

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, October 21, 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 October 7, 2024
- b. Receive and accept the FY 2023-2024 Impact Fee Revenue and Expenditure Activity Report
- c. Construction Manager at Risk for City Hall Remodel and Construction Project

6. ***Introduce*** Honorary Council Member
7. ***Present*** Proclamation recognizing October as “Community Planning Month”
8. ***Recognize*** the City of Waxahachie as the recipient of the 2024 Richard R. Lillie, FAICP Planning Excellence Award
9. ***Present*** Proclamation recognizing November 1st as “Texas Arbor Day”
10. ***Continue Public Hearing*** on a request by Matthew Smith, Darwood Partners, for a Specific Use Permit (SUP) for a Convenience Store and Gasoline Sales use within a General Retail (GR) zoning district located at the northwest corner of Broadhead Road and

Garden Valley Parkway (Property ID 242234) – Owner: WP Legacy LTD (ZDC-139-2024)

11. **Consider** proposed Ordinance approving ZDC-139-2024
12. **Continue Public Hearing** on a request by Katrina Aulson (formally Katrina Walker) & Patrick Aulson, for a Specific Use Permit (SUP) for an Accessory Structure exceeding one-thousand (1,000) square feet in combined floor area for more than two (2) existing accessory structures use within a Single-Family Dwelling-1 (SF-1) zoning district located at 611 North Grand Avenue (Property ID 176844) – Owner(s): Katrina Walker (ZDC-180-2023)
13. **Consider** proposed Ordinance approving ZDC-180-2023
14. **Public Hearing** on a request by Brad Yates, for a Replat of Lot 1, Block 23 of the Bullard's Addition, to create Lots 1R & 3, Block 23 of the Bullard's Addition, two (2) residential lots, being 0.324 acres, located at 708 S Rogers Street, (Property ID 172368) – Owner: Graily Holdings LLC (SUB-178-2024)
15. **Consider** approval of SUB-178-2024
16. **Public Hearing** on a request by Mark Singleton, Waxahachie Development Company, for a Zoning Change from a General Retail (GR) zoning district to Planned Development-General Retail (PD-GR) zoning district, for a Retail Stores & Shops and Drive-Through Establishment use, located directly south of 450 E US Highway 287 Bypass, (Property ID 179056) - Owner: Waxahachie Development Company, (ZDC-72-2022)
17. **Consider** proposed Ordinance approving ZDC-72-2022
18. **Consider** Development Agreement for ZDC-72-2022
19. **Consider** Engineering Professional Services Agreement for a new 12-inch Sanitary Sewer Main
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

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, October 7, 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

Dominik Lange gave the invocation. Mayor Pro Tem Chris Wright led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Alan Fox, 327 University, Waxahachie, Texas, expressed support for City Manager Michael Scott and his leadership in Waxahachie.

Dominik Lange, 2567 Bells Chapel Road, Waxahachie, Texas, requested City Council put in a designated space for skateboarders to ride and practice safely and offered his assistance.

Kim Fuller, Ellis County Homeless Coalition, provided an update on the 2024 point and time count numbers for Ellis County. She explained the count is conducted in a 24-hour period, in-person with the homeless. That count identified 126 homeless people, with 38 of those being children under the age of 18. The Coalition received information from three Ellis County high schools noting there is between 200-225 homeless students known through the districts. Ms. Fuller also noted the Coalition is working on assistance and placement of the homeless people on Highway 287 and Highway 77.

5. Consent Agenda

- a. Minutes of the City Council meeting of September 16, 2024
- b. Event application for Trunk or Treat in the Park to be held October 25, 2024 at Getzendaner Park
- c. Event application for Family Night to be held October 27, 2024 at Trinity Church Waxahachie

(5a)

- d. Event application for Southern Star 5K to be held November 9, 2024 at Getzendaner Park
- e. Event application for Hachie 50 to be held February 28, 2025 and March 1, 2025
- f. Proposed Ordinance approving a request by Kars Tamminga, for a Petition for ETJ Release for approximately 73.36 acres, located at 3726 F.M. 1446 (Property ID 183236 and 223336) – Owner: Tamminga Family Partnership, LTD and Tamminga K & G Revocable Living Trust (ETJ-PTN-163-2024)
- g. Proposed Ordinance approving a request by Raul Acosta, for a Petition for ETJ Release for approximately 7.30 acres, located at 1250 Black Champ Road (Property ID 204042 and 289761) – Owner: Raul Acosta and Cody Acosta (ETJ-PTN-181-2024)
- h. Proposed Ordinance approving a request by Shawn Farris, for a Petition for ETJ Release for approximately 10.1 acres, located at 431 Arrowhead Rd. (Property ID 263474) – Owner: Shawn Farris (ETJ-PTN-182-2024)
- i. Proposed Ordinance approving a request by Kerry Woodson, for a Petition for ETJ Release for approximately 2.55 acres, located at 640 Cox Rd. (Property ID 189402) – Owner: Kerry Woodson & Pam Woodson (ETJ-PTN-184-2024)
- j. Consider amending City of Waxahachie Ordinance Chapter 22, Section 22-37 applicable to the use of Sports Fields in Parks and Fees

ORDINANCE NO. 3567

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 73.36 ACRE TRACT OF LAND, LOCATED AT 3726 F.M. 1446, KNOWN AS PROPERTY ID 183236 AND 223336, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3568

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 7.30 ACRE TRACT OF LAND, LOCATED AT 1250 BLACK CHAMP ROAD, KNOWN AS PROPERTY IDS 204042 AND 289761, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3569

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 10.1 ACRE TRACT OF LAND, LOCATED AT 431 ARROWHEAD RD, KNOWN AS PROPERTY ID 263474 AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S

EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3570

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 2.55 ACRE TRACT OF LAND, LOCATED AT 640 COX RD, KNOWN AS PROPERTY ID 189402 AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3571

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING CHAPTER 22, "PARKS AND RECREATION", ARTICLE III. "FEES" BY AMENDING SECTION 22-37, "SPORTS FIELDS IN PARKS" APPLICABLE TO THE USE OF SPORTS FIELDS IN PARKS AND FEES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Action:

Patrick Souter moved to approve all items on the Consent Agenda as presented and authorize the City Manager and/or Mayor to execute all associated documents as necessary. Motion was seconded by Tres Atkins and carried unanimously (5-0).

6. Introduce Honorary Council Member

Council Member Tres Atkins introduced October Honorary Council Member Jackie Wray. Jackie was born in Waxahachie, Texas at the Waxahachie Sanitarium in 1950 and attended Waxahachie ISD. She started her career with the Texas Department of Public Safety as the Driver's License Clerk. Jackie held that position in Waxahachie for 17 years and was known as the "Driver's License Lady" in the community. From there, she worked with her husband, Jerry, in business until his death in 2005. She then went on to work in the Ellis County District Clerk's office handling pro se litigants.

Jackie loves Waxahachie and has served on many boards for local clubs and organizations in the community such as The Waxahachie Symphony Board working with Belles and Beaus, Chautauqua Board, Daniels' Den, Ellis County Child Welfare Board, community advisor for Navarro College, and President of the Waxahachie Ex-Student's Association for 2 years.

Ms. Wray is a member of First United Methodist Church and has been on over ten mission trips with the church and served in almost every ministry.

Jackie has one son, John Wray, who has served as Mayor of Waxahachie and State Representative of House District-10. She has a daughter-in-law, Michele, who is also involved in the community,

a granddaughter, Morgan, who is a second-year law student at Vanderbilt, and a grandson, Patrick, who is in his third year at the University of Texas.

7. Recognize outgoing Board and Commission member with more than 10 years of service

City Council recognized outgoing member Bonney Ramsey for 18 years of service on the Planning and Zoning Commission and 15 years of service as the Commission liaison to the Heritage Preservation Commission. Ms. Ramsey was presented a plaque as an expression of appreciation.

8. Recognize the Finance Department for receiving the Distinguished Budget Presentation award from the Government Finance Officers Association

City Council recognized Senior Finance Director Chad Tustison, Assistant Finance Director Gail Turner, and Budget Officer Chris Childs for receiving the Distinguished Budget Presentation award from the Government Finance Officers Association.

9. Recognize the Finance Department for receiving the Achievement of Excellence in Procurement award from the National Procurement Institute

Senior Finance Director recognized Purchasing Manager Jewelie Ramos and Buyer Leila Cole for being 1 of 72 cities throughout the United States and Canada to receive the Procurement from the National Procurement Institute.

10. Public Hearing on a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance No. 3020, to Article IV Definitions and Use Regulations, Section 4.01 Definitions, and to Article IV Definitions and Use Regulations, Section 4.03 Use Charts, to address Event Center Uses (ZTA-126-2024)

Executive Director of Development Services Shon Brooks presented the Item. As a result of a number of Event Center uses Zoning District Change Requests, the City Council directed the Planning staff to evaluate the Event Center use process of comparable cities in the Dallas-Fort Worth Metroplex. The information gathered by staff clearly noted that a majority of the comparable cities allowed the Event Center use by right and with Specific Use Permit approval.

Currently, the City of Waxahachie does not have a definition of an Event Center. City Staff has been identifying the use as a Private Club, which requires an approved Specific Use Permit in the Mixed Use Residential, Mixed Use Non-Residential, Office, General Retail, Central Area, Commercial, Light Industrial-1, Light Industrial-2, Heavy Industrial, and Airport District zoning districts.

The purpose of this Zoning Text Amendment is to:

1. Create a definition for an Event Center use.
2. Add the allowed use and SUP requirement to the Use Charts for Event Center use.

(5a)

The current practice of classifying event center use under the Private Club category should be reduced due to the deficiencies in the Zoning Ordinance pertaining to event center use. The new definitions are noted below:

Event Center – A building or part of a building, in which facilities are provided and used for such purposes as a meeting, gathering, or assembly of persons for civic, educational, political, religious, or social events, including weddings and receptions, and may include a banquet hall. Such facility shall not host any activity that could be considered a sexually oriented business as defined by the City of Waxahachie’s Code of Ordinances. Also, such a facility may include a kitchen and an on-site kitchen/catering facility.

- a) This definition shall not include a business whose primary use constitutes a Microbrewery, Restaurant, Retail Stores & Shops, Tavern, or Winery. An Event Center use shall be considered as an accessory use when the primary function of a business constitutes one of the aforementioned Land Uses.

Mayor Wallace opened the Public Hearing at approximately 7:23 p.m.

