

# AGENDA

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, December 16, 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 December 2, 2024
- b. Minutes of the City Council Work Session of December 9, 2024
- c. Minutes of the City Council and Waxahachie Community Development Corporation (WCDC) Joint Work Session of December 10, 2024
- d. Event application for Cinco de Mayo event to be held in Downtown Waxahachie on May 3, 2025
- e. Proposed Ordinance approving a request by John McAfee for a Petition for ETJ Release for approximately 3.5 acres, located at 1814 FM 66 (Property ID 248049– Owner: Nob Hill Ventures, LLC (ETJ-PTN-208-2024)
- f. Proposed Ordinance approving a request by Larry McSpadden & Judy Lee Morris-McSpadden for a Petition for ETJ Release for approximately 8.909 acres, located at 3934 S. US Highway 287 (Property ID 224103– Owner: McSpadden Properties, LLC (ETJ-PTN-209-2024)
- g. Proposed Ordinance approving a request by David Cooper, for a Petition for ETJ Release for approximately 166.55 acres, located at 1141 S. Wilson. (Property ID 192406) – Owner: David Cooper (ETJ-PTN-211-2024)
- h. Mobile Home License Renewals for January 1, 2025-December 31, 2025
- i. Funding appropriation in support of Waxahachie CARE Services

- j. Appointments to fill unexpired terms on the Animal Care Advisory Committee, Senior Center Advisory Committee, and Waxahachie Community Development Corporation
  - k. Approval of Early Release Bid Package 04 for City Hall Remodel and Construction Project
  - l. Set City Council meeting date of January 21, 2025
  - m. Proposed Resolution approving the City of Waxahachie Investment Policy as required by the Texas Public Funds Investment Act
6. **Introduce** Honorary Council Member
  7. **Public Hearing** on a request by Christopher Whitehead for a Specific Use Permit (SUP) for an Accessory Dwelling Unit structure exceeding seven hundred (700) square feet use within a - Single Family-2 (SF-2) zoning district located at 301 Kirven Ave (Property ID 176066) – Owner: Christopher Whitehead and Rae L. (ZDC-177-2024)
  8. **Consider** proposed Ordinance approving ZDC-177-2024
  9. **Public Hearing** on a request by Brian Gregory, Rinker Materials, for a Specific Use Permit (SUP) for a Batch Plant and Outdoor Storage uses within a Light Industrial-1 (LI-1) zoning district located at 1220 Solon Road (Property ID 140094) - Owner: J&G Concrete Operations, LLC (ZDC-172-2024)
  10. **Consider** proposed Ordinance approving ZDC-172-2024
  11. **Consider** Development Agreement for ZDC-172-2024
  12. **Public Hearing** on a request by Jaydon Clemens, TaTT2Envy, LLC, for a Specific Use Permit (SUP) for a Tattoo Shop use within a General Retail (GR) zoning district located at 105 South Grand Ave, Suite B (Property ID 176644 - Owner: Kenneth & Roger Dollar (ZDC-196-2024)
  13. **Consider** proposed Ordinance approving ZDC-196-2024
  14. **Public Hearing** on a request by Russell Scott, for a Specific Use Permit (SUP) to allow for a Digital Billboard Sign within a Commercial (C) zoning district located at 801 S Interstate 35E (Property ID 189033) - Owner: Russell Scott (ZDC-146-2024)
  15. **Consider** proposed Ordinance approving ZDC-146-2024
  16. **Public Hearing** on a request by Cheralyn Armijo, Glenn Engineering Corp., for a Zoning Change from a Single Family-1 (SF-1) zoning district to Planned Development-Commercial (PD-C) zoning district, for a Public School (Waxahachie Creek High School) use, located approximately 0.5 miles south of 135 Park Hills Drive (Property ID 294908) - Owner: Waxahachie ISD (ZDC-200-2024)
  17. **Consider** proposed Ordinance approving ZDC-200-2024

18. **Public Hearing** on a request by Stephanie Gienger, Kimley-Horn, for a Zoning Change from a Planned Development-Multi-Family-2 (PD-MF-2) and General Retail (GR) zoning district to a Planned Development-Multi-Family-2 (PD-MF-2) zoning district, located at 2797 John Arden Drive (Property ID 189265, 189266, and 275156) - Owner: Arden Group LLC and International Church of Foursquare Gospel (ZDC-203-2024)
19. **Consider** proposed Ordinance approving ZDC-203-2024
20. **Consider** Development Agreement for ZDC-203-2024
21. **Public Hearing** on a request by Caleb Jones, Kimley-Horn, for a Zoning Change from a General Retail (GR) zoning district to Planned Development-General Retail (PD-GR) zoning district, for BJ's Wholesale Club, located north of 2130 N US Highway 77 (Property ID 191272 & 298186) - Owner: Waxahachie Hedgewood 1 LLC & Adam Arredondo (ZDC-165-2024)
22. **Consider** proposed Ordinance approving ZDC-165-2024
23. **Consider** Development Agreement for ZDC-165-2024
24. **Second** reading of proposed Ordinance approving the Gateway Pipeline Company, LLC Franchise Agreement
25. **Consider** proposed Ordinance approving Gateway Franchise Agreement
26. **Consider** award of annual contract for mobile devices
27. **Consider** 2022 Water and Sanitary Sewer Replacement Change Order No.1
28. Comments by Mayor, City Council, City Attorney and City Manager
29. 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, December 2, 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**

Mayor Wallace gave the invocation, led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Public Comments**

Mike Langford, 110 Redman Lane, Waxahachie, Texas, thanked the City and Convention and Visitors Bureau for their support of the DFW Youth World Baseball Classic held in August 2024. He noted plans are underway for the 2025 tournament.

**5. Consent Agenda**

- a. Minutes of the City Council meeting of November 18, 2024
- b. Budget adjustment for Howard Road High Service Generator Project
- c. Construction contract for the Chieftain Drive Roadway Improvements
- d. Professional Services Agreement for the East Ross and Kaufman Reconstruction Project

**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 Chris Wright and carried unanimously (5-0).*

**6. Introduce Honorary Council Member**

Mayor Wallace announced there is no Honorary Council Member in attendance.

(5a)

**7. Recognize Daniel Christie, Parks Department, for receiving his Backflow Assembly Tester License**

Kyle Cooper, Senior Director of Parks and Recreation, acknowledged Daniel Christie for earning his Backflow Assembly Tester License. Mr. Christie, who joined the City in March 2024, has successfully obtained this certification. As a result, the City is projected to save approximately \$10,000 annually in inspection fees.

**8. Request to appear by David Hudgins, President of the Waxahachie Arts Council, to present Annual Financial Report for Waxahachie Arts Council and consider request to extend contract**

David Hudgins of the Waxahachie Arts Council presented the item and the annual financial report for the member organizations. The Council requested a one-year extension to the current three-year contract to facilitate annual budgeting for the membership. During the November meeting, the Crossroads of Texas Festival was approved for membership, starting in 2025. Mr. Hudgins also mentioned that a committee is working on updating the Arts Council's bylaws and has requested the City Attorney's review to ensure legal compliance.

Council Member Travis Smith inquired about the addition of the Crossroads of Texas Festival, to which Mr. Hudgins explained that the festival applied and met the criteria outlined in the bylaws. The other member organizations vote on whether to approve or deny such requests.

Council Member Smith suggested that City Council should have a greater role in approving memberships to the Waxahachie Arts Council and expressed his support for adding the Ellis County Children's Theater as a member organization. Mr. Hudgins confirmed that the Ellis County Children's Theater had not applied in the past year. Council Member Tres Atkins echoed the support to add the Ellis County Children's Theater as a member to the Waxahachie Arts Council.

It was the general consensus of City Council to further discuss the membership process and criteria during a Work Session.

**Action:**

*Chris Wright moved to approve the extension of the contract between the City of Waxahachie and the Waxahachie Arts Council, Inc. and authorize the Mayor and/or City Manager to execute all associated documents as necessary. Motion was seconded by Tres Atkins and carried unanimously (5-0).*

**9. 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 zoning district located at the northwest corner of Broadhead Road and Garden Valley Parkway (Property ID 242234) – Owner: WP Legacy LTD (ZDC-139-2024)**

Senior Director of Planning Jennifer Pruitt presented the Item and applicant Matthew Smith requested approval. The applicant proposes a Specific Use Permit (SUP) to allow for a

(5a)

Convenience Store with Gasoline Sales (7-Eleven) in a General Retail (GR) zoning district. Per the City of Waxahachie Zoning Ordinance, both Convenience Store use and Gasoline Sales uses within a GR zoning district require a SUP to be approved by the City Council. Historically, the subject property was zoned for Future Development (FD) as a placeholder until the property owner develops it and rezone it to an appropriate zoning district. The subject property was rezoned to General Retail (GR) as part of the Garden Valley planned development in 2002 (ZA2002-21) to promote commercial development properties along the entrance corridor. The subject property is currently situated on an unplatted lot. A plat will be needed to facilitate the proposed development.

The applicant provided a traffic analysis memo for the intersection of Garden Valley and Broadhead Road for staff review on October 16, 2024. The analysis identified that a four-way stop with stop signs was needed to operate at an acceptable level of service. The 7-Eleven will be installing the four-way stop with their development. If the zoning is approved, the 7-Eleven will provide a full traffic impact analysis (TIA) that also includes additional intersections within one square mile of the site. This full TIA will analyze if any additional improvements are needed at those intersections.

Currently, the city has a total of thirteen (13) gasoline stations existing and/or approved within 4,000 feet of the subject property. There are nine existing gasoline stations located along US 77, one existing Exxon gasoline station located on the southeastern corner of US Highway 287 and Brown Street. Two of the approved and under construction gasoline stations are QuikTrip located on the southwestern corner of US Highway 287 and Brown Street, and Valero located on the southwestern corner of US Highway 287 and Farley Street.

Per the Operational Plan and Site Plan provided by the applicant, 7-Eleven is proposed to feature a 4,824-square-foot convenience store with ten gasoline pumps. The parking and building setbacks for the convenience store adhere to the requirements outlined in the City of Waxahachie Zoning Ordinance. The gasoline pumps are proposed as five dual-sided pumps covered by one canopy. 7-Eleven proposes to operate twenty-four hours a day, seven days a week, with an average of three employees per shift.

The applicant has provided two elevation/façade options for consideration with this SUP. Both elevation options feature brick and stone exterior; but differ in the color palette and decorative architectural features. Option 1 offers a total of 55.7% of masonry, while Option 2 offers a total of 80.7%.

The landscaping proposed with this SUP meets the requirements of the City of Waxahachie Zoning Ordinance. The applicant has incorporated ten (10) Crape Myrtles into the landscape plan.

The applicant is proposing an 8', internally illuminated, monument sign. No pole sign is proposed.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 17 notices were mailed to property owners within 200 feet of the request. Staff received 41 letters of opposition and three (3) letters of support for the proposed SUP, with eight (8) letters of opposition and two (2) letters of support within the 200' buffer of the subject property. In addition to the letters noted above, Staff has also received two petitions with 217 signatures collected in opposition.

(5a)

Mr. Smith noted if approved, the owner proposes the following Deed Restrictions on the property:

### 1. Use Restrictions

The Property shall not be used for the following purposes:

- Dollar Stores
- Sexually Oriented Businesses
- Smoke Shops
- Funeral Services, Crematories,
- Motels, Camps, other Lodging Places
- Drug Rehabilitation Center
- Massage Parlor
- Outdoor Amusement

### 2. Structural Restrictions

No structure, building, or improvement shall be constructed, erected, or maintained on the property, except as follows:

- All buildings and structures shall be of exterior fire-resistant construction, having at least eighty percent (80%) of the total exterior walls, excluding doors and windows, to be constructed of masonry or glass wall construction, in accordance with the City Building Code and Fire Prevention Code.

Matthew Smith, representing Darwin Partners, presented details about a fueling station proposal. He clarified that the project consists of 10 fueling stations (not pumps), and five MPDs (multi-product dispensers), with no requests for variances. The project includes the extension of water and sewer lines to loop the water line and extend the sewer line to an adjacent parcel. Mr. Smith also addressed concerns about existing trees, noting that they would be removed to meet city ordinances when extending utilities. The landscaping plan was shared, and he confirmed that the design follows the city's masonry requirements, with 3D renderings available for review.

Mr. Smith discussed various concerns raised during a previous HOA meeting, including lighting, environmental issues, and potential health effects. The lighting plan complies with city ordinances, and underground storage tanks will be monitored regularly to ensure safety. He also responded to traffic concerns, noting that a traffic impact analysis indicated minimal delay at intersections, and plans include adding a four-way stop. Additional safety measures, including sidewalks and crossing signs, were also mentioned. He emphasized the economic impact of the project, including significant permit fees, property taxes, and local community involvement, such as contributions to schools and local hiring initiatives.

Council Members discussed with the applicant the landscape plan, lighting, traffic impact, pedestrian and safety. Discussion was also held to confirm communication with the Homeowner's Associations' near the proposed location. Mr. Smith explained one Zoom meeting was held in September 2024 and modifications to the plan were made to address community concerns, but no additional presentation with the HOA's occurred.

(5a)

Mayor Wallace opened the Public Hearing at approximately 7:53 p.m.

Those who spoke in opposition:

Andy Hammond, 251 Lariat Trail, Waxahachie, Texas  
Homer Thompson, 254 Bear Trail, Waxahachie, Texas  
Deb Barshofsky, 117 Eagle Feather Drive, Waxahachie, Texas  
Raul Machuca, 107 Valley Ranch Ct., Waxahachie, Texas  
Rachel Park, 116 Camp Fire Drive, Waxahachie, Texas  
Cynthia Forney, 121 Eagle Feather Drive, Waxahachie, Texas  
Robyn Chavarria, 225 Lariat Trail, Waxahachie, Texas  
Tracie Lacour, 104 Piper, Waxahachie, Texas  
Evan Maltz, 200 Sagebrush, Waxahachie, Texas  
Raymond Chavarria, 225 Lariat Trail, Waxahachie, Texas  
Mariah Orullian, 279 Moon Shadow, Waxahachie, Texas  
Ryan Young, 230 Mockingbird Lane, Waxahachie, Texas  
Marni Crume, 226 Brazos, Waxahachie, Texas  
Arturo Deleon, 109 Valley Ranch Ct, Waxahachie, Texas  
Mike Sundblad, 410 Sunset Court, Waxahachie, Texas

Those who spoke in support:

William Norman, 229 Four Roses Drive, Waxahachie, Texas  
Ryan Simpson, 217 Stampede, Waxahachie, Texas

Others who spoke:

Buffalo Ridge HOA Board, neither for or against  
Mike Landry, 233 Four Roses Drive, Waxahachie, Texas

There being no others to speak for or against ZDC-192-2024, Mayor Wallace closed the Public Hearing at approximately 9:20 p.m.

Council Members discussed the operation hours of gas stations and businesses within neighborhoods, particularly regarding 24-hour operations. They focused on whether dimming lights or restricting operating hours, such as closing by midnight and opening at 5 AM, should be implemented. The key concern is balancing safety and convenience, as dimming lights could invite crime. The goal was to find a balance between safety and business needs without negatively impacting the neighborhood.

*{City Council recessed at 9:32 p.m. and reconvened at 9:37 p.m.}*

Council Members acknowledged hearing concerns from both sides at the meeting and appreciated the opportunity for clarification. They addressed the complexity of decision-making as a council, balancing the needs of the community with broader considerations, such as the economic health of the city. They clarified that the process is not about dismissing the concerns of residents but rather about making thoughtful decisions that benefit the city as a whole.

(5a)

Council Members thanked everyone for their input and emphasizing that while not all votes may align with everyone's preferences, the council is committed to serving the best interests of the community.

**10. Consider proposed Ordinance approving ZDC-139-2024**

**Action:**

*Travis Smith moved to deny ZDC-139-2024, a Specific Use Permit (SUP) for a Convenience Store with Gasoline Sales (7-Eleven) use. Motion was seconded by Patrick Souter and carried 3-2 with Billie Wallace and Chris Wright voting in opposition.*

**11. Consider Development Agreement for ZDC-139-2024**

No action taken.

**12. Consider approval of Early Release Bid Package 03 for City Hall Remodel and Construction Project**

Director of Administrative Services Dale Sigler presented the Item. Our construction team continues to look for ways to combat fiscal escalation and long lead times on specific materials. The construction team has identified the structural steel scope of work for this project. By getting this package out early, the city will save money by locking in the price for steel now rather than weeks or months down the road. This process also helps keep the project on schedule by procuring the long lead time steel earlier in the construction process.

