Site Plan attached to this report as Exhibit C.

Signage

The applicant is not proposing to install additional signage on the property specifically for Shepherd's Circle Day Camp. Instead, the applicant proposes to utilize space on the monument sign for Friendship Missionary Baptist Church; which is yet to be constructed.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 68 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property. Staff has received two (2) letters of support for the proposed SUP.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, staff recommends approval of the SUP request, subject to the conditions noted below.

Conditions:

1. Permission to operate a Day Camp for Children use at 203 Graham Street is granted only to Friendship Missionary Baptist Church of Waxahachie, operator of "Shepherd's Circle". Approval to operate a Day Camp for Children use at this location will not transfer to another Day Camp for Children establishment or owner of Shepherd's Circle.
2. An amendment to the SUP will be required in the event that the property owner wishes to expand the Day Camp for Children outside the church building or beyond the approximately 1,242 square foot area identified in the Floor Plan – Exhibit D.
3. An amendment to the SUP will be required in the event that the property owner wishes to open the Day Camp for Children use to more than sixty-five (65) children.
4. A Zoning Change will be required in the event that the property owner wishes to transition the Shepherd's Circle to a "Child Daycare Center" use.
5. If during an inspection, whether it be a planned inspection or a random site visit, it is ever found that cooking within this establishment is creating grease-laden vapors, a Type 1 hood will be required to be installed with a fire department operational permit required as well.

ATTACHED EXHIBITS

1. PON Responses
2. SUP Ordinance
3. Location Map – Exhibit A
4. Operational Plan – Exhibit B
5. Site Plan – Exhibit C
6. Floor Plan – Exhibit D

APPLICANT REQUIREMENTS

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

STAFF CONTACT INFORMATION

Prepared by:

Zack King, AICP

Senior Planner

zking@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A

Senior Director of Planning

jennifer.pruitt@waxahachie.com

(14)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-122-2024

RECEIVED AUG 0 22024

MARSHALL TAMARA
711 Perry Ave
Waxahachie, TX 75165-3942

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, August 13, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 19, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by DeMaudree Massey, Friendship Baptist Church, for a Specific Use Permit (SUP) for a Day Camp for Children use within a Single Family-3 (SF-3) zoning district located at 203 Graham Street (Property ID 193551 & 295840) - Owner: Friendship Missionary Baptist Church of Waxahachie (ZDC-122-2024)

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-122-2024

City Reference: 174028

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on August 7, 2024 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, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

I strongly support this movement. The children are already subjected to walking in the street because of limited sidewalks in the neighborhood and the park is taken over by ~~many~~ adults.

Tamara Marshall
Signature

July 30, 2024
Date

Tamara Marshall- homeowner
Printed Name and Title

711 Perry Avenue
Address

(14)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-122-2024

RECEIVED AUG 9 2024

DAVIS MARY A
204 GRAHAM ST
WAXAHACHIE, TX 75165-4418

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, August 13, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 19, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by DeMaudree Massey, Friendship Baptist Church, for a Specific Use Permit (SUP) for a Day Camp for Children use within a Single Family-3 (SF-3) zoning district located at 203 Graham Street (Property ID 193551 & 295840) - Owner: Friendship Missionary Baptist Church of Waxahachie (ZDC-122-2024)

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-122-2024

City Reference: 173781

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on August 7, 2024 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, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Mary A. Davis
Signature

Date

Printed Name and Title

Address

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A DAY CAMP FOR CHILDREN USE WITHIN A SINGLE FAMILY-3 (SF-3) ZONING DISTRICT, LOCATED AT 203 GRAHAM STREET, BEING PROPERTY ID 193551, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 43 OF THE HIGHLAND PARK ADDITION AND A PORTION OF LOT 3 OF THE HI NOWLIN ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as SF-3; and

WHEREAS, a proper application for a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-122-2024. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from SF-3 to SF-3, with a SUP in order to permit a Day Camp for Children use on the following property: Lot 43 of the Highland Park Addition and a portion of Lot 3 of the HI Nowlin addition; which is shown on Exhibit A, in accordance with the Operational Plan attached as Exhibit B, the Site Plan attached as Exhibit C, and the Floor Plan attached as Exhibit D.

SPECIFIC USE PERMIT

Purpose and Intent

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

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A DAY CAMP FOR CHILDREN USE WITHIN A SINGLE FAMILY-3 (SF-3) ZONING DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The development shall conform as approved by the City Council under case number ZDC-122-2024.
2. Permission to operate a Day Camp for Children use at 203 Graham Street is granted only to Friendship Missionary Baptist Church of Waxahachie, operator of "Shepherd's Circle". Approval to operate a Day Camp for Children use at this location will not transfer to another Day Camp for Children establishment or owner of Shepherd's Circle.
3. An amendment to the SUP will be required in the event that the property owner wishes to expand the Day Camp for Children outside the church building or beyond the approximately 1,242 square foot area identified in the Floor Plan – Exhibit D.
4. An amendment to the SUP will be required in the event that the property owner wishes to open the Day Camp for Children use to more than sixty-five (65) children.
5. A Zoning Change will be required in the event that the property owner wishes to transition the Shepherd's Circle to a "Child Daycare Center" use.
6. If during an inspection, whether it be a planned inspection or a random site visit, it is ever found that cooking within this establishment is creating grease-laden vapors, a Type I hood will be required to be installed with a fire department operational permit required as well
7. All improvements within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
8. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
9. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance (Ordinance No. TBD), shall conform to those requirements and/or standards prescribed in Exhibit B – Operational Plan, Exhibit C - Site Plan, and Exhibit D – Floor Plan. Where regulations are not specified in Exhibits B, C, D, or in this Zoning Ordinance (Ordinance No. TBD), the regulations of the Single Family-3 (SF-3) zoning district of the City of Waxahachie Zoning Ordinance shall apply to this development.
10. City Council shall have the right to review the Specific Use Permit at any point, if needed.

(15)

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or cease to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to re-establish the use.
3. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

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

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

PASSED, APPROVED AND ADOPTED on this 19th day of August, 2024.

MAYOR

ATTEST:

City Secretary

Location Map - Exhibit A





203 Graham St.
Waxahachie, TX 75165

Purpose Statement and Description

The Shepherd's Circle is Friendship Missionary Baptist Church's after-school program for disenfranchised and at-risk children. It is a haven where each child is valued, nurtured, and equipped with the essential skills for a successful future. Recognizing their unique struggles, our program goes beyond academic assistance, incorporating character-building activities, mentorship, and guidance.

In a supportive and inclusive atmosphere, children engage in structured educational sessions that enhance their academic proficiency. Simultaneously, our character development initiatives focus on instilling values such as resilience, empathy, and teamwork. Through age-appropriate discussions and activities, we strive to empower these children to navigate life's challenges with confidence.

Furthermore, our program integrates spiritual growth, offering a safe space for exploration and understanding. Rooted in shared values of compassion and kindness, we aim to inspire a sense of purpose and belonging among the participants.

The extended program from 6:00 PM to 7:00 PM provides additional time for homework assistance, recreational activities, and more personalized support.

Regarding the meal menu, we prioritize nutrition and variety to cater to diverse tastes and dietary needs. We aim to ensure that each child receives a nourishing meal and an enjoyable dining experience, fostering a positive association with healthy eating habits.

Together, these elements form a comprehensive after-school program that seeks to uplift disenfranchised children and offer them a holistic foundation for personal and academic success.

Hours of Operation:

Monday to Friday

After School: 4:00 PM – 5:30 PM

Tuesday Extended Program (optional): 6:00 PM - 7:00 PM

Operational Plan - Exhibit B (15)

Scheduled Drop off Location

- Front entrance of Friendship Missionary Baptist Church

Operational Plan

- Shepherd's Circle will utilize the following areas: the dining hall, kitchen, storage, and mechanical room, which total 1242 square feet. There are 71 available parking spots. The property owner and the tenant are the same entity: Friendship Missionary Baptist Church.
- The program is not a Daycare, and we have no intention of doing so.
- Shepherd's Circle is a free program.
- Friendship Missionary Baptist Church will operate Shepherd's Circle directly.
- Shepherd's Circle will be open to the general public.
- The expected staff is eight, and we anticipate approximately 65 children.
- Children's age range will be from 6 to 18.
- Shepherd's Circle will not operate during the summer or holidays.
- No outdoor space will be utilized for Shepherd's Circle.
- No buses or shuttles will be operated by Shepherd's Circle.

Meal Menu:

The Shepherd's Circle menu will consist of only precooked and cold food.