There being no others to speak for or against ZTA-126-2024, Mayor Wallace closed the Public Hearing at approximately 7:23 p.m.

Council Member Travis Smith confirmed businesses with existing “Private Club” zoning won’t have to reapply for a “Event Center” use and Mr. Brooks explained their current Certificate of Occupancy is still valid.

11. Consider proposed Ordinance approving ZTA-126-2024

ORDINANCE NO. 3572

AN ORDINANCE AUTHORIZING A TEXTUAL AMENDMENT TO THE CITY ZONING ORDINANCE (ORDINANCE NO. 3020), ARTICLE IV (DEFINITIONS AND USE REGULATIONS), SECTION 4.01 (DEFINITIONS) TO SECTION 4.03 (USE CHARTS), PROVIDING FOR SAVINGS, SEVERABILITY, AND REPEALING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

Action:

Chris Wright moved to approve ZTA-126-2024, a request by the City of Waxahachie for a textual amendment to the City Zoning Ordinance, Ordinance, Section 4.01 and Section 4.03 and authorize the Mayor to sign the associated documents accordingly. Motion was seconded by Travis Smith and carried unanimously (5-0).

- 12. Public Hearing on a request by Karen Snow, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family-2 (SF-2) zoning district located at 103 University Avenue (Property ID 176370) – Owner(s): Winding It Down, LLC (ZDC-167-2024)**

(5a)

Mr. Brooks presented the Item and Chris Snow requested approval. The applicant requests a SUP for short-term rental use at 103 University Avenue because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,968 square feet, built in 1930 with two (2) bedrooms, one (1) bathroom, one-half bathroom and enough improved surface to accommodate for the maximum parking spaces of two (2) vehicles. The subject property is situated on an approximately 0.276 acres (12,022 square feet) lot. The applicant has not been operating the subject property as a short-term rental; therefore, 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 August 14, 2024.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered one call was made regarding a stolen vehicle on December 14, 2023; however, staff confirmed this call was made for 103 E. University and not the subject property. The applicant's local emergency contact is located adjacent to the subject property.

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 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. A total of seven (7) letters of opposition and twenty-two (22) letters of support were received.

Mayor Wallace opened the Public Hearing at approximately 7:26 p.m.

Mayor Pro Tem Chris Wright confirmed some of the letters of support were received from property owners who own multiple properties within the notification boundary.

Those who spoke, neither in support or opposition:
Alan Fox, 327 University, Waxahachie, Texas

There being no others to speak for or against ZDC-167-2024, Mayor Wallace closed the Public Hearing at approximately 7:30 p.m.

13. Consider proposed Ordinance approving ZDC-167-2024

ORDINANCE NO. 3573

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW A SHORT-TERM RENTAL USE WITHIN A SINGLE-FAMILY-2 (SF-2) ZONING DISTRICT LOCATED AT 103 UNIVERSITY AVENUE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.276 ACRES KNOWN AS PROPERTY ID 176370, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Chris Wright moved to approve ZDC-167-2024, 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. Motion was seconded by Patrick Souter and carried unanimously (5-0).

(5a)

Council Member Patrick Souter thanked the Snows for their restoration of the property to historic standards.

14. Consider proposed Resolution for Candidate Nominations for the Ellis Appraisal District Board of Directors for the Year 2025

Mr. Scott explained staff did not receive additional nominations from City Council for the Ellis Appraisal District (ECAD) Board of Directors. Staff recommends previous nominee Dani Muckleroy. He explained once all entity nominations are received by ECAD, Council will adopt a resolution allocating votes in December.

RESOLUTION NO. 1370

RESOLUTION OF CANDIDATE NOMINATIONS FOR THE ELLIS APPRAISAL DISTRICT BOARD OF DIRECTORS FOR THE YEAR 2025

Action:

Chris Wright moved to approve a Resolution for Candidate Nominations for the Ellis Appraisal District Board of Directors for the Year 2025. Motion was seconded by Patrick Souter and carried unanimously (5-0).

15. Convene into Executive Session to review Performance Evaluation for City Manager as permitted by Section 551.074 of the Texas Government Code

Mayor Wallace announced at 7:40 p.m. the City Council would convene into Executive Session to review Performance Evaluation for City Manager as permitted by Section 551.074 of the Texas Government Code.

16. Reconvene and take any necessary action

The meeting reconvened at 10:20 p.m.

Action:

Chris Wright moved to extend/renew the contract with City Manager Michael Scott for one additional year. Motion was seconded by Patrick Souter and carried unanimously (5-0).

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

City Council and City Management recognized the Finance Department for their achievements and outgoing Planning and Zoning Commissioner Bonney Ramsey for her service.

Council Member Travis Smith thanked the Convention and Visitors Bureau Department for their work with the Texas Motorplex on the Stampede of Speed events.

City Manager Michael Scott thanked the Police Department and the Communications and Marketing Director for their work.

(5a)

Mayor Billie Wallace thanked Honorary Council Member Jackie Wray for her attendance and service to Waxahachie.

18. Adjourn

There being no further business, the meeting adjourned at 10:21 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(5b)



Memorandum

To: Honorable Mayor and City Council
From: Jennifer Pruitt, Senior Director of Planning
Thru: Michael Scott, City Manager
Date: October 21, 2024
Re: FY 2024 Impact Fee Revenue and Expenditure Activity End-of-Year Report

RECOMMENDED MOTION

"I move to approve the 2023-2024 Impact Fee Revenue and Expenditure Activity End of Year Report, as recommended by the Impact Fee Capital Improvement Advisory Committee (IFCIAC)."

In May of 2024, city staff presented the Mid-Year 2023-2024 Impact Fee Revenue and Expenditure Activity Report to the Impact Fee Capital Improvement Advisory Committee (IFCIAC) and City Council. The activity summary detailed impact fee revenue and expenditures from October 1, 2023, to March 31, 2024. The following report entails the Impact Fee revenue and expenditure activity summary for the 2024 fiscal year, which includes data from October 1, 2023, to September 30, 2024.

On October 15, 2024, city staff presented the FY 2024 Impact Fee Revenue and Expenditure Activity Report to the Impact Fee Capital Improvement Advisory Committee (IFCIAC). The IFCIAC moved to accept and recommend approval of the Impact Fee Revenue and Expenditure Activity End of Year Report for FY 2024.

Impact fees are authorized under Chapter 395 of the Texas Local Government Code and empower municipalities to levy a charge or assessment against new development to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to new development.

Impact Fee Revenues and Expenditures

Below illustrates the revenues and expenditures for water, wastewater, and roadway impact fees from October 1, 2023, to September 30, 2024, with a brief explanation of status on each project.

Water Impact Fees

Current Fiscal Year	(Through 09/30/2024)
Beginning Balance	\$4,149,343.54
Revenues	\$3,130,625.91
Expenses	\$317,784.65
Ending Balance	\$6,962,184.80

Water Impact Fee Expenditure Summary FY 2024

Below is a summary of the active projects which have been funded, or partially funded through the use of water impact fees. The figures below are a total water impact fee allocated for each project and the status of the project, not the FY24 impact fee expenses.

Distribution Line: Lofland/Ovilla Road Phase 2 (Engineering Design Phase)

This project is currently in the design phase. The project scope includes the installation of a water transmission line along Ovilla Road between Marshall Road and US 287 Bypass. The project includes the installation of approximately 5,800 linear feet of 20-inch and 24-inch diameter pipes. In FY 2023, \$672,575.00 was transferred from Water Impact Fees into this project. The Consultant Engineer is working on 100% construction plans and getting the plans ready for construction bid.

Howard Road WTP High Service Pump No.5 (Construction Phase)

This project is currently under construction. The project scope includes, but is not limited to, the addition of Pump No. 5 at the High Service Pump Station. Work also includes the necessary electrical, instrumentation, and programming for a complete installation to enhance the treated water pumping capacity for the Howard Road Water Treatment Plant. In FY 2022, \$718,263 was transferred from Water Impact Fees into this project fund. The project construction is approximately 60% complete.

Water Distribution System Master Plan Update 2024 - (Professional Services)

This project is currently in the phase of finalizing the master plan. The project scope includes a revision to the Water Distribution System Master Plan. The revision encompasses updating land use assumptions, water demand projections, hydraulic water models, and recommending Capital Improvements Plan adjustments. In FY 2022, \$305,500.00 was transferred from Water Impact Fees into this project. The Consultant Engineer is working towards submitting a final master plan.

(5b)

Water Main Extension US77 to Old Italy RD (Engineering Design Phase)

This project is currently in the design phase. The project will extend approximately 2,100 linear feet of 24-inch water line and 3,000 linear feet of 12-inch water line from US 77 to Old Italy Road. This water line extension will serve the Waxahachie ISD's new high school and account for development near the construction of TxDOT's Spur 394. This year, \$225,300 was transferred from Water Impact Fees into this project. A Consultant Engineer was selected and awarded a contract to start design. The Consultant Engineer has submitted 60% construction plans for City's review and the next steps are to finalize the plans for construction.

I-35 Water Main Lofland to Butcher (Construction Phase)

This project is currently in the construction phase. The project scope includes the installation of a water transmission along the east right of way of I-35. The project includes the installation of approximately 4,230 linear feet of 18-inch water line connecting the existing 18-inch water lines at Butcher Road and Lofland Road's south side near the Owens Corning facility. In FY 2022, \$132,250.00 was transferred from Water Impact Fees into this project. The project construction has been awarded and Consultant Engineer is working on a notice to proceed.

Debt Service

The City issues debt for financing long-term infrastructure capital improvements. Infrastructure includes those basic physical structures the government provides to support basic services, including improvements and new components to the City's utility system. Utility-related bond projects are largely financed by a portion of monthly water fees paid by the City's utility customers. Additionally, water impact fees may be used to support and partially offset the required annual debt service for these bond funds. In FY 2024, water impact fees contributed \$98,300.00 toward the City's water debt service.

Anticipated FY 2025 Water Impact Fee Expenditures

FM 878 at 287 Bypass 12" and 16" Oversize Waterline Participation (Construction Phase)

This project is an anticipated construction project. The project scope includes the installation of a water transmission to extend water service from Cleaver Street to the eastern portion of the service area, encompassing FM 878 and FM 879 areas in the 715 Pressure Plane. The project includes the installation of approximately 13,500 linear feet of 16" and 12" water lines in addition to a bored waterline crossing beneath US-287 Bypass at Cleaver Street, connecting to the existing water line on Parks School House Road to establish a looped system. In FY 2023, \$416,000.00 was transferred from Water Impact Fees into this project. This project is currently on hold due to the timeline of future development needs.