Turner advertised for competitive bids for the structural steel scope of work for the City Hall Remodel and Construction Project. and received four competitive bids for the scope of work. The scope of work included the fabrication and erection of the structural steel for the new three-story structure. The tonnage came out to 81 tons (77 tons of steel framing and 4 tons of steel joists).

**Action:**

*Tres Atkins moved to approve the expenditure for early release bid package 03 in the amount of \$892,316 with Turner Construction Company for the City Hall Remodel and Construction Project and authorize the City Manager to execute all documents as necessary. Motion was seconded by Travis Smith and carried unanimously (5-0).*

**13. Convene into Executive Session for consultation with City Attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code**

Mayor Wallace announced at 10:01 p.m. the City Council would convene into Executive Session for consultation with City Attorney regarding pending or contemplated litigation as permitted under Section 551.071, Texas Government Code.

**14. Reconvene and take any necessary action**

The meeting reconvened at 10:12 p.m.

(5a)

**Action:**

*Travis Smith moved to approve the Settlement Agreement and General Release between the City of Waxahachie, Texas, and American Medical Response Ambulance Service, Inc. and to authorize the City Manager to execute same on behalf of the City. Motion was seconded by Tres Atkins and carried unanimously (5-0).*

**15. Comments by Mayor, City Council, City Attorney and City Manager**

Council Member Patrick Souter announced the Christmas Parade and Tree Lighting will be held Tuesday, December 3<sup>rd</sup> at 6pm and invited the community to attend.

Mayor Pro Tem Chris Wright congratulated Daniel Christie on earning his Backflow Assembly Tester License and expressed gratitude to Mike Langford for hosting the DFW World Baseball Classic in Waxahachie. He also extended his heartfelt condolences to the family and friends of Waxahachie Fire Pump Engineer/Inspector Kevin Lindsey.

Council Member Travis Smith thanked citizens for sharing their opinions, emphasizing the importance of their input. He offered his condolences to the family of Kevin Lindsey and also expressed sympathy for the family of community member Patrick Sullivan.

Council Member Tres Atkins acknowledged the moving memorial service for Kevin Lindsey and joined in expressing condolences to the Sullivan family.

Mayor Billie Wallace joined in congratulating Daniel Christie and shared her pride in the memorial service for Kevin Lindsey. She offered her support to those in the community who are grieving.

**16. Adjourn**

There being no further business, the meeting adjourned at 10:18 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary

A Work Session of the Mayor and City Council of the City of Waxahachie was held in the Hatchet Conference Room at the Charles Beatty Municipal Services Building, 408 S. Rogers, Waxahachie, Texas, on Monday, December 9, 2024 at 3:00 p.m.

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

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

**1. Call to Order**

Mayor Billie Wallace called the meeting to order.

**2. Discuss the mission and vision statement of the WCDC**

The Waxahachie City Council discussed the mission and vision of the Waxahachie Community Development Corporation (WCDC).

Council Member Travis Smith proposed shifting the focus of the WCDC from the Sports Complex and Civic Center to initiatives that enhance the quality of life, boost sales tax revenue, and stimulate local economic growth. Council Members engaged in a discussion about supporting economic development efforts that would reinvest funds back into the WCDC.

Council Member Tres Atkins expressed his support for using funds to improve existing infrastructure, emphasizing the need for the Council to prioritize where to allocate these resources. He suggested directing funding toward infrastructure enhancements that would positively impact key community destinations.

Council Member Patrick Souter supported the idea of using funding to revitalize Downtown, even if through smaller-scale projects. He stressed the importance of maintaining flexibility for the WCDC, allowing them to make recommendations to the City Council based on their own evaluations. He expressed his trust in the WCDC's ability to make strategic decisions and underscored his commitment to supporting economic development initiatives. He also recommended considering long-term strategic planning to identify future opportunities across the city.

Council Member Smith further suggested shifting the WCDC's focus from prioritizing beautification to adopting a more business-minded approach, a sentiment that was supported by Council Members Souter, Atkins, and Mayor Wallace.

Mayor Pro Tem Chris Wright proposed a balanced approach, suggesting some funding be allocated toward beautification and arts initiatives, while still supporting economic development.

(5b)

WCDC President Jim Phillips agreed with the idea of long-term strategic planning and highlighted that the WCDC's directive includes beautification and improving the community's quality of life.

The City Council reached a general consensus to support economic development initiatives that will reinvest funds into the WCDC, aiming to foster both growth and community improvement.

### **3. Discuss City purchasing policy**

Council Member Smith raised concerns about awarding contracts to out-of-town businesses and suggested exploring ways to better inform local businesses about bidding opportunities.

Senior Finance Director Chad Tustison explained that any business can sign up on OpenGov to receive notifications about available bids.

Council Members discussed various methods to ensure new businesses are aware of the OpenGov registration process. Suggestions included informing businesses when they receive a Certificate of Occupancy, sign up for water service, or join the Chamber of Commerce.

Council Member Smith inquired if local vendors are given a 5% contingency during the bidding process. Mr. Tustison confirmed this is the case but clarified that it does not apply to "best value" proposals. Purchasing Manager Jewelie Ramos further explained that this contingency also does not apply to construction contracts exceeding \$100,000.

Deputy City Manager Albert Lawrence added that this factor can be incorporated when reviewing vendor criteria. City Manager Michael Scott noted staff currently utilizes local vendors, when possible.

The City Council reached a general consensus to prioritize the use of local businesses whenever possible, while ensuring responsible stewardship of taxpayer funds.

### **4. Discuss short-term rental ordinance**

Senior Director of Planning Jennifer Pruitt presented a saturation map showing the locations of approved and registered short-term rentals.

Council Member Atkins emphasized the importance of proactively addressing issues related to density and oversaturation.

Mayor Wallace asked City Council and staff to review the current Ordinance and identify any areas that may require updates. Council Member Smith highlighted a concern raised by a property owner regarding the requirement to display their name and phone number near the entrance, noting that this could potentially expose the property to burglary or vandalism by signaling that the house is not occupied 24/7.

Council Members discussed the original intent of the emergency contact posting, which is to ensure that neighbors or the Police Department can reach the property's emergency contact if needed.

(5b)

Mr. Scott mentioned that new state legislation could impact the City's current Ordinance and recommended waiting for further guidance from the State. He also noted that the City Council can address issues of density through the Specific Use Permit process.

The City Council reached a consensus to revisit the Ordinance after the passage of any new legislation in 2025.

**5. Discuss Multi-Family density**

Council Member Smith inquired whether the current zoning requires retail on the ground floor of multi-family developments.

Ms. Pruitt explained that when approached with multi-family projects, staff first shows developers the currently approved locations with the appropriate zoning. She clarified that while retail is not a requirement, they emphasize the importance of creating unique multi-family projects that enhance the quality of life for residents in those areas.

Council Member Smith discussed the height of multi-family buildings, stating he has no strong preference, except to restrict height in the Downtown area. He asked for the City Council's opinion on allowing staff to approve higher density in certain areas.

The City Council reached a consensus to grant staff the flexibility to approve higher density in specific areas.

**6. Discuss Boards and Commissions vacancies**

Council Members discussed the vacancies on the Animal Care Advisory Committee, Senior Center Advisory Committee, and Waxahachie Community Development Corporation and reviewed current applications.

**7. Adjourn**

There being no further business, the meeting adjourned at 5:43 p.m.

Respectfully submitted,

Amber Villarreal  
City Secretary

City Council and Waxahachie Community Development Corporation  
December 10, 2024

(50)

A Joint Work Session of the Mayor and City Council and the Waxahachie Community Development Corporation (WCDC) of the City of Waxahachie, Texas to be held in the Hatchet Conference Room at the Charles Beatty Municipal Services Building, 408 S. Rogers, Waxahachie, Texas on Tuesday, December 10, 2024 at 3:00 p.m.

City 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

WCDC Board Members Present: Jim Phillips, President  
Elizabeth Tull, Vice President  
Billie Wallace, Mayor  
Bob Lynn  
Andrew Henderson

WCDC Board Member Absent: Melissa Ballard

WCDC Ex-Officio Members Present: Amber Villarreal, City Secretary  
Chad Tustison, Senior Director of Finance

WCDC Ex-Officio Member Absent: Kevin Strength, President/CEO Chamber of Commerce

**1. Call to Order by Mayor Billie Wallace and President Jim Phillips**

Mayor Billie Wallace called the City Council meeting to order. President Jim Phillips called the WCDC meeting to order.

**2. Discuss the direction and priorities of the Waxahachie Community Development Corporation**

The City Council and WCDC members discussed strategies for utilizing funds to enhance infrastructure, support quality of life initiatives, drive economic development, and increase sales tax revenue, all with the goal of reinvesting back into the WCDC.

City Council members reaffirmed their support of WCDC members to participate in whiteboard brainstorming sessions to prioritize potential initiatives. They encouraged WCDC members to meet with the City Council quarterly to assess support and collaborate on refining and advancing these initiatives.

**3. Adjourn**

There being no further business, the meeting adjourned at 4:14 p.m.

Respectfully submitted,  
Jami Bonner, Assistant City Secretary

(5d)



City of Waxahachie  
City Secretary's Office

Special Event Application

Date submitted

10/28/24

**Applicant Information**

Applicant name:

Cynthia Herrera

Are you representing the host organization?

Yes

No

Will you be the on-site point of contact during the event?

Yes

No

Phone:

Cell:

Email:

Mailing address:

418 W. Franklin, Waxahachie 75165

Host organization name:

Ellis County Hispanic Organization

Alternate contact that will be on-site during the event.

On-site contact name:

Jose Villarreal

Cell:

**About the Event**

Event name:

Cinco de Mayo

Location:

Downtown Waxahachie

An event site map is **REQUIRED** to be submitted with your application.

Anticipated attendance:

5 thousand

Description of event:

Festival

**How many times has this event been hosted before?**

1<sup>st</sup> time

2 - 4 times

5 or more times

Location:

Downtown

**Choose the best description of the event:**

Festival

Birthday Party / Picnic

Movie Screening

Charitable / Fundraising

Parade

Community / Neighborhood

Private Event

Concert / Live Performance

Run / Walk

Other:

(5d)



City of Waxahachie  
City Secretary's Office

Special Event Application

**Event activities include (check all that apply):**

- Amusement rides Inflatables
- Animals / Petting Zoo
- Announcement / Speeches
- Information / Literature Distribution
- DJ / Recorded Music
- Food – sampled, served, or sold
- Products / Services – given away, sampled, or sold
- Live music
- Street closure
- Other: Beer, Folklorical, car shows?

**The event is:**

- Private
- Free & open to the general public
- Entry by participation or registration fee
- Entry by admission fee or ticket

Admission information, if applicable:

Include entry or participant fees, ticket prices, donations, and / or fees based on activity.

**Event timeline:**

	Date(s)	Start Time:	End Time:
Event Date	May 3, 2025	11:00am	11:00pm
Event Set-up	May 2, 2025	5:00pm Stage	
Event Breakdown	May 3-4, 2025	11:00pm	1:00am May 4

**Run / Walk:**

Please provide the start time for each distance (if applicable)

\_\_\_\_\_ 1 mile      \_\_\_\_\_ 5K      \_\_\_\_\_ Other distance

Please indicate your expected attendance: \_\_\_\_\_

Number of participants:

1-99     

100-199     

200-299     

300+     

*Provide route on attached site map.*

(5d)



City of Waxahachie  
City Secretary's Office

Special Event Application

**Food / Beverage:**

- Will the event offer food/beverages? Yes  No
- Will event require any food preparation on-site? Yes  No
- Will alcohol be served/sold? Yes  No

Sample Downtown Event/Festival Boundary Map

Code of Ordinances Ch. 4 Sec. 4-7 Alcohol at approved festivals and events

If alcohol is served/sold, a licensed peace officer(s) must be onsite throughout the event's operation and outside the perimeter to provide security. Events require one officer with an additional officer per 100 guests. Ex.: <100 attendees would require one officer, 100<200 attendees would require two officers, 200<300 attendees would require three officers, etc.

**Police / Security Services:**

Personnel needs (indicate all that apply) Request for services is not a guarantee that staff/volunteers will be available.

- Event staff How many: 7 Date(s) & time(s): May 3, 2025 7:00am - 1:00pm <sup>may 4</sup>
- Volunteers How many: ? Date(s) & time(s): May 3, 2025 7:00am - 1:00pm <sup>may 4</sup>
- Private security How many: 2 Date(s) & time(s): May 3, 2025 11:00am - 11:30pm

Company name: Safe Venues LLC

Contact name and number: Rosie Martinez

Off duty police How many: ? Date(s) & time(s): May 3, 2025 11:00am - 11:30pm

Have you made arrangements with the police? Yes  No

If no, you will be provided the information on how to make arrangements.

If yes, please provide following information for the person that you made the arrangements with:

Contact name: \_\_\_\_\_ Phone number: \_\_\_\_\_

**Street Closures:**

Does the event propose closing, blocking, or using City streets and/or parking lots? Yes  No

If yes, please list all streets, intersections, and parking lots that apply: Jackson, College,

Jackson, Franklin, Rogers

Street closings to begin on date: May 2 Start time: 5:00pm <sup>Stage only</sup> End time: May 3, 2025 1:00pm <sup>7:00am</sup>

Will any businesses be impacted by the proposed road closure? Yes  No

**Traffic Safety Equipment:**

Does your event require traffic cones or barricades? Yes  No

If yes, indicate the type of equipment and how many will be used (estimated):

Traffic Cones How many: ? Barricades How many: ?

Other: 15 plus porta pottys, steel barriers, trash cans, 2 dumpsters, generator 100k

Where should equipment be dropped off & picked up? pocket park

(5d)



City of Waxahachie  
City Secretary's Office

Special Event Application

When will the traffic equipment be set-up?

Date: May 2, 2025 Time: 5:00pm

When will the traffic equipment be removed?

Date: May 4, 2025 Time: 1:00am

Are you requesting the use of City traffic equipment?

Yes  No

*Availability is not guaranteed*

**Streets cannot be blocked without prior approval.**

**Temporary Tents & Structures:**

Will the event have a tent(s) larger than 10' x 20'?

Yes  No

List the # of tents & sizes: ?

*Indicate locations on attached required site map.*

**Electrical Services:**

How will electrical services be supplied?

Generator  Franchise Utilities  Both

List contractor / supplier:

City of Wax

Explain services in detail:

Need Generator to supply power to stage

**Insurance**

All events taking place on City of Waxahachie property must provide a certificate of liability insurance and endorsement page. The City of Waxahachie must be listed as an "Additional Insured" in the amount of \$1 million on both pages. Please list the date of the event and location on this certificate and submit at least one month before the event. The City of Waxahachie reserves the right to increase the insurance limits based on the nature and degree of risks to the public.

If you have questions regarding City insurance coverage, please inquire with City of Waxahachie staff after submitting your event application.

**Hold Harmless Clause**

Applicant / organization shall assume all risks incident to or in connection with the approved activity and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the approved activity or the conduct of applicant's operation. Applicant hereby expressly agrees to defend and save the City, it's officers, agents, employees and representatives harmless from any penalties for violation of any law, ordinance, or regulation affecting its activity and from any and all claims, suits, losses, damages or injuries directly or indirectly out of or in connection with the approved activities or conduct of its operation or resulting from the negligence or intentional acts or omissions of applicant or its officers, agents, and employees. Due to Covid-19, I also understand approval of my event is subject to the then current necessary precautions resulting from Covid case trends as well as any change in accordance with federal, state of local orders. Furthermore, by signing this application, applicant hereby agrees to waive any and all claims that applicant may have against the City, it's officers, agents, employees, and representatives arising out of or in connection with the revocation or cancellation of an event permit.

Cynthia H. Neme  
Signature

10/28/24  
Date

**Contract Agreement**

Applicant / organization has thoroughly read, understands, and agrees to all conditions listed on this application.