Monday:

Chicken Nuggets with choice of honey mustard or BBQ sauce
Mixed Vegetables
Fresh Fruit
Milk

Tuesday:

Spaghetti with Marinara Sauce
Bread
Yogurt Parfait
Milk

Wednesday:

Turkey and Cheese Sliders
Mixed Vegetables
Apple Slices
Milk

Thursday:

Hamburgers/Cheeseburgers
Mashed Potatoes
Apple slices
Milk

Friday:

Beef and Broccoli
Mixed Vegetables
Bananas or Oranges
Milk

Kitchen Layout for The Shepherd's Circle After-School Program

This layout optimizes workflow, enhances safety, and facilitates a seamless food preparation and serving process. It can be customized based on the specific needs and size of the afterschool program.

1. Cooking Area:

- Stove and Oven: Positioned against the wall for easy ventilation.
- Prep Table: Adjacent to the stove for convenient ingredient preparation.

2. Food Preparation Area:

- Cutting and Chopping Stations: Equipped with cutting boards and knives.
- Mixing and Blending Area: Space for blenders, mixers, and food processors.
- Refrigerator and Freezer: Easily accessible for storing perishables.

3. Serving Area:

- Serving Counters: Set up to efficiently plate and distribute meals.
- Warming Station: Keep prepared dishes at an optimal temperature.

4. Dishwashing Area:

- 3 Prong Sink: Positioned near the serving area for quick turnaround.
- Dish Drying Rack: Adjacent to the sink for efficient workflow.

5. Storage Area:

- Dry Storage: Shelving for non-perishable items and supplies.
- Cold Storage: Refrigerator for fresh produce and dairy products.
- Pantry: Stocked with essential ingredients and snacks.

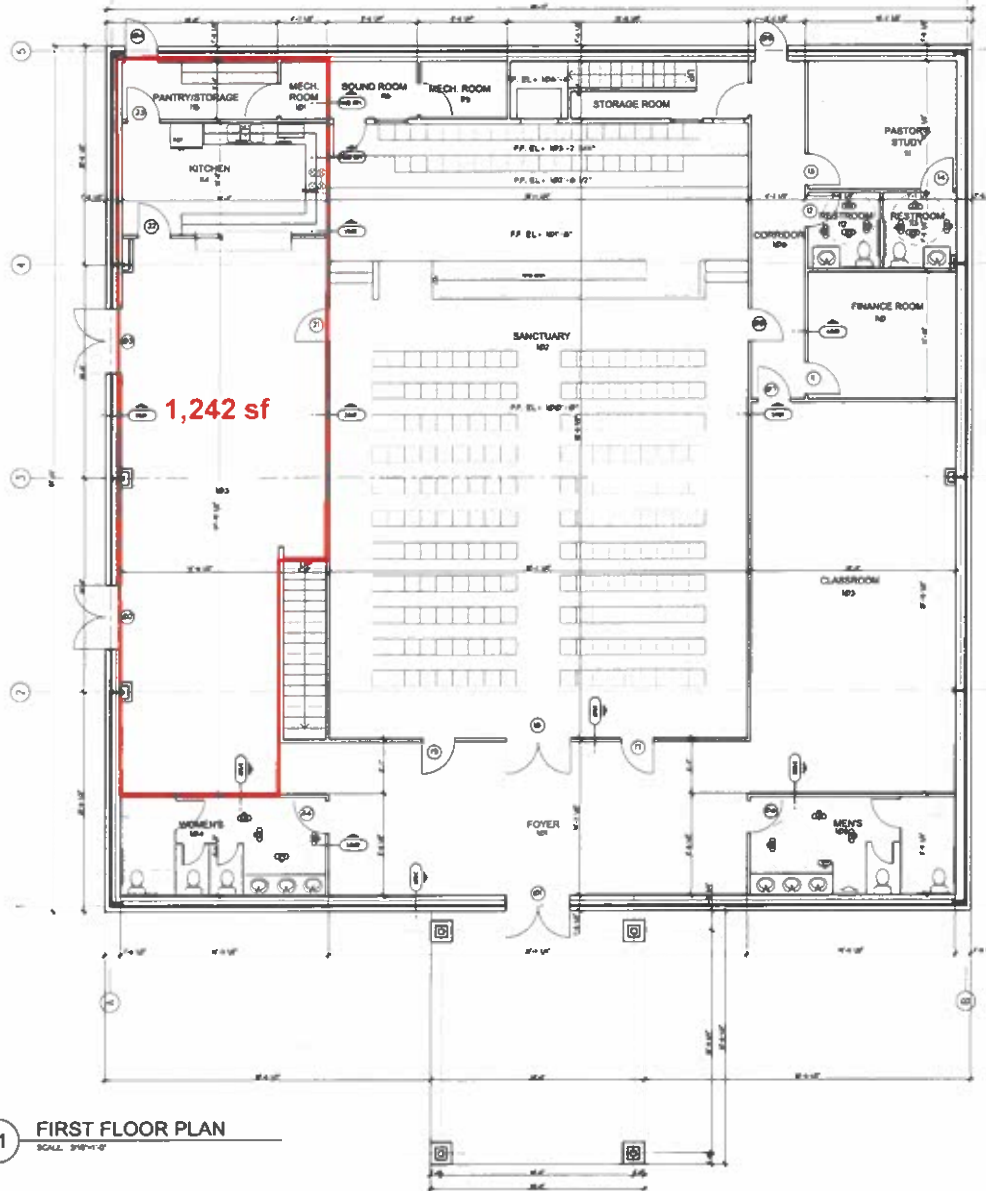
6. Cleanup Area:

- Mop Sink: Conveniently located for easy cleanup.
- Trash and Recycling Bins: Strategically placed for waste disposal.

7. Staff Area:

- Comfortable space for staff breaks and meetings.
- Central location for administrative tasks and oversight.

Floor Plan - Exhibit D



01

FIRST FLOOR PLAN

SCALE: 3/8"=1'-0"

CONTRACTOR SHALL VERIFY ALL
CONDITIONS AND DIMENSIONS
ON SITE PRIOR TO CONSTRUCTION.
THE ARCHITECT IS NOT
RESPONSIBLE FOR ANY
DISCREPANCIES BETWEEN THE
DRAWINGS AND THE ACTUAL
SITE CONDITIONS.

A NEW MEETING ROOM FOR
FRIENDSHIP BAPTIST CHURCH
725 PERRY AVENUE, WAXAHACHIE, TEXAS

h u g o n s a n t o
a r c h i t e c t
300 South Rogers Street, Suite 101 • Waxahachie, Texas 75165 • Phone: 940.949.4444 • Email: info@hugonsanto.com



REVISION DATE
SHEET NUMBER
101
DATE

(15)

(16)

Planning & Zoning Department Zoning Staff Report

Case: ZDC-97-2024



MEETING DATE(S)

Planning & Zoning Commission: August 13, 2024
City Council: August 19, 2024

CAPTION

Public Hearing on a request by Randall Speed, for a **Zoning Change** from a Future Development (FD) zoning district to Planned Development-Future Development (PD-FD) zoning district located at 2867 Howard Road, (Property ID 204646) - Owner: Randall Speed (ZDC-97-2024)

RECOMMENDED MOTION

"I move deny ZDC-97-2024, a Zoning Change from a Future Development (FD) zoning district to Planned Development-Future Development (PD-FD) zoning district."

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting held on August 13, 2024, the Commission voted 4-3 to recommend denial of case number ZDC-97-2024, subject to the conditions of the staff report.

SUPER-MAJORITY VOTE REQUIRED

A super-majority vote in favor of the proposed Planned Development request is required in order for City Council to approve this application. Two individual criteria have been met that require a super-majority vote. Each requirement is detailed below.

Per Section 2.04 of the Waxahachie Zoning Ordinance, a favorable vote of three-fourths (¾) of all members, which equates to four (4) of the five (5) members, of the City Council is required for any zoning request that was recommended for denial by the Planning and Zoning Commission.

Staff has received letters of opposition to the proposed Planned Development (PD) request that total 28.3% of the property by acreage within the 200' notification buffer for the subject property. Per Section 2.04 of the Waxahachie Zoning Ordinance, a favorable vote of three-fourths (¾) of all members, which equates to four (4) out of the five (5) members, of the City Council is required in order to approve this PD request.

APPLICANT REQUEST

The applicant requests to rezone the subject property to allow for the development of a private gravel road serving three (3) single-family residential lots. All lots are proposed to be 10-acres in size or larger.

CASE INFORMATION

<i>Applicant:</i>	Randall Speed
<i>Property Owner(s):</i>	Randall Speed
<i>Site Acreage:</i>	49.998 acres
<i>Current Zoning:</i>	Future Development (FD)
<i>Requested Zoning:</i>	Planned Development-Future Development (PD-FD)

SUBJECT PROPERTY

General Location: 2867 Howard Road

Parcel ID Number(s): 204646

Existing Use: The subject property is currently undeveloped.