Saddle Brook Estates Phase III 16" Oversize Water Line Participation (Construction Phase)

This project is an anticipated construction project. The project is to install approximately 1,160 linear feet of 16-inch diameter water line in the Saddlebrook Estates development, in line with the City's Water Distribution System Master Plan. This project will be funded with \$130,000.00 from the Water Impact Fee fund.

(5b)

Wastewater Impact Fees

Current Fiscal Year	(Through 09/30/2024)
Beginning Balance	\$3,859,941.86
Revenues	\$2,895,718.58
Expenses	\$1,700,737.16
Ending Balance	\$5,054,923.28

Wastewater Impact Fee Expenditure Summary FY 2024

Below is a summary of the projects which have been funded, or partially funded through the use of wastewater impact fees during the FY 2024 budget year. The figures below are a total wastewater impact fee allocated for each project and the status of the project, not the FY24 impact fee expenses.

Jefferson Lift Station Capacity Expansion (Construction Phase)

This project is substantially complete. The project scope included, but was not limited to, upgrading the Jefferson Lift Station to enhance pumping capacity from 28 MGD to 32 MGD, with future expansion potential to 48 MGD. In FY 2022, the project was partially funded with \$984,931.00 of Wastewater Impact Fees that were transferred to this project fund. The project has reached substantial completion, and the contractor is working on final punch list items of the project.

Wastewater Collection System Master Plan Update – FY23 (Professional Services)

This project is currently in the phase of finalizing the master plan. The project scope includes a revision to land use assumptions, wastewater demand, flow projections, hydraulic models, and the Capital Improvements Plan. In FY 2022, \$344,500.00 was transferred from Wastewater Impact Fees into this project. The Consultant Engineer is working towards submitting a final master plan.

Wastewater Treatment Plant Master Plan Update (Professional Services)

This project is currently in the phase of finalizing the capital improvement projects. The project scope is to update the Wastewater Treatment Facilities Master Plan due to growth within the City planning area. The project consists of a Phase 1 to evaluate the existing plant site and two (2) additional sites to determine maximum amount of treatment capacity. Phase 2 of the project will provide planning level details of the treatment facilities needed to treat the flow identified in the Wastewater Treatment Master Plan and the location of the facilities. In FY 2022, \$276,000.00 was transferred from Wastewater Impact Fees into this project. The Consultant Engineer is working towards submitting a draft master plan for City’s review.

(5b)

Grove Creek Parallel Gravity Trunk Wastewater Phase IV (Construction Phase)

This project is currently under construction. The project scope includes the installation of approximately 18,675 linear feet of 27-inch diameter sanitary wastewater main and 645 new five-foot diameter sanitary wastewater manholes. This project is parallel to the existing Grove Creek Trunk Wastewater, which runs from a point south of Butcher Road at Highland Village to the Grove Creek Lift Station. In FY 2022, this project was partially funded with \$3,052,565.00 of Wastewater Impact Fees that were transferred to this project fund. The project construction is approximately 80% complete.

Debt Service

The City issues debt for financing long-term infrastructure capital improvements. Infrastructure includes those basic physical structures provided by the government to support basic services, including improvements and new components to the City's utility system. Utility-related bond projects are largely financed by a portion of monthly wastewater fees paid by the City's utility customers. Additionally, wastewater impact fees may be used to support and partially offset the required annual debt service for these bond funds. In FY 2024, wastewater impact fees contributed \$1,222,449.00 toward the City's wastewater debt service.

Anticipated FY 2025 Wastewater Impact Fee Expenditures

Lower Mustang Creek Trunk Wastewater Phase 3 (Engineering Design Phase)

This project is an anticipated engineering design project. The project scope includes the installation of a sanitary wastewater main from the existing 27" gravity wastewater near the Lower Mustang Creek Lift Station, extending northwest upstream along Mustang Creek approximately and terminating near the FM 878 and US Hwy 287 Bypass intersection. This project includes the installation of approximately 15,000 linear feet of 12-inch and 21-inch diameter wastewater line that will provide service to an undeveloped area east of US Hwy 287 Bypass and FM 878/879 corridor. In FY 2023, this project was funded with \$367,000.00 of Wastewater Impact Fees that were transferred to this project fund. Staff will advertise a Request for Qualifications (RFQ) to engage a Consultant Engineer to prepare 100% construction plans and to prepare the plans for construction bid.

Pine Meadows Oversized Wastewater Line Participation Project (Construction Phase)

This project is an anticipated construction project. The project is to install a 15-inch sanitary wastewater line along Cantrell Street. This project will be funded with \$75,000.00 from the Wastewater Impact Fee fund.

(5b)

Roadway Impact Fees

Below is a table illustrating the revenues and expenditures for roadway impact fees from October 1, 2023, to September 30, 2024:

Service Area	FY 2024 Start (10/01/2023)	Revenues	Interest Allocation	Expense	FY 2024 End (09/30/2024)
Service Area 1	\$531,150.83	\$3,044.10	\$28,427.54	----	\$562,622.47
Service Area 2	\$4,705,832.40	\$1,110,735.23	\$309,532.58	----	\$6,126,100.21
Service Area 3	\$956,538.98	\$198,008.28	\$61,440.01	----	\$1,215,987.27
Service Area 4	\$2,162,483.25	\$244,735.07	\$99,445.11	\$538,500.00	\$1,968,163.43
Service Area 5	\$2,888,594.27	\$139,169.58	\$139,173.03	\$412,500.00	\$2,754,436.88
Service Area 6	\$2,508,543.32	\$416,728.96	\$155,258.99	\$7,729.94	\$3,072,801.33
Service Area 7	\$1,704,028.18	\$4,067.14	\$90,897.45	----	\$1,798,992.77
Interest	----	\$884,174.72	----	----	----
Total	\$15,457,171.23	\$3,000,663.08	\$884,174.72	\$958,729.94	\$17,499,104.37

Roadway Impact Fee Expenditure Summary FY 2024

Below is a summary of the projects which have been funded, or partially funded through the use of Roadway impact fees during the FY 2024 budget year. The figures below include the total roadway impact fee allocated for each project and the status of the project, not the FY24 impact fee expenses.

Left turn lane of Northgate onto Highway 77 - Service Area 4

This project is substantially complete. The contract amount is currently at \$477,206.

Broadhead Road Reconstruction - Service Area 5

This project has been cancelled by City Council.

Anticipated FY 2025 Roadway Impact Fee Expenditures

Future projects for Roadways that may utilize impact fee money within FY 2025 include:

Ovilla Road Widening (FM 664) - Service Area 1

The Texas Department of Transportation (TxDOT) requires the City to reimburse the State for the ROW acquisition needed to widen FM 664. The City entered into an agreement with TxDOT to pay the initial cost of \$136,207 in 2022, and a yearly payment of \$152,050 from 2023 to 2026. Up to date, the city has paid \$288,253 with Roadway Impact Fees from Service Area 1. In FY2025, the City anticipates paying 152,046 towards this project.

(5b)

Farley Street - Service Area 4

Engineering consultants have completed the 30% concept plan for Farley Street and the project is currently ready for the design phase. The project scope includes the reconstruction of Farley Street from E Ross Street to US 287 Southbound Frontage Road, a length of approximately 4,750 linear feet of four-lane divided concrete roadway. Staff is evaluating consultants for the full design of this project.

Broadhead Road Reconstruction (Construction Phase) - Service Area 5

This project has been cancelled by City Council.

Engineering Design for Unnamed Road between Spur 394 and US 77 - Service Area 6

Design consultant has begun design and is near 30% completion. The project includes a four-lane concrete roadway from the new Spur 394 to the northwest for approximately 5,750 feet to US-77. It includes left turn lanes near the future high school and new intersections at the connection with Old Italy Road and the future Matthew Street. Anticipated budget for design is \$964,000.

Roadway Impact Fee Service Area Boundary Analysis

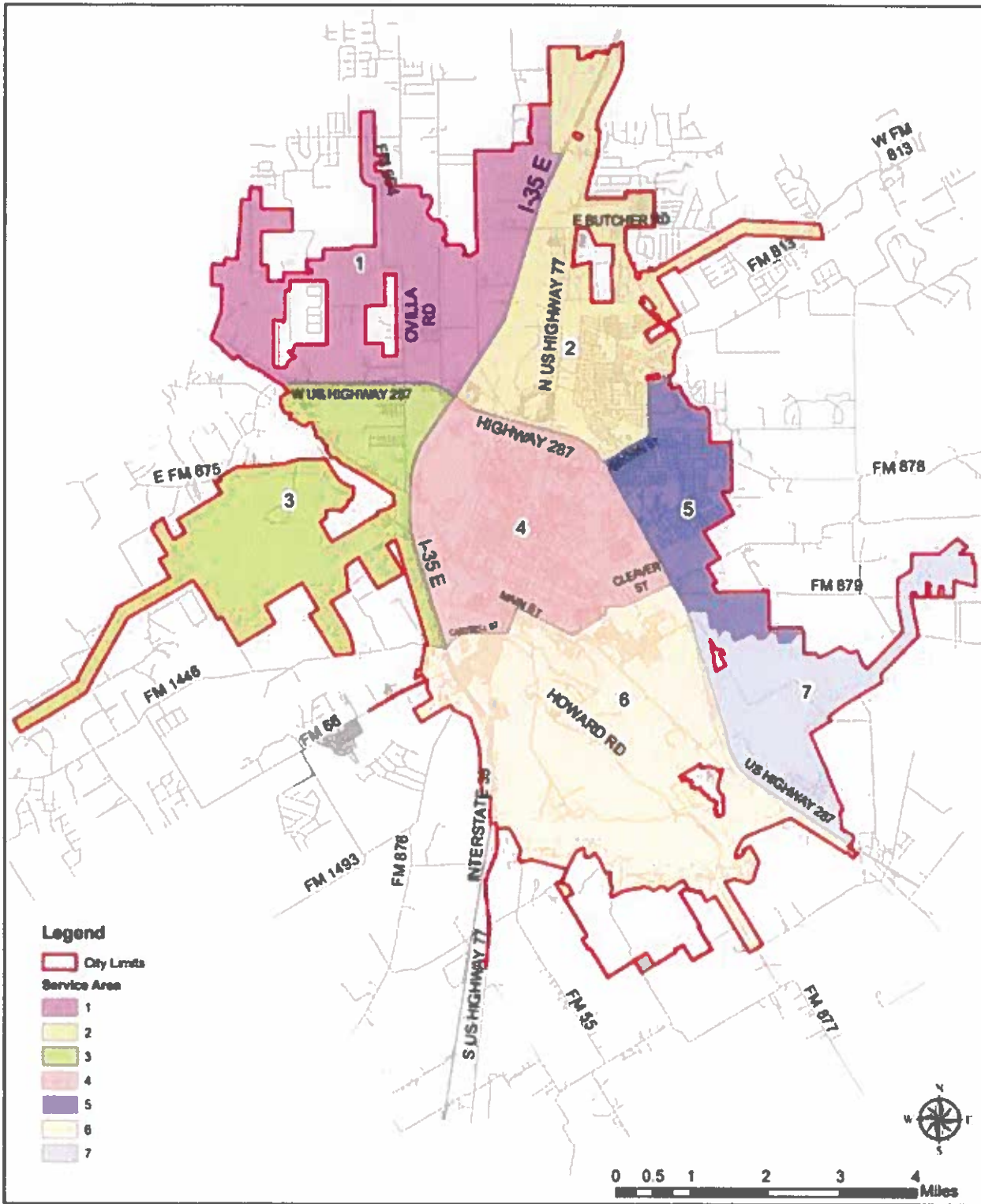
City Staff will be working with consultants from Freese and Nichols to analyze current service area boundaries. As part of this analysis, updated service area boundaries will be recommended to account for current City growth patterns and optimize the use of impact fee funds. An update to the service area boundaries will be provided next year.