Cynthia H. Neme  
Signature

10/28/24  
Date

(5d)

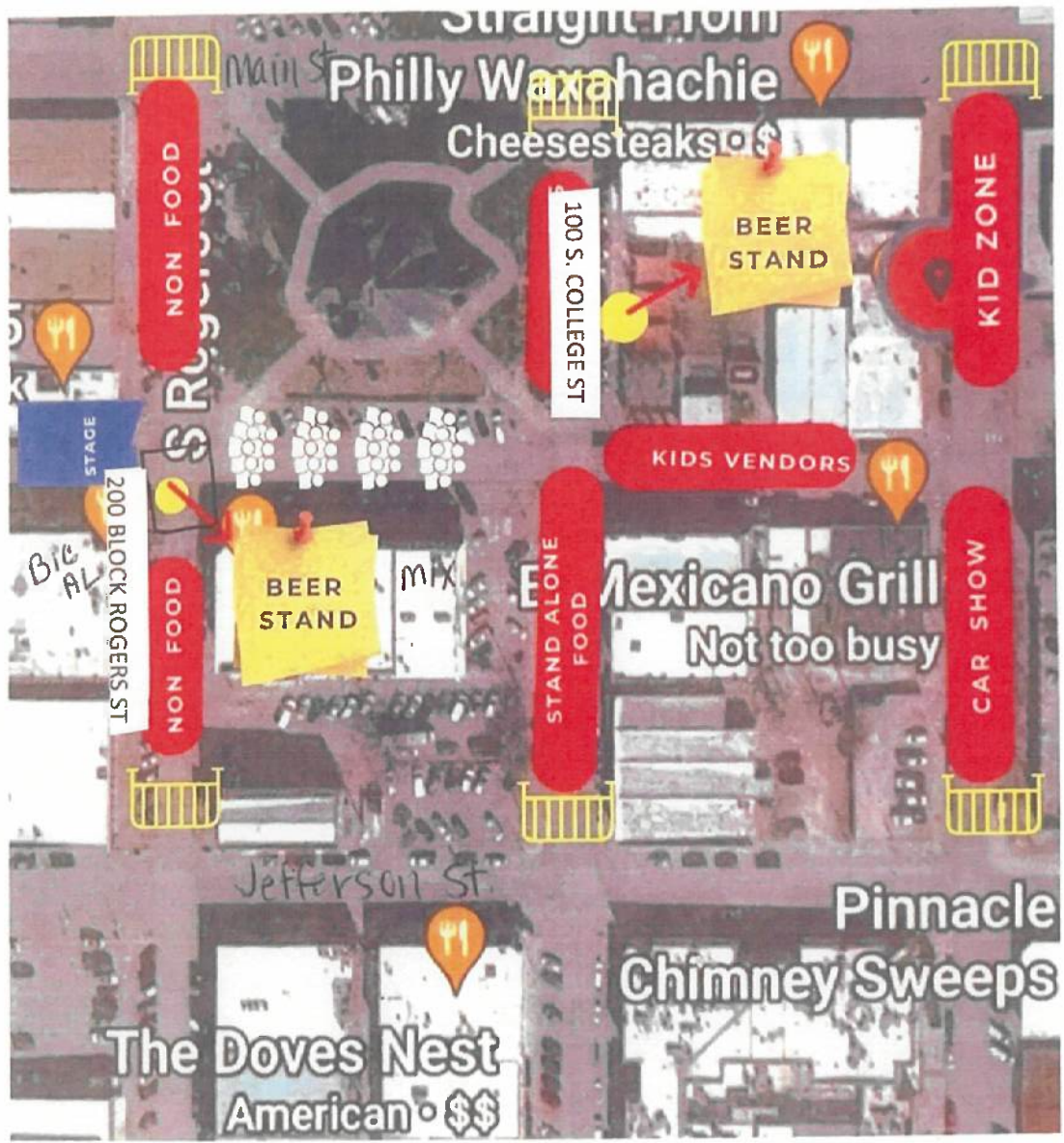
# CINCO MAP

DATE :5/3/25

TIME :11A-11P

EMAIL : ELLISCOUNTYHISPANICORG@GMAIL.COM

- STAGE
- ALL VENDORS
- BEER STANDS



(5d)



November 6, 2024

Waxahachie City Council  
P.O. Box 757  
Waxahachie, Texas 75168

Re: ECHO Cinco de Mayo Celebration

**Dear Council Members:**

Please let this letter serve as support from the Waxahachie Downtown Merchants Association for the ECHO Cinco de Mayo Celebration to shut down streets as outlined in their submitted event application, **with the understanding that the alleyway behind Franklin Street, between College and Rogers, be accessible when needed.** Discussion was had that ECHO would work with the City and someone would man the barricades during the street closure for that area. This is due to Ewe2Yarn's participation in a large yarn crawl that same day.

On November 6, 2024, during a regularly scheduled member meeting, the Association voted unanimously to approve the motion supporting this event and all necessary street closures pertaining to it. The association understands the significant impact a street closure has on downtown businesses and has taken this into consideration during the discussion and approval for support of this event.

This discussion and vote have been recorded in our meeting minutes and can be made available upon request.

A handwritten signature in black ink, appearing to read "Jordan Molina". The signature is fluid and cursive.

Jordan Molina  
President - WDMA

(5d)

**Bonner, Jami**

---

**From:** Massey, Matt  
**Sent:** Tuesday, October 29, 2024 2:28 PM  
**To:** Bonner, Jami; Joe Wisler; Boyd, Ricky; Griffith, Thomas; Donna Insixiengmay; Megan Womack; Mosley, Laurie; Tuley, Eleana; Mendez, Wally; Jordan, Me'Lony; Martinez, Gumaro; Cooper, Kyle; Barnes, Bradley; Campos, Yadira; Fuller, Brent; Stoker, Justin  
**Cc:** Scott, Michael; Lawrence, Albert; Villarreal, Amber  
**Subject:** RE: Event Application - 5/3/25 Cinco de Mayo

The applicant has 7 event staff. In past between Parks and Streets there has been around 15 employees work this event.



**Matt Massey**  
*Street Operations Manager*  
City of Waxahachie  
O: 469-309-4312  
[mmassey@waxahachie.com](mailto:mmassey@waxahachie.com)

**From:** Bonner, Jami <jami.bonner@waxahachie.com>  
**Sent:** Tuesday, October 29, 2024 2:06 PM  
**To:** Joe Wisler <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Donna Insixiengmay <donna.insixiengmay@waxahachiepd.org>; Megan Womack <megan.womack@waxahachiepd.org>; Mosley, Laurie <imosley@waxahachiecvb.com>; Tuley, Eleana <eleana.tuley@waxahachie.com>; Mendez, Wally <wmendez@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Fuller, Brent <BFuller@waxahachiefire.org>; Massey, Matt <mmassey@waxahachie.com>; Stoker, Justin <justin.stoker@waxahachie.com>  
**Cc:** Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>  
**Subject:** Event Application - 5/3/25 Cinco de Mayo

For your review / comments. The applicant has reached out to the WDMA to request a letter of support. Thank you.

***We value your feedback! Please take a moment to complete our [customer satisfaction survey!](#)***

Jami Bonner, TRMC  
Assistant City Secretary  
City of Waxahachie  
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168  
[www.waxahachie.com](http://www.waxahachie.com)

(5d)

**Bonner, Jami**

---

**From:** Fuller, Brent  
**Sent:** Tuesday, October 29, 2024 4:21 PM  
**To:** Bonner, Jami  
**Subject:** RE: Event Application - 5/3/25 Cinco de Mayo

Depending on the tent size, they may be required to obtain a permit first. They can contact my office and I can assist with determining if a permit would be needed as there are several stipulations.

Thanks,



**Brent Fuller**  
Fire Marshal  
Waxahachie Fire-Rescue  
469-309-4203

**From:** Bonner, Jami  
**Sent:** Tuesday, October 29, 2024 2:06 PM  
**To:** Joe Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Donna Insixiengmay <donna.insixiengmay@waxahachiepd.org>; Megan Womack <megan.womack@waxahachiepd.org>; Mosley, Laurie <Imosley@waxahachiecvb.com>; Tuley, Eleana <eleana.tuley@waxahachie.com>; Mendez, Wally <wmendez@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Fuller, Brent <BFuller@waxahachiefire.org>; Massey, Matt <mmassey@waxahachie.com>; Stoker, Justin <justin.stoker@waxahachie.com>  
**Cc:** Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>  
**Subject:** Event Application - 5/3/25 Cinco de Mayo

For your review / comments. The applicant has reached out to the WDMA to request a letter of support. Thank you.

***We value your feedback! Please take a moment to complete our [customer satisfaction survey!](#)***

Jami Bonner, TRMC  
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[www.waxahachie.com](http://www.waxahachie.com)

*We have temporarily relocated to the Charles Beatty Municipal Services Building at 408 S. Rogers St. (across from City Hall)*

(5d)

**Bonner, Jami**

---

**From:** Megan Womack  
**Sent:** Friday, November 1, 2024 1:47 PM  
**To:** Bonner, Jami; Joe Wiser; Boyd, Ricky; Griffith, Thomas; Donna Insixiengmay; Mosley, Laurie; Tuley, Eleana; Mendez, Wally; Jordan, Me'Lony; Martinez, Gumaro; Cooper, Kyle; Barnes, Bradley; Campos, Yadira; Fuller, Brent; Massey, Matt; Stoker, Justin  
**Cc:** Scott, Michael; Lawrence, Albert; Villarreal, Amber  
**Subject:** RE: Event Application - 5/3/25 Cinco de Mayo  
**Attachments:** Special Event Planning Checklist2.docx

We will require them to have an approved safety and weather plan. I've attached a checklist for them to use and, as always, they can contact us with any questions.



**Megan Womack**  
**Emergency Management Specialist**  
[Megan.womack@waxahachiepd.org](mailto:Megan.womack@waxahachiepd.org)  
630 Farley Street  
Waxahachie, TX 75165  
Office (469) 309-4418

**From:** Bonner, Jami  
**Sent:** Tuesday, October 29, 2024 2:06 PM  
**To:** Joe Wiser <JWiser@waxahachiepd.org>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Griffith, Thomas <john.griffith@waxahachie.com>; Donna Insixiengmay <donna.insixiengmay@waxahachiepd.org>; Megan Womack <megan.womack@waxahachiepd.org>; Mosley, Laurie <Imosley@waxahachiecvb.com>; Tuley, Eleana <eleana.tuley@waxahachie.com>; Mendez, Wally <wmendez@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Fuller, Brent <BFuller@waxahachiefire.org>; Massey, Matt <mmassey@waxahachie.com>; Stoker, Justin <justin.stoker@waxahachie.com>  
**Cc:** Scott, Michael <mscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>  
**Subject:** Event Application - 5/3/25 Cinco de Mayo

For your review / comments. The applicant has reached out to the WDMA to request a letter of support. Thank you.

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Jami Bonner, TRMC  
Assistant City Secretary  
City of Waxahachie  
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168

(5d)

**Bonner, Jami**

---

**From:** Jordan, Me'Lony  
**Sent:** Friday, November 8, 2024 2:59 PM  
**To:** Bonner, Jami  
**Subject:** RE: Event Application - 5/3/25 Cinco de Mayo

Good afternoon,

All food vendors are required to obtain a health permit from the City of Waxahachie.  
Mobile food vendors are required to show proof of annual health permit from City Waxahachie prior to event.



**MeLony Jordan**  
**Health Inspector/CCO/CFM/CEOSF**  
Office: (469) 309-4134  
Mobile: (972) 740-6724

**From:** Bonner, Jami <jami.bonner@waxahachie.com>  
**Sent:** Friday, November 8, 2024 2:29 PM  
**To:** Tuley, Eleana <eleana.tuley@waxahachie.com>; Mendez, Wally <wmendez@waxahachie.com>; Jordan, Me'Lony <mjordan@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Gravis, Christopher <christopher.gravis@waxahachie.com>  
**Cc:** Villarreal, Amber <avillarreal@waxahachie.com>  
**Subject:** FW: Event Application - 5/3/25 Cinco de Mayo

Friendly reminder – please provide any comments you may have in regards to the attached event application.  
Thank you.

***We value your feedback! Please take a moment to complete our [customer satisfaction survey!](#)***

Jami Bonner, TRMC  
Assistant City Secretary  
City of Waxahachie  
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168  
[www.waxahachie.com](http://www.waxahachie.com)

*We have temporarily relocated to the Charles Beatty Municipal Services Building at 408 S. Rogers St. (across from City Hall)*

(5d)

**Bonner, Jami**

---

**From:** Cooper, Kyle  
**Sent:** Wednesday, December 4, 2024 8:47 AM  
**To:** Bonner, Jami  
**Subject:** RE: Event Application - 5/3/25 Cinco de Mayo

The application requests 7 staff; however, Parks typically provides a minimum of 10 maintenance staff and a director on-site for this event. I'm unsure what other departments contribute, but Streets and Downtown are involved.



**Kyle Cooper, CPRP**  
*Senior Director*  
*Parks and Recreation*  
City of Waxahachie  
469-309-4277  
972-268-4549  
[Kyle.Cooper@waxahachie.com](mailto:Kyle.Cooper@waxahachie.com)

---

**From:** Bonner, Jami  
**Sent:** Monday, December 2, 2024 11:07 AM  
**To:** Martinez, Gumaro <gmartinez@waxahachie.com>; Tuley, Eleana <eleana.tuley@waxahachie.com>; Mendez, Wally <wmendez@waxahachie.com>; Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Gravis, Christopher <christopher.gravis@waxahachie.com>  
**Cc:** Villarreal, Amber <avillarreal@waxahachie.com>  
**Subject:** FW: Event Application - 5/3/25 Cinco de Mayo

Good morning,

Please provide any comments you may have in regards to the attached event application. The application will be included on the December 16<sup>th</sup> City Council agenda. Thank you.

***We value your feedback! Please take a moment to complete our [customer satisfaction survey!](#)***

Jami Bonner, TRMC  
Assistant City Secretary  
City of Waxahachie  
Direct (469) 309-4005 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168  
[www.waxahachie.com](http://www.waxahachie.com)

*We have temporarily relocated to the Charles Beatty Municipal Services Building at 408 S. Rogers St. (across from City Hall)*

(5e)

# Planning & Zoning Department

## Petition for ETJ Release

Case: ETJ-PTN-208-2024



### MEETING DATE(S)

City Council:

December 16, 2024

### CAPTION

*Consider* proposed Ordinance approving a request by John McAfee for a **Petition for ETJ Release** for approximately 3.5 acres, located at 1814 FM 66 (Property ID 248049) – Owner: Nob Hill Ventures, LLC (ETJ-PTN-208-2024)

### RECOMMENDED MOTION

*"I move to approve ETJ-PTN-208-2028, a request by John McAfee, for a Petition for ETJ Release for approximately 3.5 acres, located at 1814 FM 66, authorizing the Mayor to sign the associated documents accordingly."*

### APPLICANT REQUEST

The property owner has petitioned the City to remove his property from the extraterritorial jurisdiction (ETJ).