Development History: The subject property is not currently platted.

Adjoining Zoning & Uses:

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

Future Land Use Plan: Mixed Use Neighborhood

Comprehensive Plan: A mixed-use neighborhood harkens back to the pre-suburban development pattern with smaller lots, smaller setbacks, shorter blocks, diverse housing typologies and very importantly, a mix of uses. This mixing of activities and uses allows the area to adapt and change over time to suit the needs of its inhabitants. Though it is not imperative for uses to always be mixed within the same building, it is important to note that large monolithic developments with near exclusive uses such as large multiplex apartments or retail centers with large land area being devoted to automobile parking do not suit mixed-use neighborhoods. Mixed-use neighborhoods are places where residents can live, work and play and are primarily accessible by foot. Given the various housing typologies encouraged in this placetype, it is essential to make sure residential uses appropriately transition from one another based on the housing typology.

Thoroughfare Plan: The subject property is accessible via Howard Road.

Site Image:



PLANNING ANALYSIS

The applicant proposes to rezone the subject property to allow for the development of a private gravel road serving three (3) single-family residential lots. All lots are proposed to be 10-acres in size or larger. The applicant is pursuing this Planned Development request due to the fact that there is insufficient frontage along Howard Road to subdivide the subject property into multiple lots.

The subject property is currently accessible via a gravel driveway connecting to Howard Road. As part of this Planned Development request, the applicant proposes dedicate a 60' private street and private utility easement along the gravel driveway, 829' into the subject property. The applicant also proposes to improve the gravel driveway to a 24' wide compacted gravel road that ends in a cul-de-sac bulb. The private gravel road is proposed to be owned and maintained by a HOA established for the subdivision.

The applicant has included provisions in the Planned Development request that differ from the typical setback and lot frontage requirements of the Future Development zoning district. The proposed setback, lot frontage, and lot size requirements are identified in the table below. **Items in bold do not meet the minimum requirements of the base Future Development zoning district.*

Standard	Typical Future Development (FD)	Planned Development (PD-FD)
Minimum Lot Size	3-acres	10-acres
Minimum Lot Width (at front setback)	270'	250'
Minimum Front Setback	35'	350'
Minimum Rear Setback	25'	25'
Minimum Side Setback	10% of Lot Width	25'

STAFF CONCERNS

Private Gravel Road

City of Waxahachie Subdivision Ordinance requires all proposed private streets to adhere to the design and construction standards of a publicly dedicated street. The Waxahachie Construction & Design Manual requires public streets serving rural residential subdivisions to be 27' wide and constructed of concrete. The Waxahachie Subdivision also requires private streets to have a minimum of 70' of frontage on a public collector road at the entrance of the private subdivision. The subject property currently has only 60' of frontage along Howard Road.

Staff is concerned that approval of a private gravel road as opposed to a typical public concrete street will negatively impact the ability of emergency services to access the three proposed lots. Additionally, staff is concerned that the private gravel road may become the responsibility of the City to maintain and/or improve in the event the HOA for the proposed subdivision defaults or dissolves. Finally, staff is concerned that approving the use of a private gravel road will set a precedent for the use of substandard access for rural residential subdivisions proposed in the future. This concern is related specifically to use of gravel for a private street. Notably, Section 5.02 of the Waxahachie zoning Ordinance allows gravel driveway approaches for lots exceeding three (3) acres in size in the FD zoning district.

Due to these concerns, staff is not supportive of the Planned Development request. If the applicant wishes to proceed with the development of a private residential subdivision, staff recommends the applicant redesign the proposal to adhere to the requirements for private streets identified by Section 3.1 of the Waxahachie Subdivision Ordinance.

PUBLIC NOTIFICATIONS

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

PUBLIC NOTIFICATION RESPONSES

Staff has received one (1) letter of opposition and two (2) letters of support for the Planned Development request.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents subject to the request, staff recommends denial of the PD request.

If the Council opts to approve the PD request, staff recommends the following conditions.

Conditions:

1. A maximum of a three (3) residential lots shall be permitted to be platted on the subject property. No residential lot shall be less than ten (10) acres in size.
2. The minimum lot width at the building line (front yard setback) for all residential lots shall be 250 feet.
3. The minimum front yard setback for all residential lots shall be 350 feet.
4. The minimum side yard setback for all residential lots shall be 25 feet.
5. The proposed development shall be served by a private street. The private street shall be a minimum of 24' in width and constructed of compacted gravel, as shown in Exhibit B – Concept Plan.
6. The maximum length for the private street shall be 829 linear feet, as shown in Exhibit B – Concept Plan.
7. Each home constructed on the subject property shall be required to install a fire suppression system.
8. A Home Owner's Association (HOA) shall be required to be formed for the development. The HOA shall be required to maintain the private street identified in Exhibit B – Concept Plan.
9. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance shall conform to those requirements and/or standards prescribed in Exhibit A – Location Map and Exhibit B – Concept Plan. Where regulations are not specified in Exhibits A and B, or in this Ordinance, the regulations of the Future Development (FD) Zoning District and the City of Waxahachie Zoning Ordinance shall apply to this development.

Conditions (continued):

10. The Developer and Owner of the subject property shall be responsible for obtaining building permits per the City's applicable rules and regulations governing such permits.
11. 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.

ATTACHED EXHIBITS

1. PON Responses
2. Owner Letter
3. Planned Development Ordinance
4. Location Map – Exhibit A
5. Concept Plan – Exhibit B

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 the applicant will be notified to make corrections.
3. If approved by City Council, the applicant is required to Plat the subject property prior to development of the site.

STAFF CONTACT INFORMATION

Prepared by:

Zack King, AICP
Senior Planner
zking@waxahachie.com

Reviewed by:

Jennifer Pruitt, AICP, LEED-AP, CNU-A
Senior Director of Planning
jennifer.pruitt@waxahachie.com

(16)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-97-2024



MC KOY STEPHEN OTIS
2891 HOWARD RD
WAXAHACHIE, TX 75165-9469

RECEIVED AUG 0 2 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, August 13, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 19, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Randall Speed, for a Zoning Change from a Future Development (FD) zoning district to Planned Development-Future Development (PD-FD) zoning district located at 2867 Howard Road, (Property ID 204646) - Owner: Randall Speed (ZDC-97-2024) Staff: Zack King

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-97-2024

City Reference: 201651

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *August 7, 2024* 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, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

I already offered to buy 15-20 acres next to my land at a reasonable price, otherwise NO.

Stephen McKoy
Signature

7-29-24
Date

STEPHEN McKoy
Printed Name and Title

2891 Howard Rd.
Address

(16)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-97-2024

RECEIVED
7/29/2024

HENRY JAMES R & LINDA S OSBORN
2801 HOWARD RD
WAXAHACHIE, TX 75165-9469

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, August 13, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 19, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

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Case Number: ZDC-97-2024

City Reference: 284694

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on August 7, 2024 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, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

There are adequate Deed Restrictions in place to address any concerns I might have

James R Henry
Signature

7-29-24
Date

James R Henry
Printed Name and Title

2801 Howard Rd
Address

(16)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-97-2024

**SPEED RANDALL S
704 ROARING CREEK DR
RED OAK, TX 75154-3986**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, August 13, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, August 19, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Randall Speed, for a Zoning Change from a Future Development (FD) zoning district to Planned Development-Future Development (PD-FD) zoning district located at 2867 Howard Road, (Property ID 204646) - Owner: Randall Speed (ZDC-97-2024) Staff: Zack King

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Case Number: ZDC-97-2024

City Reference: 204646

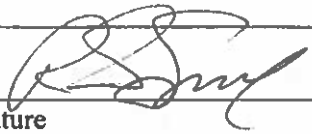
Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on August 7, 2024 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Please see attachment


Signature

7/31/24
Date

Randy Speed, Developer
Printed Name and Title

*704 Roaring Creek Dr, Oak Leaf, TX
75154*
Address

(16)

Case Number ZDC-97-2024

City Reference: 204646

The requested zoning change per ZDC-97-2024 supports the vision of the original developer of this portion of the Penn Estate, Warren Snow. His vision describes 10-15 acre "ranchettes" with a minimum 2500 sf home on no less than 10 acres. The Limestone Gap planned development adheres to existing deed restrictions, fulfills this vision, and is beneficial for Waxahachie in terms of future ad valorem revenue when compared to a single 50-acre parcel. Furthermore, in laying out the concept plan, the developer (myself) has considered any concerns of the owners of the four adjoining properties to the proposed PD. Examples of these accommodations can be given for each of the four neighbors.