Next Steps

Staff will continue to provide periodic updates to the Impact Fee Advisory Committee and City Council regarding the use of impact fees and the progress on the overall Capital Improvement Plan. Staff intends to provide its next Impact report to the Advisory Committee in the Spring of 2025, covering Impact Fee revenues and expenses from October 1, 2024, through March 31, 2025.

(5b)

Roadway Impact Fee Service Area Map



(96)



Memorandum

To: Honorable Mayor and City Council
From: Dale Sigler, Director of Administrative Services
Thru: Michael Scott, City Manager *[Signature]*
Date: October 11, 2024
Re: Consider Approval of Construction Manager at Risk for City Hall Remodel and Construction Project

Recommended Motion: "I move to approve a contract in the amount of \$1,663,714 with Turner Construction Company to serve as the Construction Manager at Risk for the City Hall Remodel and Construction Project and authorize the City Manager to execute all documents as necessary."

Item Description: Consider approval of the initial contract in the amount of \$1,663,714 for Turner Construction Company to serve as the Construction Manager at Risk (CMAR) for the City Hall Remodel and Construction Project. Additional amendments to the initial contract will be required in the future as more bid packets are issued as the project advances.

Item Summary: The City's project team received three proposals in our call for a CMAR. All three firms were interviewed to meet their project team, evaluate qualifications and discuss their approach to this project. The City's project team closely considered proposed fees, the firm's experience on similar projects, project team experience, staffing model, approach to project and post-construction services. Turner Construction Company from Dallas, TX was selected through this competitive bidding process as the CMAR of choice.

The CMAR will continue working closely with the project architect, Architexas. Their role will include planning for the construction phase of the project, but even more important will be to begin the pre-construction services phase, which

(50)

includes the pricing of the various design elements to make sure that what is being designed falls within the project budget. This early involvement of the construction manager in the project and the ability to minimize budget surprises later are some of the key advantages of the CMAR project delivery method.

Fiscal Impact: The final construction cost or Guaranteed Maximum Price (GMP) will be brought back to Council in the future for final approval for these expenses. The anticipated total cost of this project remains at \$15,845,992. This figure has been made clear to the architect as well as the proposing CMAR firms. There are sufficient funds available in the City Hall Remodel and Construction Project budget to fund the contract.

(7)

PROCLAMATION

WHEREAS, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and

WHEREAS, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

WHEREAS, the full benefits of planning require public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

WHEREAS, the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and

WHEREAS, the American Planning Association endorses National Community Planning Month as an opportunity to highlight how planning is essential to recovery and how planners can lead communities to equitable, resilient, and long-lasting recovery; and

WHEREAS, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the city of Waxahachie, Texas, and

WHEREAS, we deeply appreciate and honor the valuable contributions of the professional community and planners in the state of Texas. Their unwavering commitment to public service serves as an inspiration to us all.

NOW, THEREFORE, be it resolved that I, Billie Wallace, Mayor of Waxahachie, along with the entire City Council hereby designate the month of October 2024 as

“COMMUNITY PLANNING MONTH”

in the city of Waxahachie, in conjunction with the celebration of National Community Planning Month.

Proclaimed this 21st day of October, 2024.

MAYOR

ATTEST:

CITY SECRETARY

(9)

PROCLAMATION

WHEREAS, Texas first observed Arbor Day in 1889, thanks to the visionary leadership of the Texas Forestry Association; and

WHEREAS, the diverse trees of Texas—ranging from towering pines and majestic oaks to resilient mesquites—are not only beautiful but also integral to our stunning and unique landscape; and

WHEREAS, as proud Texans, we cherish our trees and recognize the myriad benefits they provide every day, including clean air and water, improved health, and reduced energy costs; and

WHEREAS, we encourage our community to plant trees and celebrate their importance on the first Friday of each November in honor of Texas Arbor Day; and

WHEREAS, this special day serves as an opportunity to educate ourselves about the stewardship of our natural resources and the importance of caring for our environment. It allows us to learn how to keep our community’s trees healthy and vibrant while taking a moment to appreciate their presence in our lives; and

WHEREAS, by working together, we can create a brighter and more beautiful future for generations to come. We empower the next generation to become responsible stewards of this great land and protect our invaluable natural resources; and

WHEREAS, the City of Waxahachie invites the community to celebrate Texas Arbor Day with a tree giveaway at the Waxahachie Farmers Market on November 2, 2024, from 8:00 a.m. to 1:00 p.m.

NOW, THEREFORE, be it resolved that I, Billie Wallace, Mayor of the City of Waxahachie, Texas, along with the entire City Council, do hereby proclaim Friday, November 1, 2024, as

“Texas Arbor Day”

Proclaimed this 21st day of October 2024.

MAYOR

ATTEST:

CITY SECRETARY

(10+11)



Memorandum

To: Honorable Mayor and City Council

From: Jennifer Pruitt, Senior Director of Planning

Thru: Michael Scott, City Manager

Date: October 4, 2024

Re: ZDC-139-2024 – Convenience Store with Gasoline Sales (7-Eleven)

On October 4, 2024, the applicant requested to continue this application from the October 15, 2024, Planning and Zoning and the October 21, 2024, City Council meeting to the November 12, 2024, Planning and Zoning Commission meeting, and the November 18, 2024, City Council meeting, to evaluate the public comments.

**Planning & Zoning Department
Zoning Staff Report**

Case: ZDC-180-2023



MEETING DATE(S)

Planning & Zoning Commission: October 15, 2024

City Council: October 21, 2024

CAPTION

Public Hearing on a request by Katrina Aulson (Walker), for a **Specific Use Permit (SUP)** for an Accessory Structure exceeding one-thousand (1,000) square feet in combined floor area for more than two (2) existing accessory structures use within a Single-Family-1 (SF-1) zoning district located at 611 North Grand Avenue (Property ID 176844) – Owner(s): Katrina Aulson Walker (ZDC-180-2023)

RECOMMENDED MOTION

"I move to approve ZDC-180-2023, a Specific Use Permit (SUP) for an Accessory Structure exceeding one-thousand (1,000) square feet in combined floor area for more than two (2) existing accessory structures use within a Single-Family-1 (SF-1) zoning district, subject to the conditions of the staff report, authorizing the Mayor and/or City Manager to sign the associated documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

The applicant requested to continue the application from the September 10, 2024 Planning & Zoning Commission meeting to the October 15, 2024 Planning and Zoning Commission meeting due to a noticing error. At the Planning and Zoning Commission meeting held on September 10, 2024, the Commission voted 6-0 to continue the case to the October 15, 2024 Planning and Zoning Commission meeting.

At the Planning & Zoning Commission meeting held on October 15, 2024, the Commission voted 6-1 to recommend approval of case number ZDC-180-2023, subject to the conditions of the staff report.

APPLICANT REQUEST

The Applicant requests approval of a Specific Use Permit (SUP) to allow for an Accessory Structure exceeding one-thousand (1,000) square feet in combined floor area for more than two (2) existing accessory structures.

CASE INFORMATION

Applicant: Katrina Aulson (Walker)

Property Owner(s): Katrina Aulson (Walker)

Site Acreage: 1.88 acres

Current Zoning: SF-1

Requested Zoning: SF-1 with a specific use permit (SUP) for an Accessory Structure exceeding one-thousand (1,000) square feet in combined floor area for more than two (2) existing accessory structures.

SUBJECT PROPERTY

General Location: 611 North Grand Avenue

Parcel ID Number(s): 176844

Existing Use: Residential use

Development History: The subject property was replatted as Lot 3B, Block 27 of the West End Addition in 2024.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF-1	Residential use
East	SF-2	Residential use
South	SF-1	Residential use
West	SF-1	Vacant

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 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 North Grand Avenue.

Site Image:



PLANNING ANALYSIS

The applicant is requesting a Specific Use Permit (SUP) to construct an accessory structure that exceeds one-thousand (1,000) square feet in combined floor area for more than two (2) existing accessory structures at 611 North Grand Avenue. One of the existing accessory structures is a garage accessory dwelling of approximately 972 square feet. The second existing accessory structure is not being used and is approximately 396 square feet; therefore, the total square footage of existing and proposed accessory structures exceeds 1,000 square feet and requires a SUP to be approved by City Council.

Proposed Use:

According to the Ellis County Appraisal District, the single-family dwelling has an approximate size of 2,918 square feet, and the proposed accessory structure has an area of 448 square feet. The accessory structure is proposed to utilize wood for the exterior façade. The owner plans to utilize the accessory structure for storing household items, tools, and smaller lawn equipment. There will not be plumbing added to the accessory structure. Electrical service will be installed with the accessory structure; but the structure shall not be separately metered from the existing residence. The structure will be situated at the back of the property, towards the southeastern part of the lot. An accessory structure of 972 square feet was approved in 2022 near the subject property.

The applicant has confirmed to staff that the structure will not be used as a dwelling and will not be metered, sold, or leased separately from the existing home.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements 14 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. At the time of publishing this report, Staff has received no letters of support and opposition.