### CASE INFORMATION

<i>Applicant:</i>	John McAfee
<i>Property Owner(s):</i>	Nob Hill Ventures, LLC
<i>Site Acreage:</i>	3.5 acres
<i>Number of Lots:</i>	1 lot
<i>Number of Dwelling Units:</i>	0 units

### SUBJECT PROPERTY

<i>General Location:</i>	1814 FM 66
<i>Parcel ID Number(s):</i>	248049
<i>Current Zoning:</i>	ETJ
<i>Existing Use:</i>	Storage Warehouse
<i>Platting History:</i>	The subject property is currently platted as Lot 1B of the R.D.T. Development Addition.
<i>CCN Service Area:</i>	Buena Vista-Bethel Special Utility District

(5e)

Site Aerial:



### **PLANNING ANALYSIS**

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

### **RECOMMENDATION**

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

### **ATTACHED EXHIBITS**

1. ETJ Petition Map for December 16, 2024 City Council Meeting
2. Proposed Ordinance
3. Replat (Exhibit A)
4. Location Map (Exhibit B)

### **STAFF CONTACT INFORMATION**

*Prepared by:*

Oanh Vu

Senior Planner

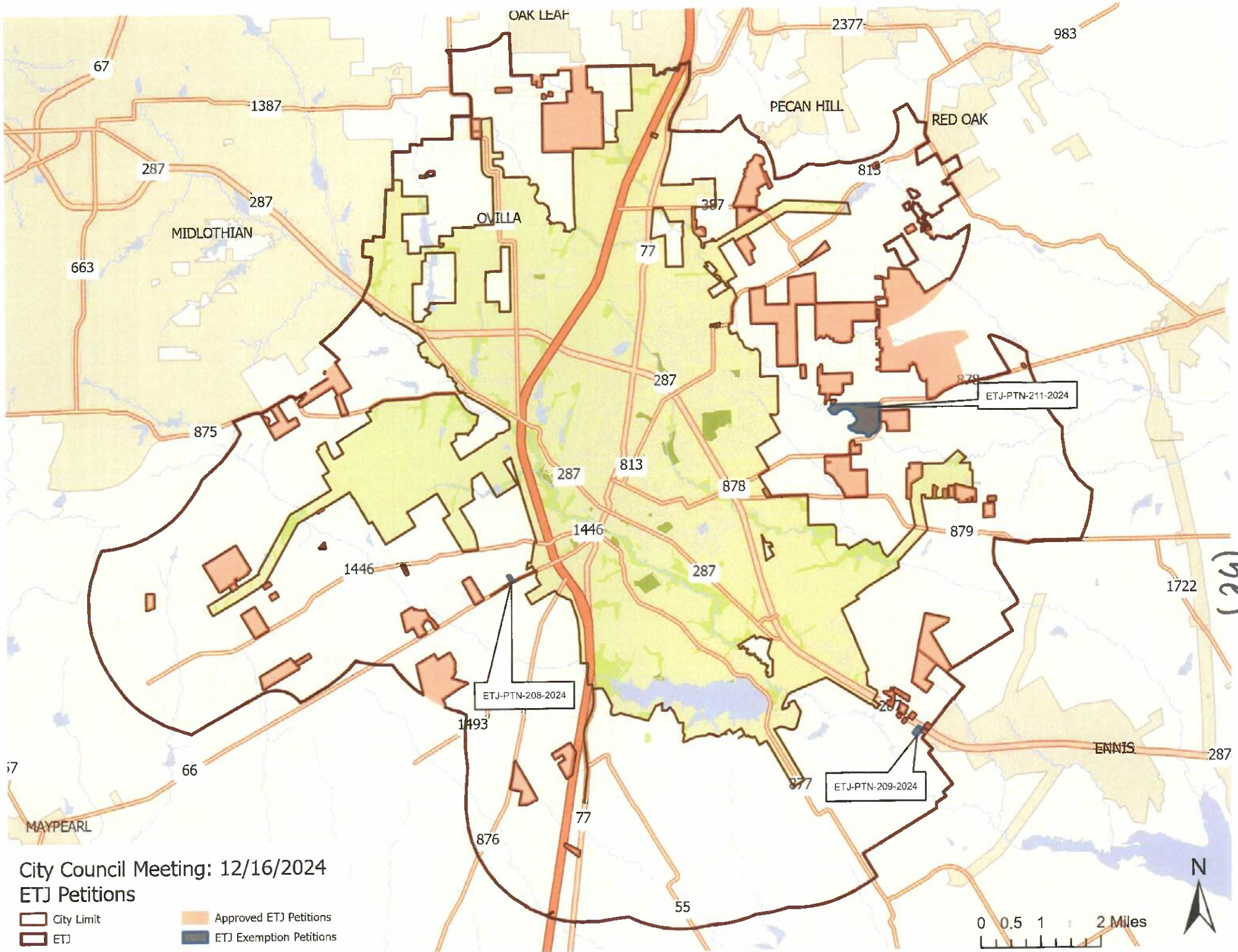
[oanh.vu@waxahachie.com](mailto:oanh.vu@waxahachie.com)

*Reviewed by:*

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

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)



(5c)

(5e)

**ORDINANCE NO.**

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 3.5 ACRE TRACT OF LAND, LOCATED AT 1814 FM 66, KNOWN AS PROPERTY ID 248049, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.**

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

**WHEREAS**, as authorized by Subchapter D of Chapter 42 of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("**City**") exclude the property herein described from the City's Extraterritorial Jurisdiction ("**ETJ**"); and

**WHEREAS**, City staff has determined that the submitted petition, case number ETJ-PTN-208-2024, complies with the requirements of Subchapter D of Chapter 42 of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

**NOW, THEREFORE**, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by replat in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

**PASSED, APPROVED AND ADOPTED** on this 16<sup>th</sup> day of December, 2024.

---

MAYOR

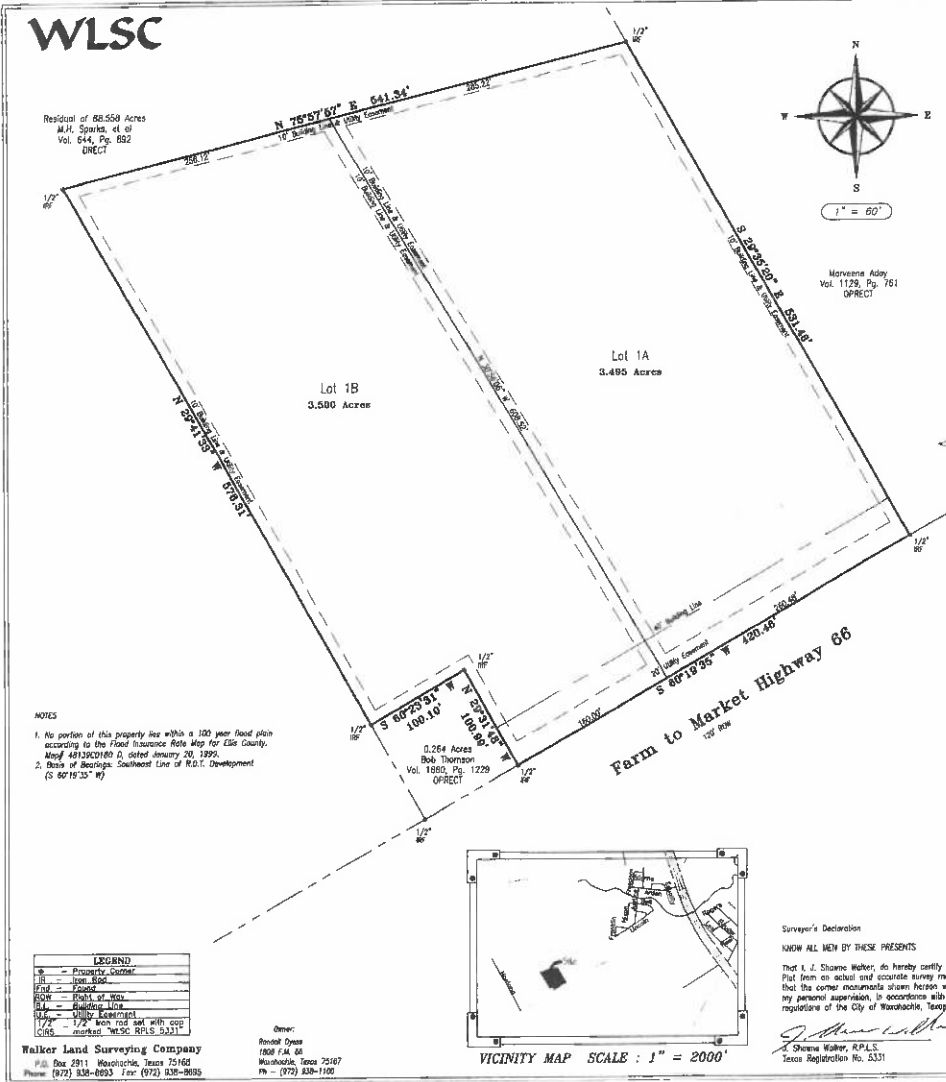
ATTEST:

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City Secretary

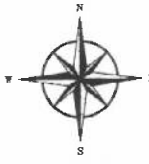
EXHIBIT A - REPLAT

FILED FOR RECORD - ELLIS COUNTY, TEXAS  
 INST. NO. 6917788 FILING DATE/TIME: Aug 11, 2009 10:45:16 PM  
 4/10/09



**WLSC**

Residual of 86.558 Acres  
 M.H. Sparks, et al  
 Vol. 644, Pg. 852  
 DIRECT



1" = 60'

Margene Adley  
 Vol. 1129, Pg. 781  
 DIRECT

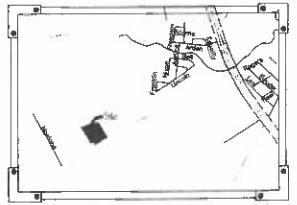
- NOTES
- No portion of this property lies within a 100 year flood plain according to the Flood Insurance Rate Map for Ellis County. Map# 48129CD160 D, dated January 20, 1999.
  - Remainder of Record: Southeast Line of R.D.T. Development (S 60°19'35" W)

**LEGEND**

⊙	Property Center
—	Iron Pipe
—	Wood Post
—	Point of Beginning
—	Building Line
—	Utility Easement
—	1 1/2" iron rod set with copper caps - marked "M.S.S. R.O.S. 5211"

Walker Land Surveying Company  
 718 Box 2911 Waxahachie, Texas 75160  
 Phone: (972) 838-8093 Fax: (972) 838-8088

Owner:  
 Randall Dyess  
 1808 FM 66  
 Waxahachie, Texas 75167  
 Ph - (972) 838-1100



VICINITY MAP SCALE: 1" = 2000'

Property Description for Dedication

All that certain lot, tract, or parcel of land being Lot 1 of R.D.T. Development, an addition to Ellis County, Texas, according to the Plat thereof recorded in Volume E, Side 276 of the Plat Records of Ellis County, Texas.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That I, Randall Dyess, being the owner of the above referenced parcel of land, do hereby deposit this plat designating the heretofore described property as the First Plat of Lots 1A and 1B of R.D.T. Development (Being a Replat of Lot 1 of R.D.T. Development) on addition to the E17 of the City of Waxahachie, Texas, and do hereby dedicate to the City of Waxahachie for public use, the streets and other shown thereon, and do hereby reserve the easements shown on this plat for the accommodation of all public utilities existing to use or being used. Any public utility approved by the City shall have the right to remove and later removed all or part of any building, fence, trees, shrubs, or other growth or improvements which in any way encroach or interfere with the construction, maintenance, or efficiency of its respective system on any of these easements, and any public utility shall, at all times, have the right of ingress and egress to and from and upon said easements for the installing, maintaining, and adding to or removing all or part of its respective purpose of construction or reconstruction system, its lease dwelling unit, or other structure that be constructed on any lot in this addition by anyone until all requirements of the Subdivision Ordinance have been met.

*Randall Dyess*  
 Randall Dyess

State of Texas

Before me the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Randall Dyess, known to me to be the person whose name only subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose herein expressed and in the capacity stated.

Gives under my hand and seal this the 12th day of July, 2009.

*John B. Nelson*  
 Notary Public in and for the State of Texas



City of Waxahachie Certificate of Approval

I hereby certify that the plat shown hereon and designated as the First Plat of Lots 1A and 1B of R.D.T. Development (Being a Replat of Lot 1 of R.D.T. Development) on addition to the E17 of the City of Waxahachie, Ellis County, Texas was approved the 12th day of July, 2009, by the Council and City Secretary of the City of Waxahachie, Texas.

*John Cooper* Chairman  
*John Saunders* Secretary

I hereby certify that the plat shown hereon and designated as the First Plat of Lots 1A and 1B of R.D.T. Development (Being a Replat of Lot 1 of R.D.T. Development) on addition to the E17 of the City of Waxahachie, Ellis County, Texas was approved the 12th day of July, 2009, by the City Council of the City of Waxahachie, Texas. Said Addition shall be subject to all the requirements of the Subdivision Ordinance of the City of Waxahachie, Texas.

Witness my hand this the 12th day of July, 2009.

*John Saunders*  
 City Secretary

STATE OF TEXAS  
 COUNTY OF ELLIS

Certificate of Approval by the Commissioners Court of Ellis County, Texas

Approved this date, the 12th day of AUGUST 2009.

*Don Burt*  
 County Judge, Don Burt  
*D.R.*  
 Dennis Robinson  
 Commissioner Precinct #1  
*Mark Sims*  
 Mark Sims  
 Commissioner Precinct #3  
*Bill Deaton*  
 Bill Deaton  
 Commissioner Precinct #2  
*Tom Brown*  
 Tom Brown  
 Commissioner Precinct #4

This replat has the Preliminary/Final approval by the Department of Development for an on-site sewage facility system pending any and all information as may be required by the Ellis County Department of Development.

*Shelton Oles*  
 Public Works Director  
 9-10-09  
 Date

Surveyor's Declaration

KNOW ALL MEN BY THESE PRESENTS:  
 That I, J. Shauna Walker, do hereby certify that I have prepared this Plat from an actual and accurate survey made on the ground and that the corner monuments shown hereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Waxahachie, Texas.

*J. Shauna Walker*  
 J. Shauna Walker, R.P.L.S.  
 Texas Registration No. 5331



Replat  
 Lots 1A & 1B  
 R.D.T. Development

Being a Replat of Lot 1  
 R.D.T. Development  
 An Addition to the E17 of the City of Waxahachie  
 Ellis County, Texas

Scale: 1" = 60'  
 Job Number: 09010

(50)



# EXHIBIT B - LOCATION MAP

0 112.5 225 450 675 900 Feet

-  City Limits
-  ETJ-PTN-208-2024 (ETJ PETITION)

(52)

(5f)

# Planning & Zoning Department

## Petition for ETJ Release

Case: ETJ-PTN-209-2024



**MEETING DATE(S)**

City Council:

December 16, 2024

**CAPTION**

*Consider* proposed Ordinance approving a request by Larry McSpadden & Judy Lee Morris-McSpadden for a **Petition for ETJ Release** for approximately 8.909 acres, located at 3934 S. US Highway 287 (Property ID 224103) – Owner: McSpadden Properties, LLC (ETJ-PTN-209-2024)

**RECOMMENDED MOTION**

*"I move to approve ETJ-PTN-209-2028, a request by John McAfee, for a Petition for ETJ Release for approximately 8.909 acres, located at 3934 S. US Highway 287, authorizing the Mayor to sign the associated documents accordingly."*

**APPLICANT REQUEST**

The property owner has petitioned the City to remove his property from the extraterritorial jurisdiction (ETJ).

**CASE INFORMATION**

*Applicant:* Larry McSpadden & Judy Lee Morris-McSpadden

*Property Owner(s):* McSpadden Properties, LLC

*Site Acreage:* 8.909 acres

*Number of Lots:* 1 lot

*Number of Dwelling Units:* 0 units

**SUBJECT PROPERTY**

*General Location:* 3934 S. US Highway 287

*Parcel ID Number(s):* 224103

*Current Zoning:* ETJ

*Existing Use:* Xit Paving & Construction

*Platting History:* The subject property has not been platted.