Owner Letter

Advantages of 3 ~16-acre Tracts vs Single 50-acre Farm

(Revision of 7/03/2024)

- Highest/Best use of 50-acre farm on Howard Road
 - Single 50-acre property owner versus 3 individual homes/lots
 - Developer's original intent for this land (10 to 12-acre Ranchets, Warren Snow)
 - Goal to remain Rural, in harmony with adjoining tracts
 - Future desirability of "neighborhood" with arms-length neighbors
 - Follows Deed Restrictions of no more than 4 lots total on original 60 acres and each lot to be not less than 10 acres
- Maximize Financial Benefit to City of Waxahachie
 - Additional tracts bring additional ad valorem tax (more domicile structures)
 - Populace density increases

(16)

Justification for Variation Requests

- Gravel Drive Variance (City requires concrete for future developments)
 - A Similar Property (Property ID 257995, 2801 Howard Road) has previously been approved for gravel drive instead of concrete, which establishes precedent for gravel road variation request as well as length variation of cul-de-sac length request
 - The similar property (Property ID 257995) shares the entirety of the NE boundary with the subject property (ID 204646) and shares an additional boundary of another ~10-acre property adjoining the subject property using gravel road. The Gravel Drive variation request is also heavily based on economics
 - Limestone Gap developer believes that exceptions can exist where small private developments do not necessarily fit the mold of what are otherwise good practices using concrete
 - The economical rightsized fit for Limestone Gap is a private gravel drive and to attempt otherwise places the project financial feasibility at risk
 - Properties will stay in Ag, gravel road surface more appropriate for rolling equipment used for harvesting hay
 - Summarily, the region within say a 1/2-mile radius of Limestone Gap are all somewhat joined within a small region of impressive homes with gravel drives and provide rural continuity and the warm “feel” of country-style living

(16)

Owner Letter

Justification for Deviation Requests (cont.)

- Length of Cul-De-Sac (City length requirement of Cul-De-Sac is less than length of Limestone Gap)
- The adjoining Similar Property (Property ID 257995, 2801 Howard Road) also has no exit access to the Crooked Creek development and its single drive access is comparable to Limestone Gap access, which establishes precedent for this exception request
- Fire Hydrant
 - Developer had previously considered installing a fire hydrant at the end of the cul-de-sac and will not propose the additional hydrant at this time. The mitigating factors are as follows:
 - A hydrant already exists on Howard Road in very close proximity to the Limestone Gap private road
 - It has been learned that the existing fire hydrant across from 2867 Howard Road (as shown on concept plan) is within 1000' of end of cul-de-sac and can service up to and at least to the end of the cu-de-sac
 - The road is private property thus maintenance/management of the hydrant presents complicating factors
 - Homeowners will be encouraged to install monitored smoke alarms

(16)

Owner Letter

Private Development Permissions Requested Summary

- Gravel Road Access versus Asphalt or Concrete
 - Costs to build asphalt or concrete cause undue financial costs to private development feasibility
 - Gravel access road keeps “feel” and costs within line of “rural” private development
 - HOA to be set up for maintenance costs
 - Odd number of HOA “voters” (3 lots) assures a majority always
- Maximum length of Cul-de-sac
 - Costs to maintain gravel road are not a burden to city, as HOA is responsible for upkeep
 - Diameter of Turn-around at end of Cul-De-Sac assures fire truck access to all lots as well as U-turn capability

(16)

Utilities

- Utilities
 - Meter already exists along Howard Road for Lot 1 only, and feeds city water to Lot 1 only
 - Owners of Lots 2 and 3 are responsible to bring water from their respective meter to their property
 - Septic tanks to be used for wastewater disposal for each property

(14)

(17)

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM FUTURE DEVELOPMENT (FD) TO PLANNED DEVELOPMENT-FUTURE DEVELOPMENT (PD-FD), WITH CONCEPT PLAN LOCATED AT 2867 HOWARD ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 49.988 ACRES KNOWN AS A PROPERTY ID 204646 OF THE S.M. DURRETT SURVEY, ABSTRACT NO. 272, 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-97-2024. 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 **TBD** of the subject property from FD to PD-FD, 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 to PD-FD, with Concept Plan in order to facilitate development of the subject property in a manner that allows a maximum of three (3) single family residential lots on the following property: Property ID 204646 of the S.M. Durrett Survey, Abstract 272, which is shown on Exhibit A, in accordance with the Concept Plan attached as Exhibit B.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development is to allow for the development of a maximum of three (3) single family residential lots, 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, private street, and utility infrastructure shall substantially conform to the locations shown on the approved Concept Plan (Exhibit B).

Development Regulations

1. The development shall conform as approved by the City Council under case number ZDC-97-2024.
2. The development shall adhere to the City Council approved Exhibit A – Location Map and Exhibit B – Concept Plan.
3. A maximum of a three (3) residential lots shall be permitted to be platted on the subject property. No residential lot shall be less than ten (10) acres in size.
4. The minimum lot width at the building line (front yard setback) for all residential lots shall be 250 feet.
5. The minimum front yard setback for all residential lots shall be 350 feet.
6. The minimum side yard setback for all residential lots shall be 25 feet.
7. The proposed development shall be served by a private street. The private street shall be a minimum of 24' in width and constructed of compacted gravel, as shown in Exhibit B – Concept Plan.
8. The maximum length for the private street shall be 829 linear feet, as shown in Exhibit B – Concept Plan.
9. Each home constructed on the subject property shall be required to install a fire suppression system.
10. A Home Owner's Association (HOA) shall be required to be formed for the development. The HOA shall be required to maintain the private street identified in Exhibit B – Concept Plan.
11. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance shall conform to those requirements and/or standards prescribed in Exhibit A – Location Map and Exhibit B – Concept Plan. Where regulations are not specified in Exhibits A and B, or in this Ordinance, the regulations of the Future Development (FD) Zoning District and the City of Waxahachie Zoning Ordinance shall apply to this development.

(17)

12. The Developer and Owner of the subject property shall be responsible for obtaining building permits per the City's applicable rules and regulations governing such permits.
13. 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.

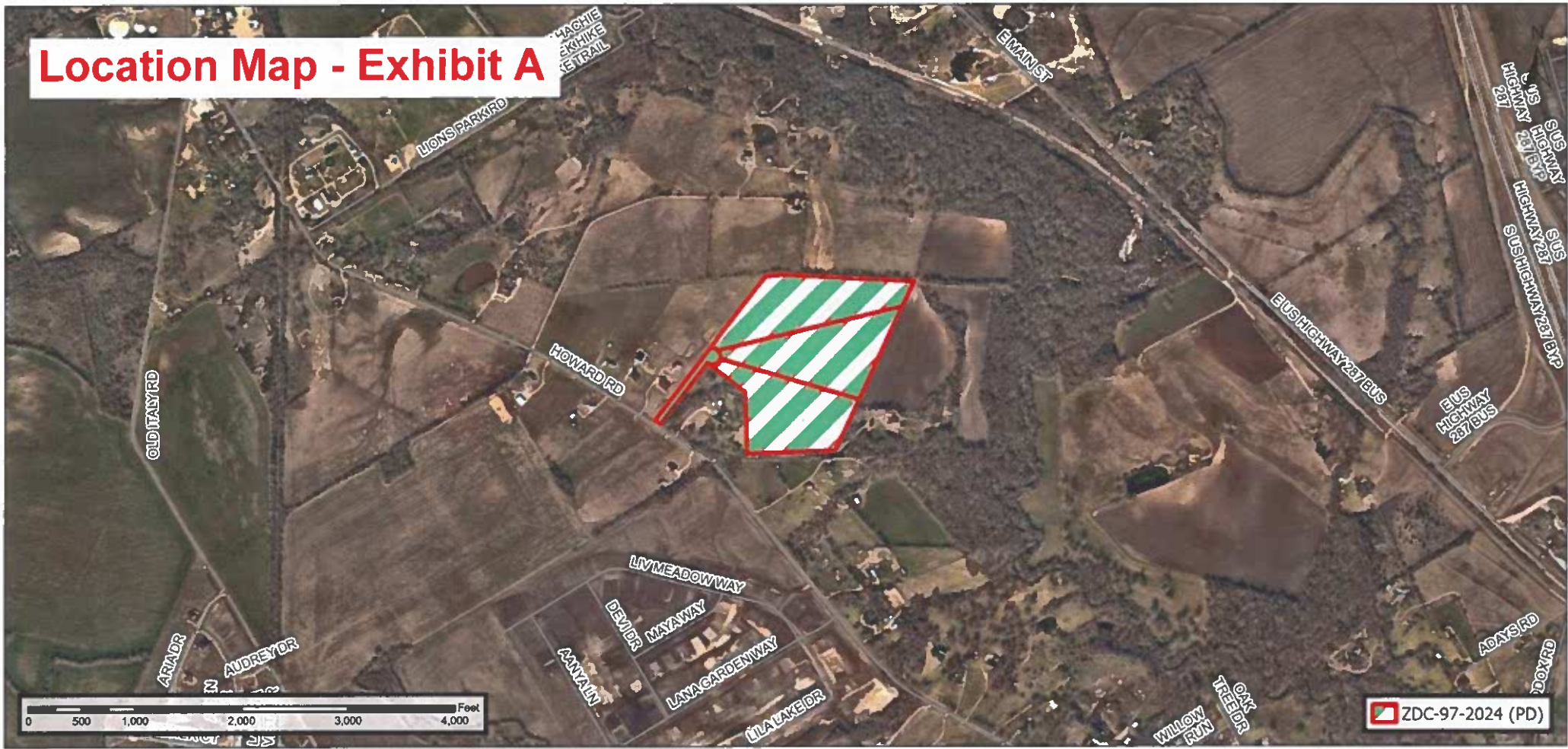
PASSED, APPROVED, AND ADOPTED on this 19th day of August, 2024.