RECOMMENDATION

Based on the details provided in this Staff Report and the present status of the documents associated with the request, the Planning Department recommends approval of the SUP request with the conditions listed below.

Conditions:

1. The accessory structure shall not be used as a Short-Term Rental without a Specific Use Permit that has been approved by City Council.
2. The accessory structure shall not be used as a dwelling without a Specific Use Permit that has been approved by City Council.
3. The accessory structure shall not be used for commercial purposes.
4. The accessory structure shall not be leased or sold separately from the primary residence, and shall not be separately metered.
5. The applicant shall obtain a permit from the City of Waxahachie Building Department before constructing the accessory structure.

ATTACHED EXHIBITS

1. SUP Ordinance
2. Location map
3. Site Plan
4. Floorplan/Exterior elevations

STAFF CONTACT INFORMATION

Prepared by:

Oanh Vu
Senior Planner
oanh.vu@waxahachie.com

Reviewed by:

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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE EXCEEDING ONE-THOUSAND (1,000) SQUARE FEET IN COMBINED FLOOR AREA FOR MORE THAN TWO (2) EXISTING ACCESSORY STRUCTURES USE WITHIN A SINGLE FAMILY-1 (SF-1) ZONING DISTRICT, LOCATED 611 N GRAND AVENUE, BEING PROPERTY ID 176844, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 3B, BLOCK 27 OF THE WEST END 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-1; 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-180-2023 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-1 to SF-1, with a SUP in order to permit an Accessory Structure exceeding one-thousand (1,000) square feet in combined floor area for more than two (2) existing accessory structures use on the following property: Lot 3B, Block 27 of the West End Addition, which is shown on Exhibit A, in accordance with the Site Plan attached as Exhibit B and the Floor Plan/Exterior Elevations attached as Exhibit C.

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 THE OPERATION OF A SPECIFIC USE PERMIT FOR AN ACCESSORY STRUCTURE EXCEEDING ONE-THOUSAND (1,000) SQUARE FEET IN COMBINED FLOOR AREA FOR MORE THAN TWO (2) EXISTING ACCESSORY STRUCTURES USE IN A SINGLE-FAMILY-1 (SF-1) ZONING DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The accessory structure shall not be used as an accessory dwelling without a Specific Use Permit approved by the City Council.
2. The accessory structure shall not be used as a short-term rental without a Specific Use Permit that has been approved by City Council.
3. The accessory structure shall not be used for commercial purposes.
4. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
5. The property owner shall obtain all necessary permits from the City of Waxahachie Building and Community Services Department before constructing the accessory structure.
6. Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A - Location Map, Exhibit B – Site Plan, and Exhibit C – Floor Plan/Exterior Elevations
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. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, and Exhibit C – Floor Plan/Exterior Elevations. Where regulations are not specified in Exhibits B, C, or this Zoning Ordinance, the regulations of the Single Family-1 (SF-1) Zoning District and the City of Waxahachie Zoning Ordinance shall apply to this development.
9. 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 of establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.

2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six (6) months, a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner.
4. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

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

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

PASSED, APPROVED AND ADOPTED on this 21st day of October, 2024.

MAYOR

ATTEST:

City Secretary



EXHIBIT A - LOCATION MAP

ZDC-180-2023 (SUP)

EXHIBIT B - SITE PLAN



(13)

EXHIBIT C - FLOOR PLAN/EXTERIOR ELEVATIONS



(13)

EXHIBIT C - FLOOR PLAN/EXTERIOR ELEVATIONS



(14+15)

Planning & Zoning Department

Plat Staff Report

Case: SUB-178-2024



MEETING DATE(S)

Planning & Zoning Commission: October 15, 2024

City Council: October 21, 2024

CAPTION

Public Hearing on a request by Brad Yates, for a **Replat** of Lot 1, Block 23 of the Bullard's Addition, to create Lots 1R & 3, Block 23 of the Bullard's Addition, 2 residential lots, being 0.324 acres, located at 708 S Rogers Street, (Property ID 172368) – Owner: Graily Holdings LLC (SUB-178-2024) Staff: Zack King

RECOMMENDED MOTION

"I move to approve SUB-178-2024, a Replat of Lot 1, Block 23 of the Bullard's Addition, and the associated Petition for Relief Waiver, 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 October 15, 2024, the Commission voted 7-0 to recommend approval of case number SUB-178-2024, and the associated Petition for Relief Waiver, subject to the conditions of the staff report.

APPLICANT REQUEST

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

CASE INFORMATION

Applicant: Brad Yates

Property Owner(s): Graily Holdings LLC

Site Acreage: 0.324 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.

(14+15)

SUBJECT PROPERTY

General Location: 708 S Rogers Street

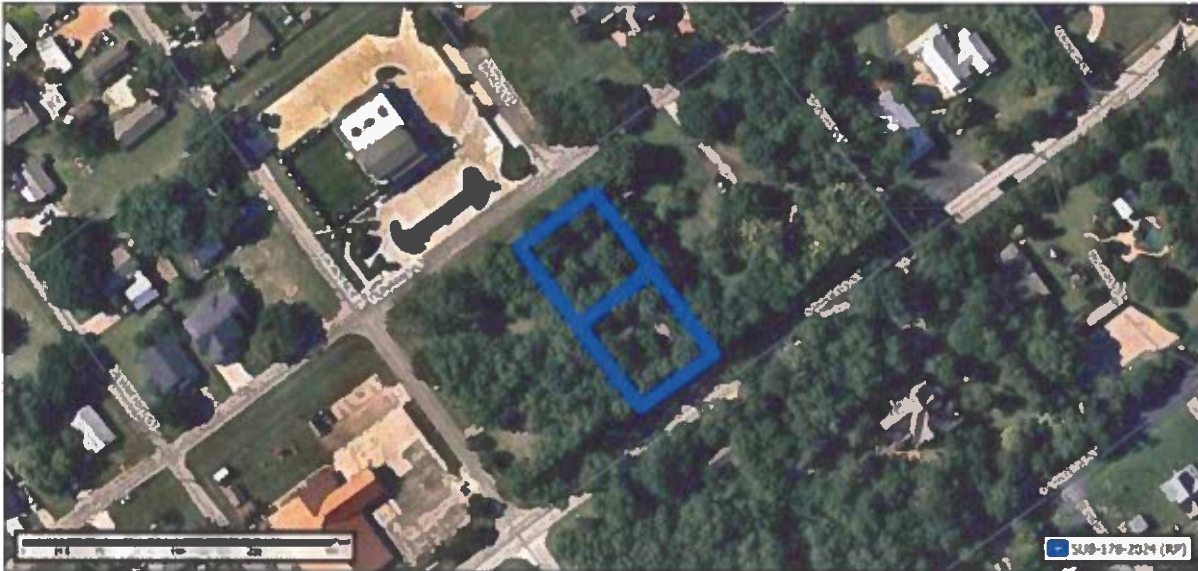
Parcel ID Number(s): 172368

Current Zoning: Single Family-3 (SF-3)

Existing Use: Single Family Residence

Platting History: The subject property is currently platted as Lot 1, Block 23 of the Bullard's Addition.

Site Aerial:



PLANNING ANALYSIS

A Replat Application is required by the Waxahachie Subdivision Ordinance in instances where a property owner wishes to change the configuration of an existing platted lot. This includes instances where the property owner wishes to split an existing lot into multiple individual lots or combine multiple lots into a single lot. With this application, the property owner proposes to replat the subject property from one (1) lot into two (2) lots for residential use.

The subject property is currently comprised of a single platted lot and is located within the Infill Overlay District. The "Infill" is an overlay district that has been adopted for the older core of Waxahachie, between I35E and US Highway 287 Bypass. The Infill Overlay District was established to encourage development of vacant tracts within the core of Waxahachie. This is accomplished by less strict lot size, lot dimensions, and setback requirements than those that exist for base single-family zoning districts.

The applicant proposes to provide 10' of right-of-way (ROW) dedication for S Rogers Street, as required by the 2024 Waxahachie Thoroughfare Plan. The applicant also proposes to dedicate public and private utility easements with the Replat, as required by the Waxahachie Subdivision Ordinance. As part of the review of the Replat application, staff identified three supplemental items that are required by Waxahachie Subdivision Ordinance to be provided with the Replat prior to filing. Provision of these items has been identified as conditions of approval in the staff recommendation section below.

Petition for Relief Waiver (variance request) – Minimum Lot Size

The Infill Overlay District requires newly proposed lots to be at least 90% of the average size of existing lots within 50' of the subject property. In this case, the average lot size within 50' of the subject property is approximately 33,149 square feet. The two lots proposed with this Replat are approximately 8,009 square feet and 8,448 square feet. While the proposed lots do not meet the size requirement of the Infill Overlay District based on properties within 50', the lot sizes are consistent with existing properties in the larger Bullard's Addition. For example, several existing lots along Dunaway Street and W Avenue C that are located between 200' and 400' away from the subject property are between 6,500 square feet and 9,000 square feet in size. Due to consistency with the neighborhood as a whole, and the fact that lots directly adjacent to the subject property are unusually large, staff is supportive of the variance request for lot sizes below the typical minimum requirement of the Infill Overlay District.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 29 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 two (2) letters of support and one (1) letter of opposition for the Replat request.

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 listed below.

Conditions:

1. Per Section 2.1.a and 7.2.h of the Waxahachie Subdivision Ordinance, Plat Filing Fees and Variance Fees are required to be paid for the application prior to Replat filing.
2. 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 replat filing.
3. Per Section 3.9.a of the Waxahachie Subdivision Ordinance, water and sewer services are required for each lot prior to filing the plat

ATTACHED EXHIBITS

1. Public Notification Responses
2. Replat

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.
 - b. If all comments were satisfied, then the applicant shall provide five signed, hard-copy plats.

CITY REQUIREMENTS FOR PLAT RECORDING AND FILING

A plat shall not be filed with the Ellis County Clerk until:

1. All utilities, infrastructure, and other required improvements have been installed and a letter of acceptance associated with the utilities and infrastructure installation has been received from the Public Works Department;
2. A drainage study has been conducted and/or a traffic impact analysis has been conducted as required by the City's Subdivision ordinance.