*CCN Service Area:* Rockett Special Utility District

Site Aerial:



**PLANNING ANALYSIS**

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

**RECOMMENDATION**

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

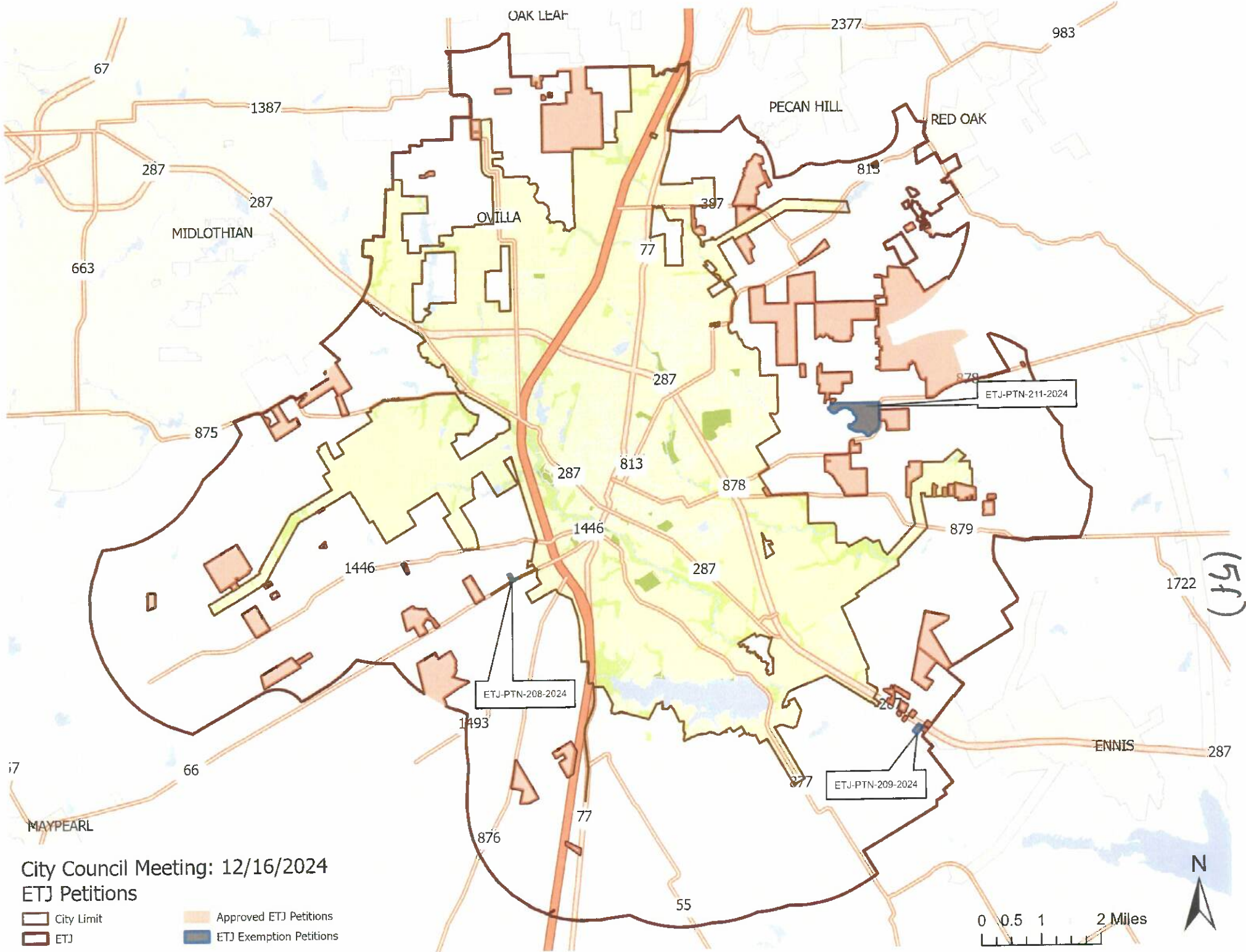
**ATTACHED EXHIBITS**

1. ETJ Petition Map for December 16, 2024 City Council Meeting
2. Proposed Ordinance
3. Metes and Bounds (Exhibit A)
4. Location Map (Exhibit B)

**STAFF CONTACT INFORMATION**

*Prepared by:*  
 Oanh Vu  
 Senior Planner  
[oanh.vu@waxahachie.com](mailto:oanh.vu@waxahachie.com)

*Reviewed by:*  
 Jennifer Pruitt, AICP, LEED-AP, CNU-A  
 Senior Director of Planning  
[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)



(5f)

**ORDINANCE NO.**

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 8.909 ACRE TRACT OF LAND, LOCATED AT 3934 SOUTH U.S. HIGHWAY 287, KNOWN AS PROPERTY ID 224103, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.**

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

**WHEREAS**, as authorized by Subchapter D of Chapter 42 of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("**City**") exclude the property herein described from the City's Extraterritorial Jurisdiction ("**ETJ**"); and

**WHEREAS**, City staff has determined that the submitted petition, case number ETJ-PTN-209-2024, complies with the requirements of Subchapter D of Chapter 42 of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

**NOW, THEREFORE**, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by metes and bounds in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

**PASSED, APPROVED AND ADOPTED** on this 16<sup>th</sup> day of December, 2024.

---

MAYOR

ATTEST:

---

City Secretary

EXHIBIT A - METES & BOUNDS

(5f)

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

ASSUMPTION WARRANTY DEED

Date: February 23, 2017
Grantor: XIT Paving and Construction, Inc., a Texas corporation
Grantor's Mailing Address: 3934 South Highway 287, Waxahachie, Texas 75165, Ellis County
Grantee: McSpadden Properties, LLC, a Texas limited liability company
Grantee's Mailing Address: 1950 CR 134, Kaufman, Texas 75142, Kaufman County

Consideration: Ten and No/100 Dollars (\$10.00) and Grantee's assumption of and agreement to pay, according to the note's terms, the unpaid principal and earned interest on the note in the original principal sum of \$341,611.70 dated February 23, 2010, executed by XIT Paving and Construction, Inc. and payable to the order of Ennis State Bank. The note is secured by a deed of trust dated February 23, 2010 recorded in Volume 2496, Page 650 of the Official Records of Ellis County, Texas. As further consideration Grantee promises to keep and perform all the covenants and obligations of the grantor named in that deed of trust and to indemnify, defend, and hold Grantor harmless from any loss, attorney's fees, expenses, or claims attributable to a breach or default of any provision of this assumption by Grantee.

Property (including any improvements):

All that certain lot, tract or parcel of land situated in the GEORGE CARPENTER SURVEY, ABSTRACT NO. 190, in Ellis County, Texas, and being a part of a called 17.25 acre tract of land described in Volume 444, Page 367, Deed Records, Ellis County, Texas, (DRECT), and being more particularly described as follows:

BEGINNING at a 1/2" steel rod found in the northeast line of Old U.S. Highway 287, (a public road), for the west corner of this tract and same for the said 17.25 acre tract and also being the south corner of a called 1.0 acre tract of land described in Volume 681, Page 28, DRECT;

THENCE along the northwest line of this tract and same for the said 17.25 acre tract as follows: N 39 degrees 25 minutes 18 seconds E, 320.48 feet (Deed - N 39 degrees E) along the southeast line of the called 1.0 acre tract to a 3/4" steel pipe found for the east corner of the said 1.0 acre tract and being the easterly south corner of a called 4.06 acre tract of land described in Volume 840, Page 329, DRECT; and N 38 degrees 37 minutes 56 seconds E, 464.20 feet along the easterly southeast line of the said 4.06 acre tract to a 5/8" steel rod found in the southwest line of the current U.S. Highway 287, (a public road), for the north corner of this tract and the east corner of the said 4.06 acre tract;

THENCE S 57 degrees 47 minutes 59 seconds E, 472.22 feet through the original 17.25 acre tract and along the northeast line of this tract and along the southwest line of U.S. Highway 287 to a 1/2" steel rod set in the original southeast line of the said 17.25 acre tract for the east corner of this tract and being the north corner of Lot B of Arrowhead Addition, an Addition to Ellis County as recorded in Cabinet A, Slide 699; Plat Records, Ellis County, Texas (PRECT); THENCE S 39 degrees 06 minutes 23 seconds, W, 879.09 feet along the southeast line of

Assumption Warranty Deed
McSpadden Properties, LLC
9126.2017

A CERTIFIED COPY
ATTEST: SEP 17 2024
KRISTAL VALDEZ, COUNTY CLERK
ELLIS COUNTY TEXAS
BY Amanda Conna DEPUTY

FILED FOR RECORD - ELLIS COUNTY, TEXAS
INST NO. 1706632 FILING DATE/TIME: Mar 13, 2017 at 09:26:00 AM

(5f)

this tract and same for the said 17.25 acre tract and along the northwest line of Arrowhead Addition to a 1/2" steel rod set in the northeast line of Old U.S. Highway 287 for the south corner of this tract and same for the said 17.25 acre tract and being the west corner of Lot 1 of said Arrowhead Addition;

THENCE N 46 degrees 17 minutes 20 seconds W, 468.22 feet along the southwest line of this tract and same for the said 17.25 acre tract and along the northeast line of Old U.S. Highway 287 to the POINT OF BEGINNING and containing approximately 8.909 acres of land.

**Reservations from Conveyance:**

None

**Exceptions to Conveyance and Warranty:**

Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; and taxes for 2016, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

**THIS INSTRUMENT WAS PREPARED BASED ON INFORMATION PROVIDED BY THE PARTIES HERETO. NO INDEPENDENT TITLE SEARCH WAS CONDUCTED PRIOR TO ITS EXECUTION.**

XIT Paving and Construction, Inc.,  
a Texas corporation

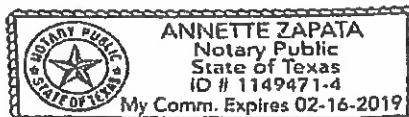
*[Signature]*  
By: Larry McSpadden, President

STATE OF TEXAS                    §  
COUNTY OF ELLIS               §

This instrument was acknowledged before me on March 7, 2017 by Larry McSpadden as President of XIT Paving and Construction, Inc., on behalf of said entity.

*Annette Zapata*  
Notary Public, State of Texas

**AFTER RECORDING, RETURN TO:**  
Ennis State Bank  
P.O. Box 370  
Ennis, Texas 75120



Assumption Warranty Deed  
McSpadden Properties, LLC  
0188.2017

A CERTIFIED COPY  
ATTEST: KRISTAL VALDEZ, COUNTY CLERK  
ELLIS COUNTY, TEXAS  
BY: KRISTAL VALDEZ, DEPUTY  
SEP 17 2018

(5f)

FILED FOR RECORD - ELLIS COUNTY, TX  
INST NO. 1706632  
on Mar 13, 2017 at 09:26:00 AM

CERTIFIED SEP 17 2014  
ATTEST: KRISTAL VALDEZ COUNTY CLERK  
ELLIS COUNTY, TEXAS  
BY: [Signature] DEPUTY

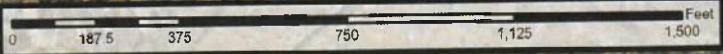
Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law  
STATE OF TEXAS COUNTY OF ELLIS  
I hereby certify this instrument was filed on the date and time stamped herein and was duly recorded in the volume and page of the OFFICIAL PUBLIC RECORDS of Ellis County Texas and stamped hereon



*Cindy Palley*  
COUNTY CLERK ELLIS COUNTY, TEXAS



**EXHIBIT B - LOCATION MAP**



- ETJ
- ETJ-PTN-209-2024 (ETJ PETITION)

(5)

(5g)

# Planning & Zoning Department

## Petition for ETJ Release

Case: ETJ-PTN-211-2024



### MEETING DATE(S)

City Council:

December 16, 2024

### CAPTION

*Consider* proposed Ordinance approving a request by David Cooper, for a **Petition for ETJ Release** for approximately 166.55 acres, located directly south of 841 Youngblood Road (Property ID 192406) – Owner: David Cooper & Richard Cooper (ETJ-PTN-211-2024).

### RECOMMENDED MOTION

*"I move to approve ETJ-PTN-211-2024, a request by David Cooper, for a Petition for ETJ Release for approximately 166.55 acres, located directly south of 841 Youngblood Road, authorizing the Mayor to sign the associated documents accordingly."*

### APPLICANT REQUEST

The property owners have petitioned the City to remove their property from the extraterritorial jurisdiction (ETJ).

### CASE INFORMATION

<i>Applicant:</i>	David Cooper
<i>Property Owner(s):</i>	David Cooper & Richard Cooper
<i>Site Acreage:</i>	166.55 acres
<i>Number of Lots:</i>	1 lot
<i>Number of Dwelling Units:</i>	0 unit

### SUBJECT PROPERTY

<i>General Location:</i>	Directly south of 841 Youngblood Road
<i>Parcel ID Number(s):</i>	192406
<i>Current Zoning:</i>	N/A (ETJ)
<i>Existing Use:</i>	Undeveloped
<i>Platting History:</i>	The subject property is not platted.
<i>CCN Service Area:</i>	Rockett SUD

(5g)

**Site Aerial:**



**PLANNING ANALYSIS**

Starting September 1, 2023, residents living in areas within a municipality's ETJ are allowed to file a petition requesting their release from the ETJ. Upon providing the City with the minimum information listed below, the City must immediately release the area from its ETJ.

- The petition must be in writing and detail the area's boundaries through either metes and bounds or a recorded plat; and
- The petition must include the property owner's name, signature, date of birth, residence address, and date of signing.

This application satisfies the requirements of Chapter 42, Subchapter D of the Texas Local Government Code governing the requirements for an ETJ petition.

**RECOMMENDATION**

City staff has determined that the submitted petition complies with the requirements of Chapter 42, Subchapter D of the Texas Local Government Code and that such law requires the release of the subject property from the City's ETJ.

**ATTACHED EXHIBITS**

1. ETJ Petition Map for November 4, 2024, City Council Meeting
2. Proposed Ordinance
3. Legal Description (Exhibit A)
4. Location Map (Exhibit B)

**STAFF CONTACT INFORMATION**

*Prepared by:*

Harper Lindamood

Planner

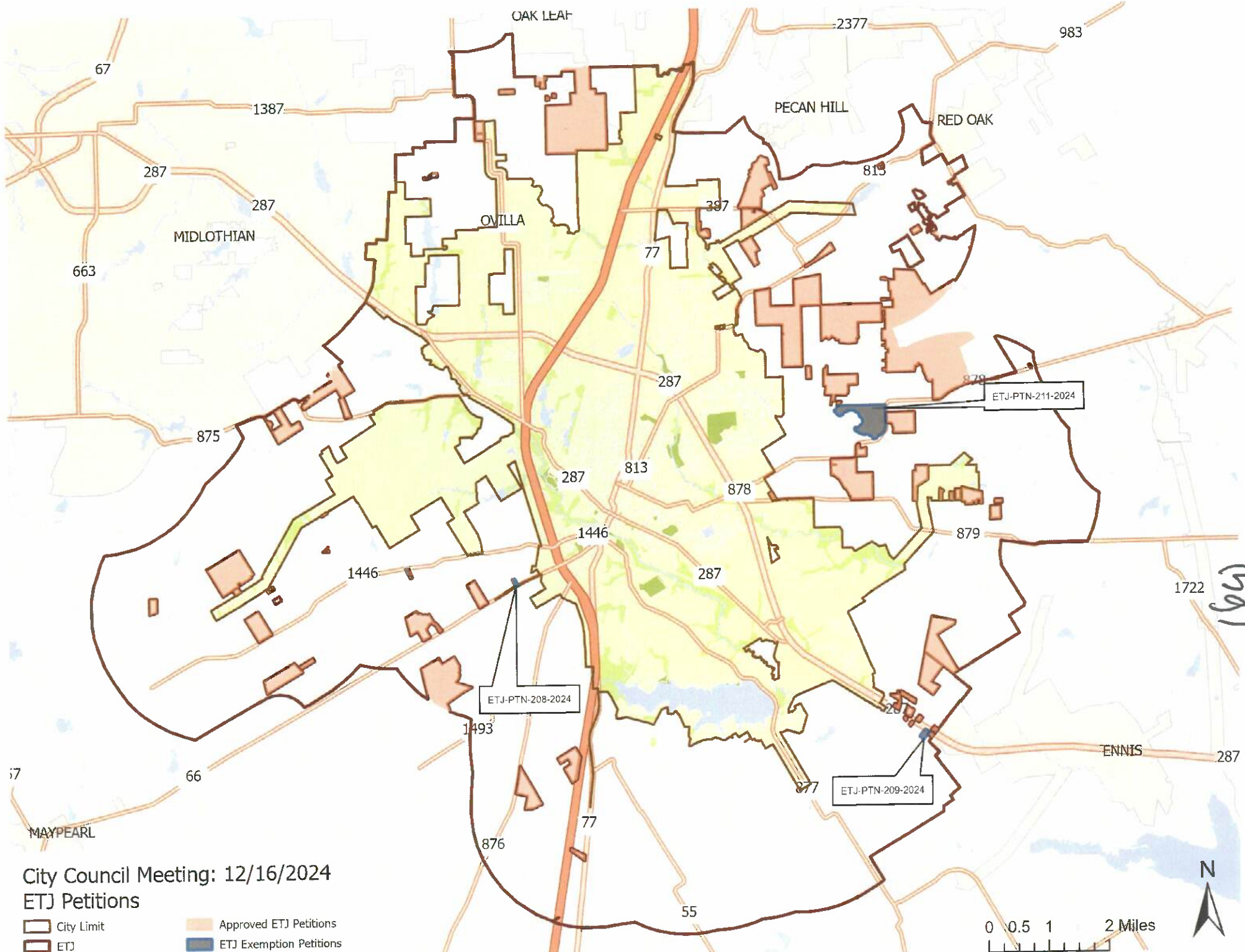
[Harper.lindamood@waxahachie.com](mailto:Harper.lindamood@waxahachie.com)

*Reviewed by:*

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

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)



City Council Meeting: 12/16/2024  
 ETJ Petitions

- City Limit
- ETJ
- Approved ETJ Petitions
- ETJ Exemption Petitions



(59)

(5g)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 166.55 ACRE TRACT OF LAND, LOCATED DIRECTLY SOUTH OF 841 YOUNGBLOOD ROAD, KNOWN AS PROPERTY ID 192406 AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.**

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

**WHEREAS**, as authorized by Subchapter D of Chapter 42 of the Texas Local Government Code, the landowners of the herein described property have requested and petitioned in writing that the City of Waxahachie ("**City**") exclude the property herein described from the City's Extraterritorial Jurisdiction ("**ETJ**"); and

**WHEREAS**, City staff has determined that the submitted petition, case number ETJ-PTN-211-2024, complies with the requirements of Subchapter D of Chapter 42 of the Texas Local Government Code and that such law requires the release of the herein described property from the City's ETJ.