MAYOR

ATTEST:

City Secretary

Location Map - Exhibit A



(18)



Memorandum

To: Honorable Mayor and City Council

From: Mark Malveaux, McCall, Parkhurst & Horton L.L.P.

Thru: Michael Scott, City Manager

Date: August 19, 2024

Re: Assignment of North Central Texas Housing Finance Corporation Bond Allocation to the Texas Department of Housing and Community Affairs

Recommended Motion: "I move to approve the Resolution approving assignment of private activity bond authority to the Texas Department of Housing and Community Affairs and authorize the Mayor to execute any necessary documents."

Item Description: On August 19, 2024 a resolution approving assignment of private activity bond authority to Texas Department of Housing and Community Affairs will be presented to Council for consideration.

Item Summary: The State of Texas allocates a limited amount of tax-exempt bonds for local housing finance corporations (HFC) to finance mortgage loans for qualified first-time homebuyers in its jurisdiction. Because of scale and market conditions, local HFCs, such as the North Central Texas HFC, has been unable to issue bonds for this purpose. The Texas Department of Housing and Community Affairs (TDHCA) is one of the largest issuers of such mortgage bonds in the nation and has the scale, staffing, and expertise to issue bonds that finance competitive and below market mortgage loans to qualified first-time homebuyers.

(18)

TDHCA has agreed to accept the assignment of any local HFC's bond allocation and issue bonds to finance mortgage loans in the HFC's jurisdiction. North Central Texas HFC, for which the City of Waxahachie is a sponsor, wishes to partner with TDHCA so that it may issue bonds to finance mortgage loans within North Central HFC's jurisdiction, which includes the City of Waxahachie. Such an arrangement will put to use funds which have otherwise been unused and benefit qualified residents in the jurisdiction.

As part of this arrangement, each sponsor of the North Central HFC, must approve the assignment. The resolution that is being considered provides such approval. A similar resolution was adopted last year authorizing the same.

(18)



Memo

To: City of Waxahachie

From: Mark A. Malveaux, Esq.

Re: Assignment of North Central Texas Housing Finance Corporation ("North Central HFC")
2024 Bond Allocation to the Texas Department of Housing and Community Affairs

The State of Texas allocates a limited amount of tax-exempt bonds for local housing finance corporations (HFC) to finance mortgage loans for qualified first-time homebuyers in its jurisdiction. Because of scale and market conditions, local HFCs, such as the North Central Texas HFC, have been unable to issue bonds for this purpose. The Texas Department of Housing and Community Affairs (TDHCA) is one of the largest issuers of such mortgage bonds in the nation and has the scale, staffing, and expertise to issue bonds that finance competitive and below market mortgage loans to qualified first-time homebuyers.

TDHCA has agreed to accept the assignment of any local HFC's bond allocation and issue bonds to finance mortgage loans in the HFC's jurisdiction. North Central Texas HFC, for which the City of Waxahachie is a sponsor, wishes to partner with TDHCA so that it may issue bonds to finance mortgage loans within North Central HFC's jurisdiction, which includes the City of Waxahachie. Such an arrangement will put to use funds which have otherwise been unused and benefit qualified residents in the jurisdiction.

As part of this arrangement, each sponsor of the North Central HFC, must approve the assignment. The resolution that is being considered provides such approval.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING ASSIGNMENT OF PRIVATE ACTIVITY BOND AUTHORITY TO TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

WHEREAS, the North Central Housing Finance Corporation (the "Corporation") was created by the Cities of Cedar Hill, DeSoto, Duncanville, Lancaster and Waxahachie, Texas and the Counties of Ellis, Hunt, Kaufman, Navarro and Rockwall, Texas (collectively, the "Sponsor") pursuant to the provisions of the Texas Housing Finance Corporations Act, as amended, formerly Article 1269I-7, Vernon's Annotated Texas Civil Statutes, and now codified as Texas Local Government Code, Chapter 394 (the "Act"); and

WHEREAS, by resolution adopted on June 18, 2024, the Corporation authorized filing with the Texas Bond Review Board an application for reservation of state ceiling for issuance of qualified mortgage revenue bonds in the maximum amount of \$54,817,320 (the "Reservation"); and

WHEREAS, by resolution adopted on June 18, 2024, the Board of Directors of the Corporation determined to delegate to the Texas Department of Housing and Community Affairs ("TDHCA"), pursuant to Chapter 394.032(e) of the Texas Local Government Code, the authority to act on its behalf in the financing, refinancing, acquisition, leasing, ownership, improvement, and disposal of certain home mortgages or residential developments, within and outside the jurisdiction of the Corporation, including its authority to issue bonds for those purposes; and

WHEREAS, as one of the governmental units that created the Corporation, the City Council of the City of Waxahachie, Texas (the "Governing Body") desires to approve the assignment of the Reservation to TDHCA in accordance with Chapter 1372.044 of the Texas Government Code; and

WHEREAS, the Governing Body desires to approve the Assignment Agreement in substantially the form attached as Exhibit A between the Corporation and TDHCA (the "Assignment Agreement"); and

WHEREAS, it is deemed necessary and advisable that this Resolution be adopted;

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

Section 1. The Governing Body specifically approves and consents to the assignment of the Reservation to TDHCA in accordance with Chapter 1372.044 of the Texas Government Code and approves the Assignment Agreement.

Section 2. The Mayor of the Sponsor is hereby authorized, jointly and severally, to execute and deliver such endorsements, instruments, certificates, documents, or papers necessary and advisable to carry out the intent and purposes of this Resolution.

(18)

PASSED AND APPROVED this 19th day of August, 2024.

Billie Wallace, Mayor

ATTEST:

Amber Villarreal, City Secretary

(18)

Exhibit A

[ASSIGNMENT AGREEMENT]

ASSIGNMENT AGREEMENT

This **ASSIGNMENT AGREEMENT** (this “**Agreement**”) is made as of the ___ day of _____, 2024 by and between **NORTH CENTRAL TEXAS HOUSING FINANCE CORPORATION** (“**HFC**”), a Texas non-profit housing finance corporation and the **TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS** (“**TDHCA**”), a public and official agency of the State of Texas.

RECITALS:

A. HFC has been duly created and organized pursuant to and in accordance with the provisions of the Texas Housing Finance Corporations Act, as amended, Texas Local Government Code, Chapter 394 (the “**Act**”), for the purpose of providing a means of financing the costs of residential ownership and development that will provide decent, safe and sanitary housing for persons of low and moderate income at prices they can afford.

B. The Act authorizes HFC to issue bonds for the purpose of obtaining funds to finance home mortgage loans (or participation interests therein) for persons of low and moderate income for homes within the geographic limits of Cities of Cedar Hill, DeSoto, Duncanville, Lancaster and Waxahachie, Texas and the Counties of Ellis, Hunt, Kaufman, Navarro and Rockwall, Texas.

C. Section 103 and Section 143 of the Internal Revenue Code of 1986, as amended (the “**Code**”), provide that the interest on obligations issued by or on behalf of a state or a political subdivision thereof the proceeds of which are to be used to finance owner-occupied residences shall be excludable from gross income of the owners thereof for federal income tax purposes if such issue meets certain requirements set forth in Section 143 of the Code.

D. Section 146(a) of the Code requires that certain “private activity bonds” (as defined in Section 141(a) of the Code) must come within the issuing authority’s private activity bond limit for the applicable calendar year in order to be treated as obligations the interest on which is excludable from the gross income of the holders thereof for federal income tax purposes.