STAFF CONTACT INFORMATION

Prepared by:

Zack King, AICP

Planning Manager

zking@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com



(14+15)

City of Waxahachie, Texas

Notice of Public Hearing

Case Number: SUB-178-2024

SLETMOEN ROSA L S
700 S ROGERS ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 15, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, October 21, 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 Brad Yates, for a Replat of Lot 1, Block 23 of the Bullard's Addition, to create Lots 1R & 3, Block 23 of the Bullard's Addition, two (2) residential lots, being 0.324 acres, located at 708 S Rogers Street, (Property ID 172368) - Owner: Graily Holdings LLC (SUB-178-2024) 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: SUB-178-2024

City Reference: 172367

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on October 2, 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:

Mr. Yates is buying properties in my area of residence with the intention to turn an area into a commercial zone. I oppose short term rentals and oppose turning my area of residence into his own commercial area.

Signature

Selen Sletmoen
Printed Name and Title

R.L. Sletmoen

Date

09/22/24

Address

*700 S. Rogers St.
Waxahachie TX. 75165*

(14+15)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: SUB-178-2024



GRAILY HOLDINGS LLC
PO Box 2868
Waxahachie, TX 75168-8868

RECEIVED OCT 2 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, October 15, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, October 21, 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 Brad Yates, for a Replat of Lot 1, Block 23 of the Bullard's Addition, to create Lots 1R & 3, Block 23 of the Bullard's Addition, two (2) residential lots, being 0.324 acres, located at 708 S Rogers Street, (Property ID 172368) – Owner: Graily Holdings LLC (SUB-178-2024) 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: SUB-178-2024

City Reference: 172314

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *October 2, 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:

Appropriate for expanded neighborhood lots

Signature

10/2/24
Date

Brad Yates member
Printed Name and Title

800 Dunaway
Address

(14+15)

RECEIVED OCT 20 2024



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: SUB-178-2024

GRAILY HOLDINGS LLC
PO Box 2868
Waxahachie, TX 75168-8868

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Case Number: SUB-178-2024

City Reference: 193948

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SUPPORT

OPPOSE

Comments:

Appropriate for expanded neighboring lots

[Signature]

Signature

10/2/24

Date

Brad Yates member

Printed Name and Title

716 Dunaway

Address

(14+15)

NOTE: PROPERTY IS IN THE JURISDICTION OF THE CITY OF WAXAHACHIE, TEXAS AND IS SUBJECT TO THEIR PLATTING RULES AND REGULATIONS.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS

That Craty Holdings LLC, acting herein by and through its duly authorized officers, does hereby adopt this plat designating the herein above described property as Bullard's Addition, Block 23, Lot 1R & Lot 3, on addition to the City of Waxahachie, Texas, and does hereby dedicate in fee simple to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat for 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 existing 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 impinge or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Waxahachie and public utility entities shall of all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, maintaining, repairing, and adding to or removing all or parts of their respective systems without the necessity of 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.

BY:

Craty Holdings LLC
Jason Bradley Tate, Manager

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 Jason Bradley Tate, Manager, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN under my hand and seal of office this _____ day of _____, 2024.

Notary Public in and for the State of Texas

My Commission Expires On _____

Surveyor's Certificate

NOW ALL MEN BY THESE PRESENTS

That I, Stuart C. Hamrick, PLS #480, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon as set were properly placed under my personal supervision in accordance with the Subdivision Ordinance of the City of Waxahachie.

Preliminary, this document shall not be recorded for any purpose.

THIS PLAT IS VALID
ONLY WITH LAND
SURVEYOR'S ORIGINAL
SIGNATURE IN RED INK

Registered Professional Land Surveyor
Number 4480

Approval Sheet

APPROVED BY Planning and Zoning Commission, City of Waxahachie

By: Rex Yeeter, Chairman Date: _____

Attest Amber Villarreal, City Secretary Date: _____

APPROVED BY: City Council, City of Waxahachie

City of Waxahachie

I hereby certify that the above and foregoing Plat of Bullard's Addition, Block 23, Lot 1R and Lot 3, as approved this _____ day of _____, 2024 by the City Council of the City of Waxahachie, Texas.

By: Mike Billme, Mayor Date: _____

ATTEST

By: Amber Villarreal, City Secretary Date: _____

Subject to Waxahachie Subdivision Ordinance

Section 5.6.d Retaining walls shall not be constructed parallel to and within any portion of a utility easement.

Section 5.7 a.B Screening fences/walls shall not be constructed parallel to and within any portion of a utility easement unless written provisions are made and approved by the Public Works and Engineering Director for access and maintenance of the utility easement.

DRAINAGE NOTES:

- (1) BLOCKING THE FLOW OF WATER OR CONSTRUCTING IMPROVEMENTS IN THE DRAINAGE EASEMENTS, AND FILLING OR OBSTRUCTION OF THE FLOODWAY IS PROHIBITED.
- (2) THE EXISTING OPENINGS OR DRAINAGE CHANNELS TRAVERSING ALONG OR ACROSS THE DRAINAGE WILL REMAIN AS OPEN CHANNELS AND WILL BE MAINTAINED BY THE ADJACENT OWNERS OF THE LOT OR LOTS THAT ARE TRAVERSED BY OR ADJACENT TO THE DRAINAGE COURSES ALONG OR ACROSS SAID LOTS.
- (3) CITY OF WAXAHACHIE WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATIONS OF SAID DRAINAGE WAYS OR FOR THE CONTROL OF EROSION.
- (4) CITY OF WAXAHACHIE WILL NOT BE RESPONSIBLE FOR ANY DAMAGE, PERSONAL INJURY OR LOSS OF LIFE OR PROPERTY OCCASIONED BY FLOODING OR FLOOD CONDITIONS.

REPLAT
BULLARD'S ADDITION
BLOCK 23, LOT 1R & LOT 3
Being a 0.324 Acre replat of a part of
Block 23 and Brady Street, closed by ordinance,
Bullard's Addition to the City of Waxahachie
according to the plat thereof
 recorded in Cabinet A, Slide 163,
 Plat Records, Ellis County, Texas
 2 Single Family Lots
 Zoning: SF-3
 Case Number: SUB-178-2024

Revisions	By

Davis & McDill, LLC
 SURVEYING - LAND PLANNING - FLOODPLAIN MANAGEMENT
 P.O. BOX 426, WAXAHACHIE, TEXAS 75168
 PHONE: 972-936-1105
 A Texas Licensed Surveying Firm # 10194881



Date	09/19/2024
Scale	N/A
Drawn	DWH/agh
Job	224-0119
Sheet	2
of	2 sheets

Platting, the platting and the recording of any instrument, or any other instrument, shall not be recorded for any purpose. Title Insurance Co. of Texas, 22 Sept 20 09:58:00 AM. RECORDED IN BULK 09/19/24 09:58:00 AM. THIS PLAT IS VALID ONLY WITH ORIGINAL SIGNATURE IN RED INK.

(16)

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-72-2022



MEETING DATE(S)

Planning & Zoning Commission: October 15, 2024

City Council: October 21, 2024

CAPTION

Public Hearing on a request by Mark Singleton, Waxahachie Development Company, for a **Zoning Change** from a General Retail (GR) zoning district to Planned Development-General Retail (PD-GR) zoning district, for a Retail Stores & Shops and Drive-Through Establishment use, located directly south of 450 E US Highway 287 Bypass, (Property ID 179056) - Owner: Waxahachie Development Company, (ZDC-72-2022) Staff: Zack King

RECOMMENDED MOTION

"I move to approve ZDC-72-2022, a Zoning Change from a General Retail (GR) zoning district to a Planned Development-General Retail (PD-GR) zoning district for a for a Retail Stores & Shops and Drive-Through Establishment use, subject to the conditions the staff report, authorizing the City Manager and/or Mayor to sign the associated documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting held on October 15, 2024, the Commission voted 6-1 to recommend approval of case number ZDC-72-2022, subject to the conditions of the staff report.

APPLICANT REQUEST

The applicant requests approval of a Zoning Change from a General Retail zoning district to a Planned Development-General Retail zoning district to allow for the development of two (2) multi-tenant retail buildings and a single drive-through establishment.

CASE INFORMATION

Applicant: Mark Singleton, Waxahachie Development Company

Property Owner(s): Waxahachie Development Company

Site Acreage: 2.241 acres

Current Zoning: General Retail (GR)

Requested Zoning: Planned Development-General Retail (PD-GR)

SUBJECT PROPERTY

General Location: Directly south of 450 E US Highway 287 Bypass

Parcel ID Number(s): 179056

Existing Use: The subject property is currently undeveloped.

(14)

Development History: The subject property is currently undeveloped.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	PD-GR	First Baptist Waxahachie
East	PD-GR & SF-1	Waxahachie Sports Complex
South	PD-GR	First State Bank & EVO Entertainment
West	N/A	US Highway 287 Bypass

Future Land Use Plan: Regional Commercial & Residential Neighborhood

Comprehensive Plan:

Regional Commercial: These places are first identified by their principal focus on auto-oriented traffic. Logically placed near high traffic intersections, these spaces bring people from many surrounding neighborhoods. Typical uses will include regional businesses including but not limited to restaurants, retail, gas stations, and offices. To create a more sustainable development, care should be given to make the experience for users pleasant once they exit their vehicle. A focus on adding spaces for public gathering and pedestrian shading to encourage people to walk from one establishment to another and interact with other patrons should be a priority of future development in the Regional Commercial Placetype. Though the size of a regional commercial node is flexible based on local context, generally these are about a half mile in diameter.

Residential Neighborhood: This placetype serves to create neighborhoods built with a traditional walkable block/street grid network that allows some variation in housing typologies. Although this placetype will predominantly consist of traditional single family detached housing, denser housing types are encouraged such duplex, cottage courts, and townhomes. Both residential and commercial uses need to be context sensitive. Commercial uses in this placetype may be a small pop up facility or a home converted to a small store front. Walkability is key for neighborhood commercial uses so that they are accessible from surrounding neighborhoods.

Thoroughfare Plan:

The subject property is accessible via the W US Highway 287 Bypass Service Road.

Site Image:**PLANNING ANALYSIS**

The applicant proposes a Planned Development (PD) zoning district to allow for the development the Sports Complex Plaza. A PD zoning district is utilized to allow for new and/or innovative land uses that may not be permitted by existing base zoning districts in the City of Waxahachie. This PD proposal consists of two (2) multi-tenant retail buildings and a single drive-through establishment on the subject property. The applicant is pursuing a Planned Development in order to establish an appropriate detailed site plan for the property, establish development standards that eliminate the need for a sidewalk along Highway 287 Bypass, and allow for a drive-through establishment use by right. The PD zoning process will allow for the implementation of these specific development standards in addition to those prescribed by the existing General Retail (GR) zoning district.