**NOW, THEREFORE**, the following described tracts of land are hereby released and removed from the City's ETJ, effective as of the date of the passage of this Ordinance:

All those certain lots, tracts or parcels of land situated in Ellis County, Texas, and being more particularly described by legal description in Exhibit A and shown on the location map in Exhibit B, which are made a part hereof and attached hereto for all purposes.

The City's ETJ boundary is hereby amended in accordance with said change. City staff is hereby directed to make all required changes to the City map showing the boundaries of the City's ETJ, as required by Section 41.002 of the Texas Local Government Code, and to promptly notify Ellis County of such changes.

**PASSED, APPROVED AND ADOPTED** on this 16<sup>th</sup> day of December, 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary

**PROPERTY DESCRIPTION**

BEING A TRACT OF LAND SITUATED IN THE SS WILSON SURVEY, ABSTRACT NO. 1141, ELLIS COUNTY, TEXAS, AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED AS EXHIBIT B FIRST TRACT, IN DEED TO RICHARD W. COOPER AND DAVID E COOPER, RECORDED IN VOLUME 1625, PAGE 663, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS (OPRECT), AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED AS EXHIBIT A FIRST TRACT, IN DEED TO RICHARD W. COOPER AND DAVID E COOPER, RECORDED IN VOLUME 1625, PAGE 663, OPRECT, AND BEING MORE PARTICULARLY DESCRIBED, AS FOLLOWS:

BEGINNING AT A NAIL SET IN THE WEST LINE OF SAID COOPER EXHIBIT B TRACT, FOR THE SOUTHWEST CORNER OF HIDDEN FALLS ADDITION, RECORDED IN CABINET J, SLIDE 601, OPRECT, THE COMMON SOUTHEAST CORNER OF WILSON PLACE, RECORDED IN CABINET O, SLIDE 87, OPRECT, THE NORTHEAST CORNER OF ZACKARY ESTATES, RECORDED IN CABINET F, SLIDE 134, OPRECT, AND BEING IN THE APPROXIMATE CENTERLINE OF YOUNGBLOOD ROAD (A VARIABLE WIDTH DEDICATED AND UNRECORDED ROW);

THENCE N 89°45'25" E, ALONG THE SOUTH LINE OF SAID HIDDEN FALLS ADDITION, THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN DEED TO CRYSTAL RAMIREZ, RECORDED IN INSTRUMENT NO. 2315771, OPRECT, THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN DEED TO NALLELY FERNANDEZ LARA, RECORDED IN INSTRUMENT NO. 2219582, OPRECT, THE SOUTH LINE OF GARCIA ADDITION, RECORDED IN CABINET L, SLIDE 13, OPRECT, THE SOUTH LINE OF DVD ESTATES, RECORDED IN CABINET K, SLIDE 327, OPRECT, AND THE APPROXIMATE CENTERLINE OF SAID YOUNGBLOOD ROAD, A DISTANCE OF 1747.20 FEET TO A NAIL SET IN THE EAST LINE OF SAID COOPER EXHIBIT B TRACT, FOR THE NORTHWEST CORNER OF SAID COOPER EXHIBIT A TRACT, THE COMMON SOUTHEAST CORNER OF SAID DVD ESTATES, THE COMMON SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO ELVIS WAYNE MERRIFIELD FAMILY TRUST, RECORDED IN VOLUME 2483, PAGE 676, OPRECT FURTHER DESCRIBED IN VOLUME 2120, PAGE 1276, OPRECT;

THENCE N 89°48'15" E, ALONG THE NORTH LINE OF SAID COOPER EXHIBIT A TRACT, THE COMMON SOUTH LINE OF SAID MERRIFIELD TRACT AND THE APPROXIMATE CENTERLINE OF SAID YOUNGBLOOD ROAD, A DISTANCE OF 2385.39 FEET TO A NAIL SET FOR THE INTERSECTION OF THE NORTH LINE OF SAID COOPER EXHIBIT A TRACT AND THE WEST RIGHT-OF-WAY (ROW) LINE OF FM 878 (A VARIABLE WIDTH ROW), FOR THE SOUTHEAST CORNER OF SAID MERRIFIELD TRACT;

THENCE, ALONG THE WEST ROW LINE OF SAID FM 878, THE FOLLOWING:

S 00°22'36" W, PASSING AT A DISTANCE OF 24.46 FEET A 1" PIPE FOUND, A TOTAL DISTANCE OF 338.00 FEET TO A 1" PIPE FOUND FOR CORNER;

S 00°05'55" E A DISTANCE OF 1606.86 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER;

S 89°54'18" W A DISTANCE OF 5.00 FEET TO A 5/8" IRON ROD WITH CAP SET FOR THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 671.20 FEET, A CHORD BEARING S 22°18'17" W, CHORD DISTANCE OF 513.04 FEET;

ALONG SAID NON TANGENT CURVE TO THE RIGHT AN ARC LENGTH OF 526.43' FEET A 5/8" IRON ROD WITH CAP STAMPED "TXRCS" SET FOR CORNER;

THENCE S 44°46'25" W A DISTANCE OF 233.76 FEET TO A POINT FOR THE INTERSECTION OF THE SOUTH LINE OF SAID COOPER EXHIBIT A TRACT AND THE APPROXIMATE CENTERLINE OF GROVE CREEK, FOR THE NORTHEAST CORNER OF LOT 2, ANDERSON ADDITION, RECORDED IN CABINET C, SLIDE 220, OPRECT,

THENCE ALONG THE SOUTH LINES OF SAID COOPER EXHIBIT A TRACT, THE SOUTH LINES OF SAID COOPER EXHIBIT B TRACT, THE COMMON NORTH LINE OF SAID ANDERSON ADDITION, THE COMMON NORTH LINE OF A TRACT OF LAND DESCRIBED IN DEED TO SEAN ANDERSON, RECORDED IN INSTRUMENT NO. 1905275, OPRECT, THE COMMON NORTH LINE OF SZYMEZAK ADDITION RECORDED IN CABINET L, SLIDE 393, OPRECT, THE COMMON WEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO JAMES L BARNES AND DAPHEN BARNES, RECORDED IN VOLUME 631, PAGE 187, OPRECT, THE COMMON WEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO PLATT FAMILY TRUST, RECORDED IN VOLUME 2188, PAGE 164, OPRECT, THE COMMON WEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO CALVIN R. SULAK, RECORDED IN VOLUME 1795, PAGE 1641, OPRECT AND THE APPROXIMATE CENTERLINE OF SAID GROVE CREEK, THE FOLLOWING:

N 85°50'28" W A DISTANCE OF 35.33 FEET;

S 79°16'51" W A DISTANCE OF 160.37 FEET;

S 70°46'00" W A DISTANCE OF 113.72 FEET;

S 27°53'14" W A DISTANCE OF 195.30 FEET;

S 59°46'03" W A DISTANCE OF 150.37 FEET;

S 79°56'51" W A DISTANCE OF 142.31 FEET;

N 76°04'53" W A DISTANCE OF 95.67 FEET;

N 20°27'08" W A DISTANCE OF 64.29 FEET;

N 26°20'13" W A DISTANCE OF 192.86 FEET;

N 71°34'35" W A DISTANCE OF 236.54 FEET;

N 52°51'26" W A DISTANCE OF 63.53 FEET;

N 66°36'08" W A DISTANCE OF 95.92 FEET;

S 78°37'43" W A DISTANCE OF 233.68 FEET;

N 80°44'39" W A DISTANCE OF 122.09 FEET;

N 76°25'18" W A DISTANCE OF 133.46 FEET;

N 63°12'18" W A DISTANCE OF 190.58 FEET;  
N 67°42'59" W A DISTANCE OF 151.67 FEET;  
N 58°12'05" W A DISTANCE OF 219.65 FEET;  
N 64°39'01" W A DISTANCE OF 41.17 FEET;  
N 82°23'18" W A DISTANCE OF 42.33 FEET;  
N 32°01'15" W A DISTANCE OF 120.87 FEET;  
N 07°21'12" W A DISTANCE OF 113.52 FEET;  
N 30°57'08" E A DISTANCE OF 71.44 FEET;  
N 54°20'03" E A DISTANCE OF 52.64 FEET;  
N 86°16'32" E A DISTANCE OF 54.59 FEET;  
S 58°41'41" E A DISTANCE OF 64.58 FEET;  
S 74°09'25" E A DISTANCE OF 40.82 FEET;  
N 66°18'45" E A DISTANCE OF 78.55 FEET;  
N 49°53'43" E A DISTANCE OF 155.79 FEET;  
N 42°29'39" E A DISTANCE OF 88.84 FEET;  
N 52°35'56" E A DISTANCE OF 47.01 FEET;  
N 63°47'14" E A DISTANCE OF 43.73 FEET;  
N 46°21'44" E A DISTANCE OF 93.26 FEET;  
N 34°16'13" E A DISTANCE OF 56.96 FEET;  
N 44°11'48" E A DISTANCE OF 39.83 FEET;  
N 40°16'25" E A DISTANCE OF 39.62 FEET;  
N 07°08'57" E A DISTANCE OF 103.81 FEET;  
N 11°12'30" W A DISTANCE OF 135.69 FEET;  
N 20°56'06" W A DISTANCE OF 127.99 FEET;  
N 37°12'24" W A DISTANCE OF 100.21 FEET;  
N 52°52'38" W A DISTANCE OF 128.36 FEET;  
N 31°31'52" W A DISTANCE OF 117.88 FEET;  
N 04°44'25" W A DISTANCE OF 105.21 FEET;  
N 27°52'37" W A DISTANCE OF 96.61 FEET;  
N 46°23'04" W A DISTANCE OF 79.27 FEET;

N 66°24'52" W A DISTANCE OF 110.26 FEET;

N 56°54'18" W A DISTANCE OF 108.91 FEET;

N 62°34'52" W A DISTANCE OF 147.76 FEET;

N 62°15'56" W A DISTANCE OF 101.88 FEET;

N 73°58'32" W A DISTANCE OF 116.55 FEET;

S 89°27'00" W A DISTANCE OF 81.70 FEET;

S 80°05'16" W A DISTANCE OF 98.87 FEET;

S 83°16'05" W A DISTANCE OF 103.73 FEET;

S 68°08'02" W A DISTANCE OF 82.92 FEET;

S 69°04'38" W A DISTANCE OF 132.79 FEET;

S 69°13'35" W A DISTANCE OF 127.24 FEET;

S 47°07'08" W A DISTANCE OF 118.59 FEET;

S 38°19'42" W A DISTANCE OF 140.90 FEET;

S 45°23'56" W A DISTANCE OF 91.91 FEET;

S 65°56'22" W A DISTANCE OF 109.89 FEET;

S 79°15'56" W A DISTANCE OF 94.97 FEET;

N 87°10'35" W A DISTANCE OF 89.61 FEET;

N 66°14'33" W A DISTANCE OF 102.57 FEET;

N 48°39'31" W A DISTANCE OF 160.62 FEET;

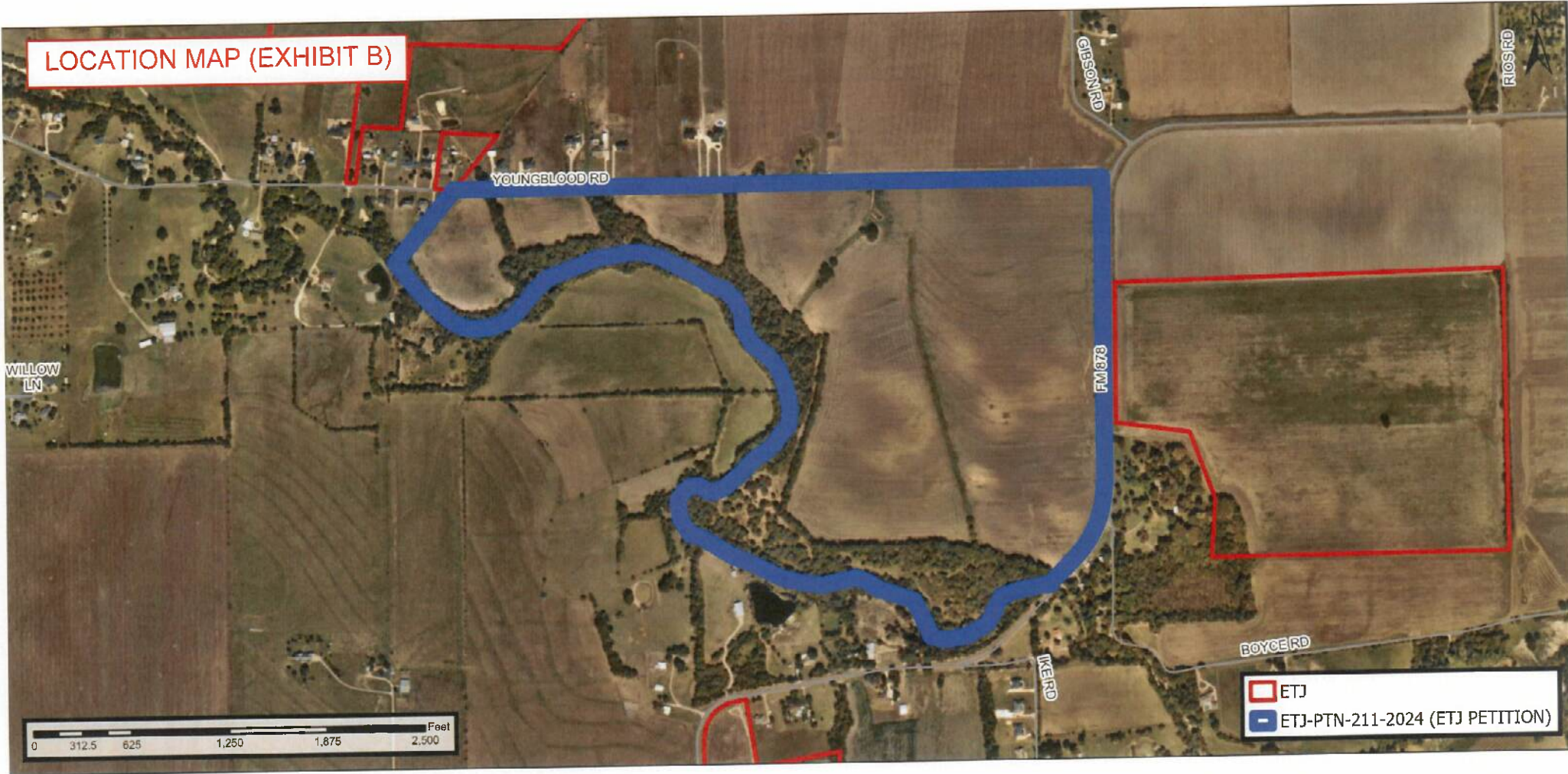
N 44°04'53" W A DISTANCE OF 98.94 FEET;

N 41°08'23" W A DISTANCE OF 89.87 FEET;

N 37°15'54" W A DISTANCE OF 175.86 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID COOPER EXHIBIT B TRACT, THE COMMON NORTH CORNER OF SAID SULAK TRACT, THE COMMON NORTH CORNER OF A TRACT F LAND DESCRIBED IN DEED TO CALVIN R SULAK, RECORDED IN VOLUME, 1680, PAGE 169, OPRECT AND THE COMMON SOUTHEAST CORNER OF SAID ZACKARY ADDITION;

THENCE N 39°05'42" E, ALONG THE WEST LINE OF SAID COOPER EXHIBIT B TRACT AND THE COMMON EAST LINE OF SAID ZACKARY ADDITION, PASSING AT A DISTANCE OF 78.84 FEET A 1/2" IRON ROD FOUND FOR THE SOUTH CORNER OF SAID LOT 2, ZACKARY ADDITION, PASSING AT A DISTANCE OF 559.83 FEET A 1/2" IRON FOD FOUND FOR THE NORTHEAST CORNER OF SAID LOT 2, IN THE SOUTH ROW LINE OF SAID YOUNGBLOOD ROAD, A TOTAL DISTANCE OF 597.08 FEET TO THE POINT OF BEGINNING AND CONTAINING 166.544 ACRES OF LAND, MORE OR LESS.