E. The private activity bond “State ceiling” (as defined in Section 146(d) of the Code) applicable to the State of Texas (the “**State**”) is subject to allocation, in the manner authorized by Section 146(e) of the Code, pursuant to Chapter 1372, Texas Government Code, as amended (the “**Allocation Act**”).

F. The Allocation Act requires HFC, in order to reserve a portion of the State ceiling for qualified mortgage bonds and satisfy the requirements of Section 146(a) of the Code, to file an application for reservation (an “**Application for Reservation**”) with the Texas Bond Review Board (the “**Bond Review Board**”), stating the maximum amount of the bonds requiring an allocation, the purpose of the bonds and the section of the Code applicable to the bonds.

G. The Allocation Act and the rules promulgated thereunder by the Bond Review Board (the “**Allocation Rules**”) require that an Application for Reservation be accompanied by a copy of the certified resolution of the issuer authorizing the filing of the Application for Reservation.

H. By resolution adopted on June 18, 2024, HFC authorized the filing of an Application for Reservation with the Bond Review Board in the maximum amount of \$54,817,320 with respect to qualified mortgage bonds, and the Bond Review Board has issued or is expected to issue a reservation of “State Ceiling” in connection with such Application for Reservation (the “**Reservation**”).

I. HFC has determined to (a) delegate to TDHCA HFC's authority to issue bonds or mortgage credit certificates ("MCCs") for the purposes specified above, pursuant to Section 394.032(e) of the Act, which provides that "a housing finance corporation may delegate to the Texas Department of Housing and Community Affairs the authority to act on its behalf in the financing, refinancing, acquisition, leasing, ownership, improvement, and disposal of home mortgages or residential developments, within and outside the jurisdiction of the housing finance corporation, including its authority to issue bonds for those purposes," and (b) assign the Reservation to TDHCA, pursuant to Section 1372.044 of the Texas Government Code.

J. HFC was created by Cities of Cedar Hill, DeSoto, Duncanville, Lancaster and Waxahachie, Texas and the Counties of Ellis, Hunt, Kaufman, Navarro and Rockwall, Texas (collectively, the "Sponsor") pursuant to the Act.

K. As the governmental unit that created HFC, the Sponsor has approved the assignment of the Reservation to TDHCA in accordance with Section 1372.044 of the Texas Government Code.

NOW THEREFORE, in consideration of the foregoing and the mutual representations, warranties, covenants and conditions contained herein, the parties hereto hereby agree as follows:

1. **Assignment.** HFC hereby assigns, conveys and transfers to TDHCA, to the full extent assignable under applicable law, all of HFC's right, title and interest in, to and under the Reservation (the "Assignment"), including without limitation, the right to file a carryforward designation request and to elect to use the Reservation to issue MCCs. The Assignment is irrevocable and applies only to the Reservation for the 2024 program year.

2. **Consents.** HFC agrees to obtain and deliver to TDHCA, such consents to the Assignment of the Reservation as may be required.

3. **Expenses.** TDHCA shall be responsible for payment of all fees and expenses incurred from and after the date of this Agreement with respect to the Reservation, including any carryforward application fee and/or closing fees payable to the Bond Review Board; and TDHCA will pay all costs associated with the issuance of the bonds.

4. **Agreement.** In exchange for the Assignment, TDHCA agrees to originate in the geographic service area of HFC (a) mortgage loans that are eligible for pooling into mortgage certificates and purchase by the trustee for one or more series of tax-exempt bonds issued by TDHCA ("Pooled Loans"), and/or (b) My First Texas Home Combo Loans with MCCs ("Combo Loans", and referred to herein together with the Pooled Loans collectively as "HFC Loans"), until an aggregate amount of \$54,817,320 of HFC Loans (accounting for the amount of Pooled Loans originated, pooled and purchased by the trustee, and the amount of volume cap used to originate the Combo Loans) have been originated or issued, respectively. HFC Loans will be originated on a first-in, first-out basis. The provisions in the Term Sheet attached hereto as Exhibit A are incorporated herein and supplement the provisions of this Agreement; however, in the event of any inconsistency between the provisions of this Agreement and the Term Sheet, the provisions of this Agreement shall supersede those of the Term Sheet.

5. **Fees.** TDHCA will pay an ongoing fee of 4.75 basis points (collectively, "HFC Fees") of the aggregate outstanding balance of HFC Loans that have been pooled into mortgage-backed securities or for which an MCC has been issued. HFC Fees will be paid for a period of 10 years for each HFC Loan originated under this Agreement and purchased by the trustee that is not more than 30-days delinquent at the time an HFC Fee is calculated. The outstanding balance of HFC Loans will be reduced monthly to reflect principal repayments and prepayments (including foreclosures of HFC Loans). HFC Fees cease to accrue with respect to any HFC Loan once that HFC Loan has been repaid or prepaid. HFC Fees will be paid annually, in accordance with payment instructions to be provided by HFC.

6. **Reporting.** Once HFC Loans have been pooled into mortgage-backed securities or an MCC has been issued, TDHCA will provide quarterly loan level detail with respect to the outstanding loan balances; no personally identifiable information will be included.

7. **Governing Law.** This Agreement shall be governed by and enforced in accordance with the laws of the State of Texas.

8. **Severability.** The invalidity, illegality or unenforceability of any provision of this Agreement shall not affect the validity, legality or enforceability of any other provision, and all other provisions shall remain in full force and effect.

9. **Entire Agreement; Amendment and Waiver.** This Agreement contains the complete and entire understanding of the parties with respect to the matters covered herein. This Agreement may not be amended, modified or changed, nor shall any waiver of any provision hereof be effective, except by a written instrument signed by the party against whom enforcement of the waiver, amendment, change, or modification is sought, and then only to the extent set forth in that instrument. No specific waiver of any of the terms of this Agreement shall be considered as a general waiver.

10. **Counterparts.** This Agreement may be executed in one or more counterparts, each of which is an original and all of which together constitute one and the same Agreement. Electronically transmitted counterparts shall be deemed originals.

[Execution page follows]

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IN WITNESS WHEREOF, the undersigned have duly executed and delivered this Agreement to be effective as of the date first set forth above.

NORTH CENTRAL TEXAS HOUSING FINANCE CORPORATION

By: Clyde C. Hairston
Name: Clyde Hairston
Title: President

(18)

**TEXAS DEPARTMENT OF HOUSING AND
COMMUNITY AFFAIRS**

By: _____
Name: _____
Title: _____

EXHIBIT A – TERM SHEET

2024 Term Sheet

Housing Finance Corporation Volume Cap Assignment

Issuer:	Texas Department of Housing and Community Affairs (“TDHCA”)
HFC Partner:	Housing Finance Corporation (“HFC”)
Volume Cap:	To be reserved by the HFC for subsequent assignment to TDHCA (“Reservation”).
Assignment:	TDHCA and the HFC will execute an Assignment Agreement to assign the Reservation to TDHCA. The HFC’s governing body will be required to approve the Assignment.
Assignment Purpose:	To be used by TDHCA to originate (a) My First Texas Home Bond Loans that are eligible for pooling into mortgage backed securities and purchased by tax-exempt bonds issued by TDHCA (“Pooled Loans”), and/or (b) My First Texas Home Combo Loans with MCCs (“Combo Loans”, collectively “HFC Loans”).
Loan Prioritization	The HFC Loans shall be recorded on a first in first out (“FIFO”) basis until the equivalent of the assigned volume cap has been exhausted.
Volume Cap Utilization:	Pooled Loans will be credited at par. Combo Loans will be credited in accordance with the volume cap used to originate such loan.
HFC Fees:	<p>TDHCA will pay an ongoing fee of 4.75 basis points against the aggregate outstanding balance of HFC Loans that have been pooled into mortgage-backed securities or for which an MCC has been issued.</p> <p>The HFC Fees will be paid for a period of ten years for each loan originated under the Assignment Agreement that is not more than 30-days delinquent at the time the Pooled Loan Fee is calculated. The outstanding balance will be reduced monthly to reflect principal repayments and prepayments (including foreclosures). HFC Fees cease to accrue with respect to any HFC Loan once that loan has been repaid or prepaid.</p> <p>HFC Fees will be paid annually, in accordance with payment instructions to be provided by the HFC.</p>
Related Costs:	TDHCA shall be responsible for payment of all fees and expenses incurred from and after the date of the Assignment Agreement with respect to the Reservation, including any carryforward application fee and/or closing fees payable to the Bond Review Board; and will pay all costs associated with the issuance of the bonds.
Reporting:	Once HFC Loans have been pooled into mortgage-backed securities or an MCC has been issued, TDHCA will provide quarterly loan level detail with respect to the outstanding loan balances; no personally identifiable information will be included.

Mortgage Loan Program

While TDHCA may originate more loans within the HFC’s jurisdiction, the maximum amount of HFC Loans is limited to the volume cap assigned.