Case Background:

This PD application was originally submitted in June of 2022. Following an initial review by staff, the applicant opted to place the project on hold and did not provide an immediate resubmittal. Notably, the applicant did not request to withdraw the application. In May of 2024, the applicant advised staff that they were ready to proceed with the application once again. At that time, staff worked with the applicant to complete the administrative review process for the application.

Proposed Use:

As part of the PD proposal, the applicant has provided Development Standards, a Detailed Site Plan, Landscape Plan, and Elevation/Façade Plan to control development of the property. The proposed Sports Complex Plaza includes a 10,653 square foot retail building and a 5,017 square foot retail building separated by a plaza and outdoor seating area. Each building is designed to allow for multiple retail tenants. However, Building Two (5,017 SF) is currently intended to be finished out for a single restaurant tenant. Development of the subject property is proposed to occur in a single phase. No specific tenants have been identified for the development.

Proposed Use (continued):

The minimum parking requirement for the development is 104 spaces. The applicant proposes to provide a total of 107 spaces; which marginally exceeds the minimum requirement. At this time, no free-standing signage is proposed with the development. As part of the PD, the applicant has proposed a development standard that eliminates the typical requirement to install a 6' sidewalk adjacent to a public street. The applicant has noted that the development is intended to be auto-oriented and there is not a sidewalk for the existing First Baptist Church for the development to tie into. The development does not include a direct pedestrian connect to the Sports Complex.

Drive-Through Use:

The applicant proposes to allow for one (1) drive-through establishment by right on the subject property. The site is designed to facilitate a drive-through establishment use for one of the two proposed buildings; but not both. A designated drive-through lane capable of stacking six (6) vehicles is provided for each building. However, the drive-through lane for Building One allows for stacking of up to twenty (20) vehicles. At this time, the applicant has not identified tenants for the proposed buildings. Due to this, the applicant has not determined which building will provide a drive-through window.

Landscaping:

The applicant has met the minimum landscaping requirements for the development. The applicant proposes to incorporate seventeen (17) crape myrtles into the Landscape Plan for the site. Exhibit D can be referenced below for the full landscape plan for the property.

Elevation/Façade Plan:

The applicant has provided two elevation/façade plan that primarily features a traditional red brick façade with light earth tone stone and stucco accents. All roof-mounted mechanical and HVAC equipment will be screened from view by parapets. Exhibit E can be referenced below for a look at the difference in the façade proposed with each elevation option.

Detention & Utilities:

The applicant proposes to design on-site detention facilities for the development and has noted that the design will adhere to the Waxahachie Manual for The Design of Storm Drainage Systems. The applicant proposes to extend a sanitary sewer line from Broadhead Road to provide sewer service to the subject property. A 12" water line exists along Highway 287 Bypass that is capable of providing domestic and fire suppression service to the subject property. The applicant will install additional fire hydrants on the property in order to meet Fire Department hydrant spacing requirements. As part of the standard Waxahachie development process, the applicant is required to fully design detention and utility infrastructure for the site via a Civil Construction Permit. A Civil Construction Permit is required to be approved, and the associated infrastructure installed, before a building permit can be issued for the property.

Access:

A single driveway is proposed along the Highway 287 Bypass service road to provide access to the subject property. Additional driveway connections are not currently feasible due to the configuration of the subject property and TxDOT driveway spacing requirements. The applicant is required to coordinate with TxDOT to secure a driveway permit for this access point before a Civil Construction Permit can be approved for the property.

Comprehensive Plan:

As noted above, the subject property is identified by the 2023 Comprehensive Plan under the Regional Commercial placetype. The applicant proposes to adhere to the intent of this placetype by establishing a retail setting for regional businesses adjacent to a highly trafficked thoroughfare. In consideration of the regional traffic drawn to this area, space has been reserved for a public plaza and outdoor seating area between the proposed retail buildings. The plaza and seating area are items recommended by the Comprehensive Plan in an effort to make the regional commercial center an inviting destination. The provision of a plaza and outdoor seating area are intended to encourage residents to gather and visit multiple establishments in a single trip.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 3 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 no letters of support or opposition for the Zoning Change request.

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 PD request, subject to the conditions noted below.

Conditions:

1. A mutually agreed upon Development Agreement shall be required for the development.
2. The Property Owner shall provide a permanent irrigation system for all required landscape areas shown on Exhibit D - Landscape Plan and maintain the required landscaping at all times.
3. All exterior construction materials, location of exterior construction materials, and percentage of exterior construction materials for each building in the development shall conform with the Elevation/Façade Plan (Exhibit E).
4. A maximum of one (1) Drive-Through Establishment Use shall be permitted on the subject property.
5. All development 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.

ATTACHED EXHIBITS

1. Development Agreement
2. SUP Ordinance
3. Location Map – Exhibit A
4. Development Standards – Exhibit B
5. Detailed Site Plan – Exhibit C
6. Landscape Plan – Exhibit D
7. Elevation/Façade Plan – Exhibit E

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.
 - b. If all comments were satisfied, then the applicant shall provide five signed, hard-copy plats.

STAFF CONTACT INFORMATION

Prepared by:

Zack King, AICP

Planning Manager

zking@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM GENERAL RETAIL (GR) TO PLANNED DEVELOPMENT-GENERAL RETAIL (GR), LOCATED AT DIRECTLY SOUTH OF 450 E US HIGHWAY 287 BYPASS IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 2.241 ACRES KNOWN AS PROPERTY ID 179056 OF THE J.B. & A. ADAMS SURVEY, ABSTRACT 5, 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 a Detailed Site has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-72-2022. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from GR to PD-GR, with a Detailed Site Plan; and

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

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

NOW, THEREFORE, this property is rezoned from GR to PD-GR, with a Detailed Site Plan in order to facilitate development of the subject property in a manner that allows for a Retail Stores & Shops and a Drive-Through Establishment development on the following property: Property ID 179056, which is shown on Exhibit A, in accordance with the Development Standards attached as Exhibit B, the Detailed Site Plan attached as Exhibit C, the Landscape Plan attached as Exhibit D, and the Elevation/Façade Plan attached as Exhibit E.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development is to allow for the development of a Retail Stores & Shops and a Drive-Through Establishment development, and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

(17)

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 streets, and utility infrastructure shall substantially conform to the locations shown on the approved Detailed Site Plan (Exhibit C).

Development Regulations

1. A mutually agreed upon Development Agreement will be required for the property.
2. The development shall conform as approved by the City Council under case number ZDC-72-2024.
3. The development shall adhere to the City Council approved Exhibit A – Location Map, Exhibit B – Development Standards, Exhibit C – Detailed Site Plan, Exhibit D – Landscape Plan, and Exhibit E – Elevation/Façade Plan.
4. A maximum of one (1) Drive-Through Establishment Use shall be permitted on the subject property.
5. All exterior construction materials, location of exterior construction materials, and percentage of exterior construction materials for each building in the development shall conform with the Elevation/Façade Plan (Exhibit E).
6. The Property Owner shall provide a permanent irrigation system for all required landscape areas shown on Exhibit D - Landscape Plan and maintain the required landscaping at all times.
7. All development 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.

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

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

(17)

PASSED, APPROVED, AND ADOPTED on this 21st day of October, 2024.

MAYOR

ATTEST:

City Secretary

(17)

Exhibit A - Location Map



EXHIBIT _

287 SPORTS COMPLEX PLAZA

Purpose and Intent

The purpose and intent of this Planned Development (PD) is to allow for 278 Sports Complex Plaza - Commercial Development as shown on attached/enclosed PD site plan. Any conditions found within the BASE ZONING DISTRICT **PD-GR** zoning district or Zoning Ordinance that are not written herein, shall default to the City of Waxahachie's Code of Ordinances, as amended.

Compliance with the City's Comprehensive Plan

Zoning District **PD-GR** is the intended base zoning classification underlying this PD. The **PD-GR** zoning district is intended to be **General Retail**

PD District Development Standards

Description of Request

- **The request for future retail center to be called "287 Sports Complex Plaza"**

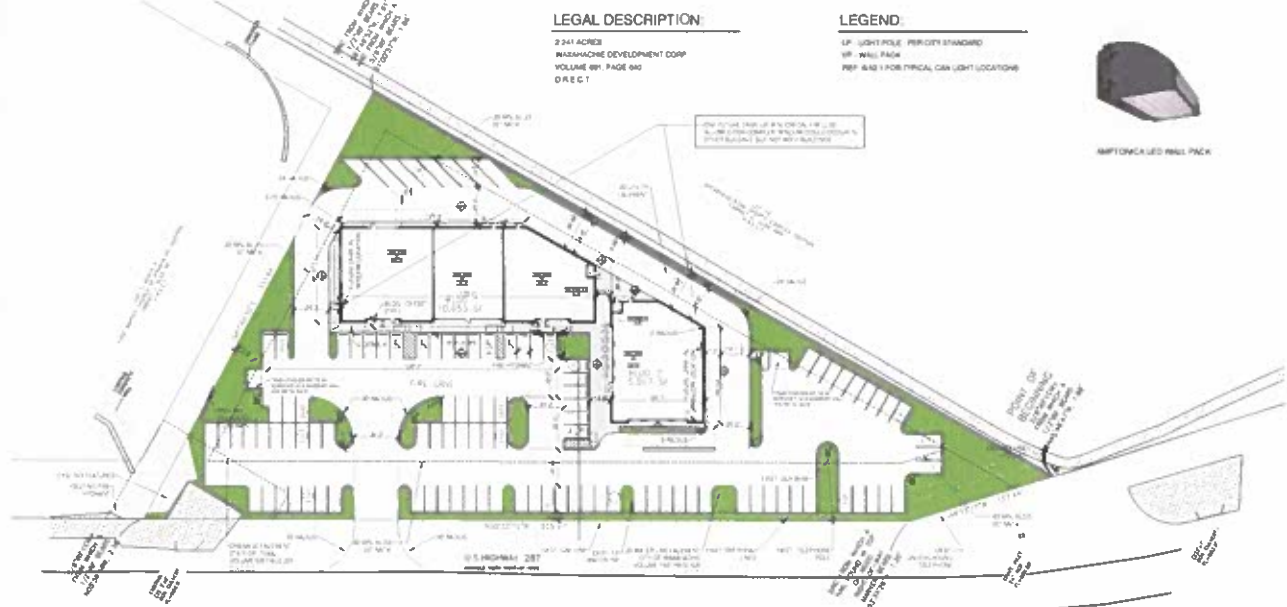
Proposed Use of Property

- **The property is to be used for current zoning Planned Development – General Retail**