LOCATION MAP (EXHIBIT B)




(59)

(5h)



## Memorandum

To: Honorable Mayor and City Council  
From: Amber Villarreal, City Secretary  
Thru: Michael Scott, City Manager   
Date: December 16, 2024  
Re: Mobile Home License Renewal for January 1, 2025-December 31, 2025

---

**Recommended Motion:** "I move to approve Mobile Home License Renewals for 2025, as presented."

**Item Description:** Annual Mobile Home License renewals for January 1, 2025-December 31, 2025.

**Item Summary:** City Ordinance requires a license for operating a mobile home park within city limits. Key provisions are as follows:

- The initial license fee for each mobile home park is \$50, plus \$1 per licensed mobile home lot, per year or fraction thereof.
- The fee for transferring a license is \$25.
- Annual renewal applications require a \$1 fee per mobile home lot. If additional lots are added, the same fee as the initial license will apply.
- Licenses are valid from January 1 to December 31 each year.

These provisions regulate the operation and licensing of mobile home parks within the city. The following applications have been received for Mobile Home License Renewals for January 1, 2025 -December 31, 2025:

(5h)

**MOBILE HOME PARK**

**NO. OF LOTS**

Grand Avenue Mobile Home M.H.C.  
312 N. Grand Avenue Trl.  
Waxahachie, Texas 75165

32

Vista Hills MHC, LTD.  
290 S. IH 35 East  
Waxahachie, TX 75165

275

Granite Pine Meadow Estates  
3455 South Interstate Highway 35E  
Waxahachie, Texas 75165


180

(51)



## Memorandum

To: Honorable Mayor and City Council

From: Michael Scott, City Manager 

Thru:

Date: December 10, 2024

Re: Consider Funding Appropriation in Support of Waxahachie CARE Services

**Recommended Motion:** "I move to authorize the supplemental appropriation in the amount of \$50,000 as financial support of Waxahachie CARE Services and authorize the City Manager to execute all necessary documents."

**Item Description:** Consider a supplemental appropriation of \$50,000 from the General Fund Unrestricted Reserves to support the on-going efforts of Waxahachie CARE Services.

**Item Summary:** Waxahachie CARE Services is a non-profit organization founded in 1982 that provides assistance to local residents and citizens from around Ellis County in the form of utility bill assistance as well as providing groceries and medical supplies. This organization has historically been funded solely through private donations and a variety of grants. With the increase in operational costs, some newly imposed restrictions on grant funding, a decrease in private giving and exponential growth in individuals needing assistance, public funding is now being requested. Being located in Waxahachie and with 65% of its clients being City of Waxahachie residents, Waxahachie CARE provides an invaluable service to our community.

At the request of Mayor Wallace, staff has met with Kim Holman, the executive director of Waxahachie CARE to understand better the need the organization currently finds itself in. Additionally, staff has requested and reviewed the organization's financial and operational information and recommends the City make a contribution to support the on-going efforts of Waxahachie CARE Services.

(51)

**Fiscal Impact:** The \$50,000 supplemental appropriation is proposed to be funded from the General Fund - Unrestricted Reserves. There are sufficient funds available to fund this request. Future funding will be considered annually.

(5j)



## Memorandum

To: Honorable Mayor and City Council

From: Amber Villarreal, City Secretary

Thru: Michael Scott, City Manager

Date: December 16, 2024

Re: Appointments to the Animal Care Advisory Committee, Senior Center Advisory Committee, and Waxahachie Community Development Corporation to Fill Unexpired Terms

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**Recommended Motion:** "I move to approve the appointments to the Animal Care Advisory Committee, Senior Center Advisory Committee, and Waxahachie Community Development Corporation to fill unexpired terms, as presented."

**Item Description:** Consider appointments to fill unexpired terms on the Animal Care Advisory Committee, Senior Center Advisory Committee, and Waxahachie Community Development Corporation.

*Animal Care Advisory Committee*

- Brian Burks (filling unexpired term of Curtiss Thompson until September 2026)

*Senior Center Advisory Committee*

- Shannon Childs (filling unexpired term of Ellie Gates until September 2025)

*Waxahachie Community Development Corporation*

- Erik Test (filling unexpired term of Dan Morton until September 2026)

**Item Summary:** Staff submitted the current applications on file to City Council for review and consideration. During the December 9<sup>th</sup> Work Session, City Council discussed the applicants and made the recommendations outlined above.

(5k)



## Memorandum

To: Honorable Mayor and City Council  
From: Dale Sigler, Director of Administrative Services  
Thru: Michael Scott, City Manager  
Date: December 10, 2024  
Re: Consider Approval of Early Release Bid Package 04 for City Hall Remodel and Construction Project

---

**Recommended Motion:** "I move to approve the expenditure for early release bid package 04 in the amount of \$467,372 with Turner Construction Company 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 fourth early release bid package in the amount of \$467,372 with Turner Construction Company for the City Hall Remodel and Construction Project. This release package is for HVAC equipment and elevator.

**Item Summary:** Our construction team continues to look for ways to combat fiscal escalation and long lead times on specific materials. The construction team has identified the elevator and HVAC equipment scope of work for this project. By getting this package out early, the city will save money by locking in the price for these items now rather than weeks or months down the road. This process also helps keep the project on schedule by procuring the long lead time items earlier in the construction process.

Turner advertised and received multiple competitive bids for the elevator and HVAC equipment scope of work for the City Hall Remodel and Construction Project. The scope of work includes one elevator for the new three-story structure and six air handling units with roof curbs, filters and T-stats.

(5K)

**Fiscal Impact:** This amount aligns with the amount Architexas and VMG budgeted for this project. 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.

(56)



## Memorandum

To: Honorable Mayor and City Council

From: Amber Villarreal, City Secretary

Thru: Michael Scott, City Manager

Date: December 16, 2024

Re: Consider setting January 2025 City Council Meeting Date

---

**Recommended Motion:** "I move to set the second City Council meeting for the month of January to Tuesday, January 21, 2025."

**Item Description:** Consider setting City Council meeting on Tuesday, January 21, 2025 due to the Martin Luther King, Jr. holiday on January 20th.

**Item Summary:** Due to the Martin Luther King, Jr. holiday, staff is requesting to set the second regularly scheduled City Council meeting on Tuesday, January 21, 2025.

(5m)



## Memorandum

To: Honorable Mayor and City Council

From: Chad Tustison, Finance Director

Thru: Michael Scott, City Manager

Date: December 16, 2024

Re: Consider Resolution Adopting the City's Investment Policy as Required by the Texas Public Funds Investment Act

---

**Recommended Motion:** "I move to approve a Resolution to adopt the City's Investment Policy as required by the Texas Public Funds Investment Act."

**Item Description:** This item is a resolution adopting the City of Waxahachie's current Investment Policy in accordance with the State of Texas Public Funds Investment Act (TPFIA). No changes are recommended to the current policy.

**Item Summary:** Texas Local Government Code Chapter 2256 requires the City Council to adopt the City's Investment Policy annually. The Investment Policy outlines the City's investment strategy, standards of care, authorized investments, policy guidelines, prohibited investments and reporting.

The City's current investment strategy is to maintain sufficient funds in the bank to pay upcoming bills and invoices for the day-to-day operations of the City. Any additional funds, including balances and reserves in the general fund and restricted funds, and bond funds, are held in an investment pool. As bills are paid, funds are moved as needed from the investment pool to the bank.

This investment pool, LOGIC, is a AAA rated local government investment pool that provides government entities across the state the opportunity to pool their money with other entities to achieve economies of scale in a conservative fund in full compliance with the Texas Public Funds Investment Act.

(5m)

ORDINANCE NO. \_\_\_\_\_

**A RESOLUTION APPROVING AND ADOPTING THE CITY OF WAXAHACHIE INVESTMENT POLICY, AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, the Texas Public Funds Investment Act requires City Council to approve the City's Investment Policy annually; and

**WHEREAS**, the Investment Policy outlines the City's investment strategy, standards of care, authorized investments, policy guidelines, prohibited investments and reporting.

**WHEREAS**, the attached Investment Policy has been reviewed for compliance with the Texas Public Funds Investment Act and inclusion of best practices;

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

**Section 1.** In accordance with Chapter 2256 of the Texas Government Code, the Investment Policy attached hereto and incorporated herein, relating to the investment of funds by the City of Waxahachie, is approved and adopted.

**Section 2.** This resolution shall become effective immediately upon adoption.

PASSED, APPROVED AND ADOPTED on this the 16<sup>th</sup> day of December, 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary

(5m)

## City of Waxahachie, Texas

### Investment Policy

**PURPOSE:** To establish policies for the investment of funds of the City of Waxahachie in accordance with Texas Government Code, Chapter 2256 – the Public Funds Investment Act (the “PFIA”).

#### **POLICY: I. Scope**

This Investment Policy applies to the investment activities of the City of Waxahachie, Robert Sokoll Water Treatment Plant, Mid-Way Regional Airport, and Waxahachie Community Development Corporation. All financial assets of these entities, including the following fund types, shall be administered in accordance with the provisions of these policies.

General Fund

Special Revenue Funds

Debt Service Funds

Capital Project Funds

Enterprise Funds

Internal Service Funds

Any new funds created by the City, unless specifically exempted from this Policy by the City Council or by law.

It is the expressed intent of this Policy, the Council and City management that the City’s investment program will at all times be performed and maintain compliance within the existing parameters of the PFIA, including but not limited to those items enumerated in this document.

#### **II. Objectives**

Investment of funds shall be governed by the following investment objectives, in order of priority: preservation and safety of principal; liquidity; and yield.

1. **Safety** - The primary objective of the City’s investment activity is the preservation and safety of capital. Each investment transaction shall seek to first avoid capital losses, whether they be from securities defaults or erosion of market value.

2. **Liquidity** - The City’s investment portfolio will remain sufficiently liquid to enable the City to meet operating requirements that might be reasonably anticipated. Liquidity shall be achieved by matching investment maturities with estimated

Approved

(5m)

cash flow requirements and by investing in securities with active secondary markets.

### 3. Yield

a. **Non-Restricted Cash & Investments** – The City's pooled operating portfolio shall be designed with the objective of earning a rate equal to the average rate of return of the U.S. Treasury Bills (or Notes for longer maturities) at a maturity level comparable to the portfolio's weighted average maturity.

b. **Restricted Cash & Investments** – Applicable Tax-Exempt Debt Proceeds shall attempt to achieve a market rate of return while complying with applicable arbitrage and yield restriction regulations.

### III. Responsibility and Control

The Finance Director and Assistant Finance Director shall act as the City's Investment Officers. Management responsibility for the investment program is hereby delegated to the Investment Officers, who shall establish procedures for the operation of the investment program consistent with this Investment Policy. Such procedures shall include delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this Policy and the procedures established by the Investment Officers. The Investment Officers shall be responsible for all transactions undertaken, and shall establish a system of controls to regulate the activities of subordinate investment officials.

The City shall, in conjunction with its annual financial audit, perform a compliance audit of management controls on investments and adherence to the City's Investment Policy.

In order to ensure qualified and capable investment management, each Investment Officer shall attend investment training no less than once every two years and shall accumulate not less than eight (8) hours of instruction relating to investment responsibilities. A newly appointed Investment Officer shall attend training accumulating at least ten (10) hours of instruction within twelve (12) months of the date the Officer took office or assumed the Officer's duties.

Training must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with the PFIA. The approved independent investment training sources include: Government Finance Officers Association, Government Finance Officers Association of Texas, Government Treasurers' Organization of Texas, Council of Governments University of North Texas Center for Public Management, American Institute of Certified Public Accountants, and Association of Governmental Accountants.

Approved

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#### IV. Standard of Care

Investments shall be made with judgment and care under prevailing circumstances that a person of prudence, discretion and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived.

All participants in the investment process shall seek to act responsibly as custodians of the public trust. Investment Officers shall avoid any transactions that might impair public confidence in the City's ability to govern effectively. The City Council recognizes that in a diversified portfolio, occasional measured losses due to market volatility are inevitable, and must be considered within the context of the overall portfolio's return.

Investment Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Investment Officers and employees shall disclose to the City Manager any material financial interests in financial institutions that conduct business with the City and they shall further disclose any large personal financial/investment positions that could be related to the performance of the City's portfolio.

If an Investment Officer has a personal business relationship with an entity seeking to sell an investment to the City, or is related within the second degree by affinity or consanguinity, to an individual seeking to sell an investment to the City, the Investment Officer shall file a statement of disclosure with the City Council and the Texas Ethics Commission.

#### V. Reporting

The Investment Officers shall submit a quarterly investment report in compliance with the PFIA, that contains a summary statement of each pooled fund group stating the beginning market value, additions and changes to market value and the ending market value for the quarter. The report shall also state the book value, market value and maturity date of each separately invested asset. The report shall include fully accrued interest for the reporting period. Weighted average yield to maturity shall be the portfolio's performance measurement standard. Lastly, the report shall state the compliance of the City with the investment strategies stated in the City's Investment Policy. This report shall be submitted to the City Council and the City Manager.

During any fiscal year in which the City invests in other than money market mutual funds, investment pools or accounts offered by its depository bank in the form of certificates of deposits, money market accounts or similar accounts, the quarterly investment reports must be formally reviewed by an independent auditor and the auditor must report the results of the review to the City Council.

Approved

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## **VI. Monitoring Market Value and Credit Rating**

Not less than quarterly, the Investment Officers shall monitor the market price of investments by use of a third-party independent sources and the credit rating on all authorized investments requiring a minimum credit rating. If any investment falls below the minimum rating required by the PFIA, the Investment Officers shall take all prudent measures that are consistent with its Investment Policy to liquidate that investment that does not have the minimum rating.

## **VII. Investments**

**1. Authorized Investment Instruments - Assets of funds of the government of the City of Waxahachie may be invested in:**

**a. Obligations, including letters of credit, of the United States or its agencies or instrumentalities, including the Federal Home Loan Banks;**

**b. Direct obligations of the State of Texas or its agencies and instrumentalities;**

**c. Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, this state or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States;**

**d. Obligations of states, agencies, counties, cities, and other political subdivisions of the State of Texas rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent;**

**e. Fully insured or collateralized financial institution deposits that are guaranteed or insured by the Federal Deposit Insurance Corporation or its successor ("FDIC"); or the National Credit Union Share Insurance Fund or its successor ("NCUSIF"); and meet the requirements of the PFIA:**

**f. Repurchase Agreements (direct security repurchase agreements and reverse repurchase agreements in accordance with the PFIA) collateralized by U.S. Treasury or U.S. Government Agency and Instrumentality securities.**

**g. SEC registered, no load money market funds that have a rating of AAAm, or its equivalent, by at least one nationally recognized rating firm and a stated objective to maintain a \$1.0000 share value. The Fund must be registered with and regulated by the Securities and Exchange Commission and provide a prospectus and other information. The City cannot own more than 10% of any mutual fund's total assets;**

**h. Eligible Investment pools organized and managed in accordance with the PFIA and specifically authorized by the City Council.**

Approved

(5m)

2. The purchase of all individual investment instruments shall be executed on a delivery versus payment ("DVP") basis and shall be held in a third-party institution designated and approved by the City Council. (See Appendix A Authorized Broker/Dealer Firms.)

3. The City requires a competitive environment for all individual security purchases and sales, financial institution time deposit and transaction accounts, and money market mutual fund and local government investment pool selections.

4. The City will not be required to liquidate an investment that becomes unauthorized subsequent to its purchase.

5. An Investment Officer may not purchase any investment from a firm which has not delivered a written instrument to the City as required by Sec. 2256.005(k)(l) of the PFIA.

### VIII. STRATEGIES

The City may utilize fund-type or pooled investment groups. These groups will reflect similar needs as to maturity limits, diversity, and liquidity.

All investment-specific restrictions shall be measured at the time of purchase and based on portfolio book value.

#### (1) Operating Funds

This pooled investment group includes cash and investments available for current operations.

**Suitability** - Any investment eligible in the Investment Policy is suitable for Operating Funds.

**Safety of Principal** - All investments shall be of high quality with no perceived default risk. Market price fluctuations may occur. However, by managing the weighted average days to maturity for the Operating Fund's portfolio to less than 270 days and restricting the maximum allowable maturity to two years, the price volatility of the overall portfolio will be minimized.

**Marketability** - Securities with active and efficient secondary markets are necessary in the event of an unanticipated cash flow requirement.