Loans originated through a bond issue include FHA, VA, and USDA loans (no conventional loans). All loans must have a term of 30 years.

(19)



Memorandum

To: Honorable Mayor and City Council

From: James Gaertner, Executive Director of Public Works & Utilities

Thru: Michael Scott, City Manager

Date: August 19, 2024

Re: Consider Resolution for Eminent Domain to Acquire Water Easement
Associated with FM 664 24-inch Water Transmission Main Project

Motion: "I move that the City of Waxahachie authorize the use of the power of eminent domain to acquire a water easement as referenced in Exhibit B to the Resolution; determining the public use and necessity for such acquisition; authorizing the acquisition of property rights necessary for such water easement; appointing an appraiser and negotiator as necessary; authorizing the Mayor to establish just compensation for the property rights to be acquired; authorizing the Mayor, or her representative, to take all steps necessary to acquire the needed property rights in compliance with all applicable laws and resolutions; and authorizing the City Attorney, or his representative, to institute condemnation proceedings to acquire the property rights if purchase negotiations are not successful."

Item Description: Consider resolution for eminent domain to acquire water easement from property located at 1201 Ovilla Road, associated with FM 664 24-inch Water Transmission Main Project.

Item Summary: Due to TxDOT widening of FM 664 and to expand the city's water transmission lines, the City plans to construct a 24-inch water line along FM 664. The limits for the water project are from Marshall Road to the existing 24-inch water line south of Highway 287. The engineering plans are complete, and waiting for the easement acquisition in order to advertise the project for the construction bid. The City is working with Sardis Lone Elm Water Supply

(19)

Corporation (Sardis Water), to acquire the water easements together. The City of Waxahachie and Sardis Water hired a consultant to negotiate the easement acquisition with the property owners along FM 664. Most of the easements for this project have been acquired, but the property owner at 1201 Ovilla Rd has stopped communication with the consultant and is not willing to negotiate with Sardis Water or the City anymore. Sardis Water Board approved the resolution for acquisition of the water easement through the eminent domain process. If the City wants to be a party to the Sardis Water eminent domain process, we have to approve a resolution for eminent domain as well.

The alternative is for the City to continue attempting to negotiate with the property owner, and possibly have to pay for the easement and eminent domain process by ourselves or may even fail to get the easement. We have been attempting to get the easement for well over a year and the property owner has communicated that the City will have to use eminent domain. City staff recommend approving the resolution at this time in order to save money, ensure completion of the project in a timely manner and have the property owner go through this process once versus with Sardis and again with the City. City staff hopes that once this process starts, the property owner will be willing to negotiate before it goes through the eminent domain process.

Fiscal Impact: This water easement is part of the FM 664 24-inch Water Transmission Main Project and all cost associated with the acquisition will be covered by the project. The project is funded through the 2023 Water Bond and Water Impact Fees.

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CITY OF WAXAHACHIE, TEXAS

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, DECLARING THE NECESSITY TO ACQUIRE A WATER EASEMENT; DETERMINING THE PUBLIC USE AND NECESSITY FOR SUCH ACQUISITION; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE MAYOR OF THE CITY OF WAXAHACHIE, TEXAS, TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AUTHORIZING THE MAYOR TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND RESOLUTIONS; AUTHORIZING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS TO ACQUIRE THE PROPERTY IF PURCHASE NEGOTIATIONS ARE NOT SUCCESSFUL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Waxahachie, Texas (the "City Council"), has determined that there exists a public necessity to acquire a water easement from property more particularly described in Exhibit B, which is attached hereto and incorporated herein; and

WHEREAS, the City Council desires to acquire the permanent water easement, as more particularly described in Exhibit B, which is attached hereto and incorporated herein; and

WHEREAS, the City Council desires that the Mayor, or her designee, take all necessary steps to acquire the foregoing described easement, including, but not limited to, the retention of appraisers, engineers, and other consultants and experts, and that the City Attorney, or his designee, negotiate the purchase of the easement, and if unsuccessful in doing so, to institute condemnation proceedings to acquire said easement.

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

SECTION 1

All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Waxahachie, Texas, and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

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SECTION 2

The City Council hereby finds and determines that a public use and necessity exists for the City of Waxahachie, Texas, to acquire the easement, as more particularly described in Exhibit B, which is attached hereto and incorporated herein.

SECTION 3

The Mayor, or her designee, is authorized and directed to negotiate for and to acquire the easement as more particularly described in Exhibit B, which is attached hereto and incorporated herein, and to acquire said rights in compliance with State and Federal law. The Mayor is specifically authorized and directed to do each and every act necessary to acquire said easement, including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, prepare contracts, to retain and designate a qualified appraiser of the property interests to be acquired, as well as any other experts or consultants that she deems necessary for the acquisition process and, if necessary, to institute proceedings in eminent domain.

SECTION 4

The Mayor, or any individual she may so designate, is appointed as negotiator for the acquisition of the easement, and, as such, the Mayor is authorized and directed to do each and every act and deed hereinabove specified or authorized by reference, subject to the availability of funds appropriated by the City Council for such purpose. The Mayor is specifically authorized to establish just compensation for the acquisition of said easement and if the Mayor or her designee determines that an agreement as to damages or compensation cannot be reached, then the City Attorney or his designee is hereby authorized and directed to file or cause to be filed, against the owners and interested parties of the needed property interests, proceedings in eminent domain to acquire said easement.

SECTION 5

This Resolution is effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, THIS 19TH DAY OF AUGUST, 2024.

Billie Wallace, Mayor

ATTEST:

Amber Villarreal, City Secretary

(19)

APPROVED AS TO FORM AND LEGALITY:

Terrence S. Welch, City Attorney

(19)

Exhibit B

(Water Easement Legal Description)

EXHIBIT "B"
FIELD NOTE DESCRIPTION
PERMANENT VARIABLE WIDTH WATER LINE EASEMENT
CITY OF WAXAHACHIE, TEXAS

Being a strip of land for a Permanent Water Line Easement, variable in width, under, over and across Lot 1, Block 1 of the McNaughton's Corner Addition, an addition to the City of Waxahachie, Ellis County, Texas, as recorded in Cabinet E, Slide 175, Plat Records of Ellis County Texas (P.R.E.C.T.), located in the Harbin H. Self Survey, Abstract 1001, a 1.787 acre tract of land conveyed to Dana Renee Lennon by a deed recorded in Volume 01740, Page 0971, Deed Records of Ellis County, Texas (D.R.E.C.T.), said variable width Permanent Water Line Easement being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with pink TxDOT cap found for a corner, said iron rod being in the new F.M. 664 west right of way line (a variable width public right of way) and in the new Marshall Road north right of way line (a variable width public right of way), said iron rod bears N 70°05'48" W, a distance of 55.51 feet, from a 1/2-inch iron rod with plastic cap stamped "RPLS 4466" found in the southeast property corner of said 1.787 acre Lot 1 Lennon tract;

THENCE, S 89°20'38" W, along the new Marshall Road north right of way line and along the south property line of said 1.787 acre Lot 1 Lennon tract, a distance of 146.58 feet to a point for a corner;

THENCE, S 83°16'35" W, along the new Marshall Road north right of way line and along the south property line of said 1.787 acre Lot 1 Lennon tract, a distance of 40.16 feet to a point for a corner, said point being in the west property line of said 1.787 acre Lennon tract and in the east property line of Lot 2, Block 1, said McNaughton's Corner Addition, a called 1.117 acre tract of land conveyed to Dana Renee Lennon by a deed recorded in Volume 01740, Page 0971, (D.R.E.C.T.), said point bears N 00°26'10" W, a distance of 14.29 feet, from a 1/2-inch iron rod with plastic cap stamped "RPLS 4466" found in the southwest property corner of said 1.787 acre Lot 1 Lennon tract and in the southeast property corner of said 1.117 acre Lot 2 Lennon tract;

THENCE, N 00°26'06" W, departing the new Marshall Road north right of way line, along the west property line of said 1.787 acre Lot 1 Lennon tract and the east property line of said 1.117 acre Lot 2 Lennon tract, a distance of 20.12 feet to a point for a corner;

THENCE, S 83°16'35" E, being at all times 20 feet perpendicular distance from and parallel with the new Marshall Road north right of way line, and a distance of 39.02 feet to a point for a corner;

THENCE, N 89°20'38" E, being at all times 30 foot perpendicular distance from and parallel with the new Marshall Road north right of way line, a distance of 107.99 feet to a point for a corner;

THENCE, N 49°39'35" E, a distance of 15.66 feet, to a point for a corner;

THENCE, N 89°20'36" E, a distance of 13.07 feet, to a point for a corner;