General Development Requirements

- Request for variance to delete 6' wide sidewalk along road frontage
- Request variance to provide 5' landscape buffer in lieu of 15'
- Request to allow for drive thru restaurant window

Exhibit C - Site Plan



SITE DATA	
ZONING EXISTING GR	PROPOSED PD-GR
LOT AREA	87,868 SF (2.241 ACRES)
PROPOSED BLDG SQUARE FOOTAGE	
BLDG 1	1,053 SF
BLDG 2	5,017 SF
TOTAL	1,5670 SF
PROPOSED BLDG HEIGHT (BOTH BUILDINGS) 20'-0"	
LOT COVERAGE 73.088 SF	
PARKING CALCULATIONS	
BUILDING 1 SQUARE FOOTAGE TOTAL	1,053 SF
REQUIRED NUMBER OF PARKING SPACES (MIN/MAX)	53
GR - RETAIL STORES & SHOPS (1 SPACE PER 200 SF REQ.)	53
PROVIDED SPACES	50
BUILDING 2 SQUARE FOOTAGE TOTAL	5,017 SF
REQUIRED NUMBER OF PARKING SPACES (MIN/MAX)	51
GR - RESTAURANT (1 SPACE PER 100 SF REQ.)	51
PROVIDED SPACES	52
TOTAL PROVIDED SPACES	102

CONTACT INFORMATION

OWNER:
NAME: WAXAHACHIE DEVELOPMENT CORP
DATE: 01/12/2022
PHONE: 937-233-1111

ARCHITECT:
NAME: TMA CHA ARCHITECTS, P.C.
DATE: 01/12/2022
PHONE: 937-233-1111

LANDSCAPE:
NAME: TMA CHA ARCHITECTS, P.C.
DATE: 01/12/2022
PHONE: 937-233-1111



287 SPORTS COMPLEX PLAZA
WAXAHACHIE, TEXAS 75165
CASE # ZDC-72-2022



1"

PROJECT PLAN & SITE PLAN
DATE: 01/12/2022
SCALE: 1" = 30'

A0.1

STATE OF TEXAS	§	DEVELOPMENT AGREEMENT
	§	FOR 287 SPORTS COMPLEX PLAZA
COUNTY OF ELLIS	§	

This Development Agreement for 287 Sports Complex Plaza (“Agreement”) is entered into between Waxahachie Development Company (“WDC”) and the City of Waxahachie, Texas (“City”). WDC and the City are sometimes referred herein together as the “Parties” and individually as a “Party.”

Recitals:

1. WDC is the owner of approximately 2.241 acres of real property generally located directly south of 450 E US Highway 287 Bypass, Parcel Number 179056 in the City of Waxahachie, Texas (the “Property”), for which the applicant has requested a change in the Property’s General Retail (GR) zoning to a Planned Development-General Retail (“PD-GR”) zoning district, revising specific development standards. The Property is currently zoned GR by the City, and is anticipated to have the PD reviewed on October 21, 2024.

2. The planned use of the Property is to create a Planned Development to allow for Retail Stores & Shops and a Drive-Through Establishment development. The PD zoning process is utilized to ensure that the Property would develop in a manner that meets the City’s desired development standards, as well as providing WDC with agreed-upon and negotiated standards consistent with their business objectives.

3. As is reflected by the public records of the City, significant discussions and negotiations between representatives of WDC and the City of Waxahachie staff have occurred during various meetings, in an effort to obtain an agreed-upon and negotiated set of zoning and development standards to be reflected in the PD zoning amendment Ordinance No. (TBD) (the “287 Sports Complex Plaza” PD), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for 287 Sports Complex Plaza.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the 287 Sports Complex Plaza PD Ordinance as contractually-binding obligations between the City of Waxahachie and WDC, and to recognize WDC’s reasonable investment-backed expectations in the 287 Sports Complex Plaza PD Ordinance and the planned development of 287 Sports Complex Plaza.

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

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

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

Section 3. Agreements. The Parties agree as follows:

Incorporation of Zoning and Recognition of Investment-Backed Expectations:

The negotiated and agreed upon zoning and development standards contained in the 287 Sports Complex Plaza PD Ordinance, which incorporate by reference the general zoning regulations of the City of Waxahachie zoning ordinance, are hereby adopted and incorporated into this Agreement as contractually-binding obligations of the Developer.

The Developer agrees to:

- (A) A mutually agreed upon Development Agreement will be required for the property.
- (B) The development shall conform as approved by the City Council under case number ZDC-72-2022.
- (C) The development shall adhere to the City Council approved Exhibit A – Location Map, Exhibit B – Development Standards, Exhibit C – Detailed Site Plan, Exhibit D – Landscape Plan, and Exhibit E – Elevation/Façade Plan.
- (D) A maximum of one (1) Drive-Through Establishment Use shall be permitted on the subject property.
- (E) All exterior construction materials, location of exterior construction materials, and percentage of exterior construction materials for each building in the development shall conform with the Elevation/Façade Plan (Exhibit E).
- (F) WDC shall provide a permanent irrigation system for all required landscape areas shown on Exhibit D - Landscape Plan and maintain the required landscaping at all times.
- (G) All development 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.
- (H) 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.
- (I) Any zoning, land use requirement, or restriction not contained within this Development Agreement or Zoning Ordinance No. **(TBD)**, shall conform to those requirements and/or standards prescribed in Exhibit B – Development Standards,

Exhibits C – Detailed Site Plan, Exhibit D – Landscape Plan, and Exhibit E – Elevation/Façade Plan. Where regulations are not specified in Exhibits B, C, D, E, in this Development Agreement or Zoning Ordinance No. **(TBD)**, the regulations of the General Retail (GR) zoning district and the City of Waxahachie Zoning Ordinance shall apply to this development.

- (J) A physical copy of the Development Agreement with a notarized wet signature by the Developer shall be delivered by the Developer to the Planning Department within thirty (30) days following approval of the agreement.

In consideration of WDC's agreement in this regard, the City of Waxahachie agrees that WDC has reasonable investment-backed expectations in the 287 Sports Complex Plaza PD Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the 287 Sports Complex Plaza PD Ordinance without impacting WDC's reasonable investment-backed expectations.

Section 4. Miscellaneous

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

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

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

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

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

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

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

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

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

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

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

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

M. **Form 1295 Certificate.** The Developer agrees to comply with Texas Government Code, Section 2252.908 and in connection therewith, the Developer agrees to go online with the Texas Ethics Commission to complete a Form 1295 Certificate and further agrees to print the completed certificate and execute the completed certificate in such form as is required by Texas Government Code, Section 2252.908 and the rules of the Texas Ethics Commission and provide to the Town, at the time of delivery of an executed counterpart of this Agreement, a duly executed completed Form 1295 Certificate.

N. **Undocumented Workers Provision.** The Developer certifies that Developer does not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Government Code, as amended. If during the Term of this Agreement, Developer is convicted of a violation under 8 U.S.C. § 1324a(f), Developer shall repay the amount of any public

subsidy provided under this Agreement to Developer plus six percent (6.0%), not later than the 120th day after the date the Town notifies Developer of the violation.

O. Non-Boycott of Israel Provision. In accordance with Chapter 2271 of the Texas Government Code, a Texas governmental entity may not enter into an agreement with a business entity for the provision of goods or services unless the agreement contains a written verification from the business entity that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the agreement. Chapter 2271 of the Texas Government Code does not apply to a (1) a company that is a sole proprietorship; (2) a company that has fewer than ten (10) full-time employees; or (3) the contract has a value of less than One Hundred Thousand Dollars (\$100,000.00). Unless Developer is not subject to Chapter 2271 of the Texas Government Code for the reasons stated herein, the signatory executing this Agreement on behalf of Developer verifies that Developer does not boycott Israel and will not boycott Israel during the Term of this Agreement.

P. Prohibition on Contracts with Certain Companies Provision. In accordance with Section 2252.152 of the Texas Government Code, the Parties covenant and agree that Developer is not on a list maintained by the State Comptroller's office prepared and maintained pursuant to Section 2252.153 of the Texas Government Code.

Q. Verification Against Discrimination of Firearm or Ammunition Industries. Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 19, 87th Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the Town, the Developer represents that: (1) the Developer does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (2) the Developer will not discriminate during the Term of the Agreement against a firearm entity or firearm trade association.

R. Verification Against Discrimination Developer Does Not Boycott Energy Companies. Pursuant to Texas Government Code Chapter 2276, (as added by Texas Senate Bill 13, 87th Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the Town, the Developer represents that: (1) the Developer does not boycott energy companies; and (2) the Developer will not boycott energy companies during the Term of this Agreement.

(18)

{Signature Pages Follow}

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

CITY OF WAXAHACHIE, TEXAS

By: _____
Michael Scott, City Manager

Date: _____

ATTEST:

By: _____
City Secretary

STATE OF TEXAS §
§
COUNTY OF ELLIS §

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

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

: WAXAHACHIE DEVELOPMENT COMPANY (Owner)

By: _____

Date: _____

STATE OF TEXAS §
§
COUNTY OF ELLIS §

Before me, the undersigned authority, on this _____ day of _____, personally appeared _____, representative of 287 Sports Complex Plaza, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____



Memorandum

To: Honorable Mayor and City Council

From: Kumar Gali, Senior Director of Utilities

Thru: Michael Scott, City Manager

Date: October 21, 2024

Re: Consider Engineering Professional Services Agreement for a New 12-inch Sanitary Sewer Main

Motion: "I move to approve a professional services agreement with Freese and Nichols, Inc. in the amount of \$176,722 for the design of new 12-inch sanitary sewer main providing service to the newly proposed Waxahachie High School, and authorize the City Manager to execute all necessary documents."

Item Description: Consider approval of a professional services agreement for the 12-inch Sanitary Sewer Main to provide service to proposed Waxahachie Independent School District's (WISD) high school.

Item Summary: This professional services agreement includes surveying, easement preparation, construction plan preparation, bidding, and construction administration services for the new sewer main. The project will include design of approximately 2,200 linear feet of 12-inch sanitary sewer main from the proposed high school and connect to the proposed gravity sewer main. The proposed gravity sewer main and connection to the existing sewer interceptor (downstream sewer) is being designed by Haven Ranch development. City staff has the design services scope and contract for the downstream sewer, and will bring the contract to council for approval if the Haven Ranch Subdivision is delayed or cancelled.

Fiscal Impact: The engineering professional services agreement is \$176,722 and will be funded through the 2024 Wastewater Bond Sale.