THENCE, N 44°18'42" E, a distance of 28.72 feet, to a point for a corner;

THENCE, N 06°02'35" E, a distance of 120.12 feet to a point for a corner, said point being the beginning of a non-tangent curve to the left having a central angle of 02°36'45", a radius of 2,401.32 feet, a chord bearing N 04°44'08" E, and a chord length of 109.48 feet;

THENCE, along said non-tangent curve to the left, an arch distance of 109.49 feet, to a point for a corner, said point being in the west line of an existing 20 foot wide utility easement dedicated to the City of Waxahachie according to said plat for McNaughton's Corner Addition;

(19)

Dana Renee Lennon
8/18/2023

Parcel No 2B

EXHIBIT "B"
FIELD NOTE DESCRIPTION
PERMANENT VARIABLE WIDTH WATER LINE EASEMENT
CITY OF WAXAHACHIE, TEXAS

THENCE, S 01°01'16" E, along the west line of said existing 20 foot City of Waxahachie utility easement, a distance of 182.94 feet to a point for a corner, said point being in the new F.M. 664 west right of way line and in the west line of said existing 20 foot City of Waxahachie utility easement;

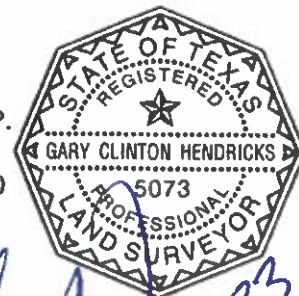
THENCE, S 06°02'35" W, along the new F.M. 664 west right of way line, a distance of 76.34 feet to a 5/8-inch iron rod with pink TxDOT cap found for a corner;

THENCE, S 47°41'31" W, along the new F.M. 664 west right of way line, a distance of 29.89 feet to the POINT OF BEGINNING, said variable width Permanent Water Line Easement containing 0.178 acres (7,733 square feet) of land, more or less.

Notes:

1. Bearings and distances cited in this field note description are based on the Texas State Plane Coordinate System, NAD-83, Texas North Central Zone 4202.
2. Field surveys concluded on 07/05/2023.
3. A Plat of even date herewith accompanies this Metes and Bounds Description

Gary C. Hendricks, P.E., R.P.L.S.
Texas Registration No. 5073
Birkhoff, Hendricks & Carter, L.L.P.
TBPELS Firm No. 100318-00
11910 Greenville Avenue, Suite 600
Dallas, Texas 75243
Phone 214-361-7900



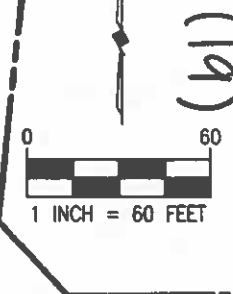
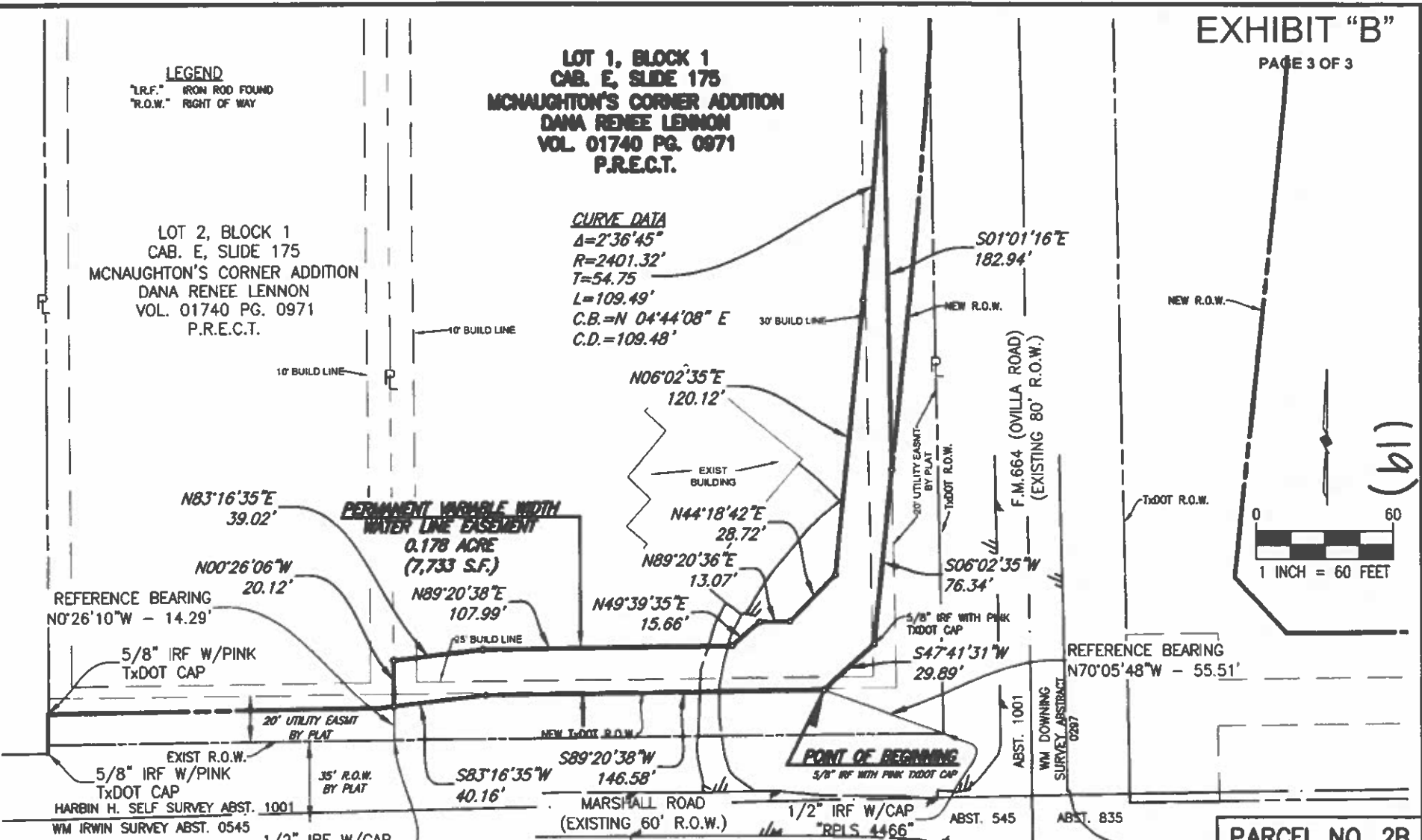
[Handwritten Signature]
09/19/2023

LEGEND
"I.R.F." IRON ROD FOUND
"R.O.W." RIGHT OF WAY

LOT 1, BLOCK 1
CAB. E, SLIDE 175
MCNAUGHTON'S CORNER ADDITION
DANA RENEE LENNON
VOL. 01740 PG. 0971
P.R.E.C.T.

LOT 2, BLOCK 1
CAB. E, SLIDE 175
MCNAUGHTON'S CORNER ADDITION
DANA RENEE LENNON
VOL. 01740 PG. 0971
P.R.E.C.T.

CURVE DATA
 $\Delta=2^{\circ}36'45''$
 $R=2401.32'$
 $T=54.75$
 $L=109.49'$
 $C.B.=N 04^{\circ}44'08'' E$
 $C.D.=109.48'$

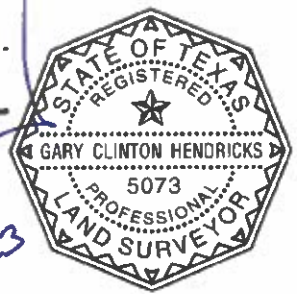


H:\Projects\Wax\2022\138 FM 664 Water Line\Easement Plats\Parcel 2 - Dana Renee Lennon.dwg

REVISED: 8/18/23 - JMY

- NOTES:
1. BEARINGS AND DISTANCES CITED IN THIS PLAT DESCRIPTION ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, NAD-83, TEXAS NORTH CENTRAL ZONE 4202.
 2. FIELD SURVEYS CONCLUDED ON 07/05/2023.
 3. A METES AND BOUNDS DESCRIPTION OF EVEN DATE HERewith ACCOMPANIES THIS EXHIBIT.

[Handwritten signature]
09/19/2023



CITY OF WAXAHACHIE, TEXAS	
DANA RENEE LENNON PERMANENT VARIABLE WIDTH WATER LINE EASEMENT	
BIRKHOFF, HENDRICKS & CARTER, L.L.P. PROFESSIONAL ENGINEERS TBPELS PE Firm 526; Survey Firm 10031800 11910 Greenville Ave., Suite 600 Dallas, Texas 75243 (214) 361-7900	
August 2023	PARCEL NO. 2B