**Liquidity** - The Operating Funds require the greatest short-term liquidity of any of the Fund types. Cash equivalent investments will provide daily liquidity and may be utilized as a competitive yield alternative to fixed maturity investments.

**Diversification** - Investment maturities should be staggered throughout the budget cycle to provide cash flow based on the anticipated operating needs of the City. Market cycle

Approved

(5m)

risk will be reduced by diversifying the appropriate maturity structure out through two years.

**Yield** - Attaining a competitive market yield for comparable investment-types and portfolio restrictions is the desired objective. The yield of an equally weighted, rolling three-month Treasury Bill portfolio will be the minimum yield objective.

**(2) Bond Proceeds and Capital Improvement Funds**

**Suitability** - Any investment eligible in the Investment Policy is suitable for the Bond Proceeds and Capital Improvement Funds.

**Safety of Principal** - All investments will be of high quality with no perceived default risk. Market fluctuations may occur. However, by restricting the maximum maturity to three years, and by managing the Bond Proceeds and Capital Improvement Funds to balance the short term and long term anticipated cash flow requirements, the market risk of the portfolio will be minimized.

**Marketability** - The balancing of short-term and long-term cash flow needs requires the short-term portion of the Bond Proceeds and Capital Improvement Funds to have securities with active and efficient secondary markets.

**Liquidity** - Selecting investment maturities that provide greater cash flow than the anticipated needs and maintaining appropriate cash-equivalent balances will reduce the liquidity risk of unanticipated expenditures.

**Diversification** - Investment maturities should blend the short-term and long-term cash flow needs to provide adequate liquidity, yield enhancement, and stability.

**Yield** - Attaining a competitive market yield for comparable investment-types and portfolio structures is the desired objective, however this portfolio maintains an investment strategy is comply with any applicable arbitrage or yield restriction regulations.

**(3) Debt Service Funds**

**Suitability** - Any investment eligible in the Investment Policy is suitable for the Debt Service Funds.

**Safety of Principal** - All investments shall be of high quality with no perceived default risk. Market price fluctuations may occur. However, by managing Debt Service Funds to not exceed the debt service payment schedule the market risk of the overall portfolio will be minimized.

Approved

(5m)

**Marketability** - Securities with active and efficient secondary markets are not necessary as the event of an unanticipated cash flow requirement is not probable.

**Liquidity** - Debt Service Funds have predictable payment schedules. Therefore, investment maturities should not exceed the anticipated cash flow requirements. Cash equivalent investments may provide a competitive yield alternative for short term fixed maturity investments. A singular repurchase agreement may be utilized if disbursements are allowed in the amount necessary to satisfy any debt service payment. This investment structure is commonly referred to as a flexible repurchase agreement.

**Diversification** - Market conditions influence the attractiveness of fully extending maturity to the next "unfunded" payment date. Generally, if investment rates are anticipated to decrease over time, the City is best served by locking in most investments. If the interest rates are potentially rising, then investing in shorter and larger amounts may provide advantage. At no time shall the debt service schedule be exceeded in an attempt to bolster yield.

**Yield** - Attaining a competitive market yield for comparable investment-types and portfolio restrictions is the desired objective. The yield of an equally weighted, rolling three-month Treasury Bill portfolio shall be the minimum yield objective.

#### **(4) Debt Service Reserve Funds**

**Suitability** - Any investment eligible in the Investment Policy is suitable for Debt Service Reserve Funds. Bond resolution and loan documentation constraints and insurance company restrictions may create specific considerations in addition to the Investment Policy.

**Safety of Principal** - All investments shall be of high quality with no perceived default risk. Market price fluctuations may occur. However, managing Debt Service Reserve Fund maturities to not exceed the call provisions of the borrowing reduces the market risk if the City's debt is redeemed and the Reserve Fund liquidated. No stated final investment maturity shall exceed the shorter of the final maturity of the borrowing or three years. Annual mark-to-market requirements or specific maturity and average life limitations within the borrowing's documentation will influence the attractiveness of market risk and reduce the opportunity for maturity extension.

**Marketability** - Securities with less active and efficient secondary markets are acceptable for Debt Service Reserve Funds.

**Liquidity** - Debt Service Reserve Funds have no anticipated expenditures. The Funds are deposited to provide annual debt service payment protection to the City's debt holders. The funds are "returned" to the City at the final debt service payment. Market conditions and arbitrage regulation compliance determine the advantage of investment

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(5m)

diversification and liquidity. Generally, if investment rates exceed the cost of borrowing, the City is best served by locking in investment maturities and reducing liquidity. If the borrowing cost cannot be exceeded, then concurrent market conditions will determine the attractiveness of locking in maturities or investing shorter and anticipating future increased yields.

Diversification - Market conditions and the arbitrage regulations influence the attractiveness of staggering the maturity of fixed rate investments for Debt Service Reserve Funds. At no time shall the final debt service payment date of the bond issue be exceeded in an attempt to bolster yield.

Yield - Achieving a positive spread to the applicable borrowing cost is the desired objective. Debt Service Reserve Fund portfolio management shall at all times operate within the limits of the Investment Policy's risk constraints.

#### IX Safekeeping and Custody

The City shall contract with financial institutions for the safekeeping of securities either owned by the City as part of its investment portfolio or held as collateral to secure demand or time deposits. Securities owned by the City shall be held in the City's account as evidenced by safekeeping receipts of the institution holding the securities. The City shall approve all third-party custodians for the holding of securities pledged to the City as collateral to secure financial institution deposits.

The City has established a collateral policy in compliance with Government Code Chapter 2257, Public Funds Collateral Act. Deposits secured with irrevocable letters of credit shall have 100% of principal plus anticipated interest of the deposit, less any amount insured by the FDIC or NCUSIF. Deposits secured with pledged marketable securities shall have a market value equal to or greater than 102% of the principal plus accrued interest of the deposit, less any amount insured by the FDIC or NCUSIF. All deposits shall be insured or collateralized in compliance with applicable State law. The City reserves the right, in its sole discretion, to accept or reject any form of insurance or collateralization pledged towards financial institution deposits. Financial institutions serving as City Depositories will be required to sign a depository agreement with the City. The collateralized deposit portion of the agreement shall define the City's rights to the collateral in case of default, bankruptcy, or closing, and shall establish a perfected security interest in compliance with Federal and State regulations, including:

- The agreement must be in writing;
- The agreement has to be executed by the Depository and City contemporaneously with the acquisition of the asset;

Approved

(5m)

- The agreement must be approved by the Board of Directors or designated committee of the Depository and a copy of the meeting minutes must be delivered to the City; and
- The agreement must be part of the Depository's "official record" continuously since its execution.

Acceptable forms of collateral are limited to those authorized in the Public Funds Collateral Act.

All collateral shall be subject to inspection and audit by the City or the City's independent auditors.

X. City Council Approval

At least annually, the City Council shall adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the Investment Policy and investment strategies and that the written instrument so adopted shall record any changes made to either the Investment Policy or investment strategies.

Approved

(5m)

**Appendix A.  
Authorized Broker/Dealer Firms**

To be determined.

Approved

# Planning & Zoning Department

## Zoning Staff Report



**Case: ZDC-177-2024**

**MEETING DATE(S)**

Planning & Zoning Commission: December 9, 2024  
City Council: December 16, 2024

**CAPTION**

**Public Hearing** on a request by Christopher Whitehead for a **Specific Use Permit (SUP)** for an **Accessory Dwelling Unit** use within a **Single Family-2 (SF-2)** zoning district located at 301 Kirven Ave property ID 176066) – Owner: Christopher Whitehead and Rae L. (ZDC-177-2024) Staff: Harper Lindamood

**RECOMMENDED MOTION**

*"I move to approve ZDC-177-2024, Specific Use Permit (SUP) for an Accessory Dwelling Unit use within a Single Family-2 (SF-2) zoning district, subject to the conditions the staff report, authorizing the Mayor and/or City Manager to sign the associated documents accordingly."*

**ACTION SINCE INITIAL STAFF REPORT**

*At the Planning & Zoning Commission meeting held on December 9, 2024, the Commission voted 5-0 to recommend approval of case number ZDC-177-2024, subject to the conditions of the staff report, with condition 6 requiring installation of a 5-foot sidewalk on Kirven Avenue being struck.*

**APPLICANT REQUEST**

The applicant requests approval of a Specific Use Permit (SUP) for an accessory dwelling unit (ADU).

**CASE INFORMATION**

**Applicant:** Christopher Whitehead  
**Property Owner(s):** Christopher Whitehead & Rae L.  
**Site Acreage:** 0.18 acres  
**Current Zoning:** Single Family-2 (SF-2)  
**Requested Zoning:** SF-2 with a SUP for an Accessory Dwelling Unit (ADU).

**SUBJECT PROPERTY**

**General Location:** 301 Kirven Ave.  
**Parcel ID Number(s):** 176066  
**Existing Use:** Single-family residential

*Development History:* The subject property is platted as Lot 1B, Block 6 of the Trinity Heights addition.

*Future Land Use Plan:* Mixed - Use Neighborhood

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

*Thoroughfare Plan:* The subject property is accessible via West Ross Street

*Site Image:*



**PLANNING ANALYSIS**

The applicant is requesting a Specific Use Permit (SUP) to construct a two-story Accessory Dwelling Unit (ADU) at 301 Kirevn Avenue. An existing 980-square-foot garage is present on the subject property and is attached to a breezeway and the primary residence. The applicant is proposing to demolish this existing garage and replace it with the proposed ADU. The proposed ADU will include a new two-car garage on the first floor and the ADU on the second floor. The applicant is proposing the ADU for family and non-paying visitor use only.

**Proposed Use:**

According to the Ellis County Appraisal District, the existing primary structure is approximately 3,180 square feet, and the proposed accessory structure is approximately 898 square feet. The accessory structure is comprised of fiber cement siding with a metal roof. The applicant will install plumbing and electrical service to the ADU. The applicant has noted that the structure will not be separately metered. All utility services will tie into the main house. The applicant has also confirmed that the structure will not be used as a short-term rental nor sold or leased separately from the existing primary structure.

Per the Waxahachie Zoning Ordinance staff identified 5-foot-wide sidewalks as an infrastructure item that should be evaluated with every Specific Use Permit (SUP) Application. Sidewalk installation is to be required with any new development and redevelopment of existing neighborhoods. During the review of this SUP Application, staff identified that a sidewalk currently only exists on the corner of the subject property. Existing sidewalks are present across from the subject property along the south side of West Ross Street and the East side of Kirven Avenue.

As part of this (SUP) Application, staff has recommended a condition requiring the applicant to install a 5-foot-wide sidewalk along Kirven Avenue to perpetuate the pedestrian connectivity of the neighborhood. Generally, a 5-foot sidewalk would also be required along W Ross Street. There is currently a retaining wall located on the subject property, which eliminates the need for a sidewalk along W Ross Street.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, twenty-four (24) 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 received Three (3) letters of support and zero (0) letters of opposition for the proposed SUP.

**RECOMMENDATION**

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

Conditions:

1. The accessory structure shall not be used as a or Short-Term Rental without a Specific Use Permit approved by City Council.
2. The accessory structure shall not be separately metered.
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 existing garage on the subject property shall be demolished prior to the issuance of a building permit for the proposed Accessory Dwelling Unit (ADU).
6. The applicant shall obtain all necessary permits for construction and demolition from the City of Waxahachie Building Department prior to the construction of the accessory structure.

**ATTACHED EXHIBITS**

1. Public Notification Responses
2. Location Map (Exhibit A)
3. Site Plan (Exhibit B)
4. Elevations (Exhibit C)

**STAFF CONTACT INFORMATION**

*Prepared by:*

Harper Lindamood

Planner

[Harper.lindamood@waxahachie.com](mailto:Harper.lindamood@waxahachie.com)

*Reviewed by:*

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

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-177-2024

WALKER AARON & KATHRYN  
300 KIRVEN AVE  
WAXAHACHIE, TX 75165-2510

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Monday, December 9, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 16, 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 Christopher Whitehead for a Specific Use Permit (SUP) for an Accessory Dwelling Unit structure exceeding seven hundred (700) square feet use within a - Single Family-2 (SF-2) zoning district located at 301 Kirven Ave (Property ID 176066) – Owner: Christopher Whitehead and Rae L. (ZDC-177-2024) Staff: Harper Lindamood

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

Case Number: ZDC-177-2024

City Reference: 176049

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *December 4, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Signature  
AARON WALKER  
Printed Name and Title

11/22/24  
Date  
300 KIRVEN AVE  
Address  
WAXAHACHIE, TX  
75165


(7)

Venissat, Michelle

**From:** Christopher Burkhalter <c.burkhalter@icloud.com>  
**Sent:** Monday, November 25, 2024 4:30 PM  
**To:** Planning  
**Subject:** Case #ZDC-177-2024

[Some people who received this message don't often get email from c.burkhalter@icloud.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

Case #ZDC-177-2024  
Curt Reference 176126



**City of Waxahachie, Texas**  
**Notice of Public Hearing**  
Case Number: **ZDC-177-2024**

**BURKHALTER CHRISTOPHER R & THERESA J**  
222 KIRVEN AVE  
WAXAHACHIE, TX 75165-2404

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Monday, December 9, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 16, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

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Case Number: **ZDC-177-2024** City Reference: **176126**

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *December 4, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

Comments:  SUPPORT  OPPOSE

Signature: *Christopher R. Burkhalter* Date: 11/25/24  
Printed Name and Title: Christopher R. Burkhalter Address: 222 Kirven Ave Waxahachie TX 75165

Chris Burkhalter  
Sent from my iPhone

(7)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-177-2024



RECEIVED NOV 26 2024

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

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Monday, December 9, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 16, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

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Case Number: ZDC-177-2024

City Reference: 176141

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *December 4, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Signature

Brad Yates manager  
Printed Name and Title

11/22/24

Date

306 Kirven Ave.  
Address

(7)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-177-2024

RECEIVED NOV 26 2024

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

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Case Number: ZDC-177-2024

City Reference: 176041

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *December 4, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Signature

Brad Yates manager

Printed Name and Title

11/22/24

Date

304 Kirven Ave.

Address

(7)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-177-2024

MCDONALD JANSEN & EMILY  
219 KIRVEN AVE  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Monday, December 9, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 16, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

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Case Number: ZDC-177-2024

City Reference: 176080

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on December 4, 2024 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto: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:

We are very excited for the whiteheads +  
fully support

[Signature]  
Signature

Emily McDonald  
Printed Name and Title

Jansen McDonald

11/22/24  
Date

219 Kirven Ave  
Waxahachie TX 75165  
Address

Case Number: ZDC-177-2024

City Reference: 176124

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *December 4, 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:

torivio J. Martinez  
Signature

11-25-2024  
Date

torivio J. MARTINEZ  
Printed Name and Title

212 KiAVEN AVE  
Address WAXAHACHIE, TX 75165

RECEIVED 11 30 2024

(7)

(7)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-177-2024



LYNN ROBERT J & BECKY  
313 HARBIN AVE  
WAXAHACHIE, TX 75165-2467

RECEIVED OCT 10 2024

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Monday, December 9, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 16, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

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Case Number: ZDC-177-2024

City Reference: 174160

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *December 4, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Signature

11-23-2024

Date

Becky Lynn

Printed Name and Title

313 Harbin Ave

Address

(7)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-177-2024

RECEIVED 11 20 2024

**YRLAS MIRANDA**  
302 KIRVEN AVE  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Monday, December 9, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 16, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

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Case Number: ZDC-177-2024

City Reference: 176050

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SUPPORT

OPPOSE

Comments:

Miranda Yrlas  
Signature

Miranda Yrlas  
Printed Name and Title

11/25/24  
Date

302 Kirven Ave, Waxahachie, TX  
Address  
75165

Case Number: ZDC-177-2024

City Reference: 176066

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *December 4, 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:

WE JUST WANT TO GET THIS PROJECT OVER BEFORE THE KIDS  
MOVE OFF TO COLLEGE.



Signature

12/2/24

Date

CHRIS WHITEHEAD SUPPLICANT  
Printed Name and Title

301 FIRVEN  
Address

(7)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-177-2024

RECEIVED DEC 03 2024

**HEINE GERRY & LISA**  
218 VIRGINIA AVE  
WAXAHACHIE, TX 75165-2418

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Monday, December 9, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 16, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2000 Civic Center Ln, Waxahachie, Texas to consider the following:

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Case Number: ZDC-177-2024

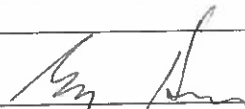
City Reference: 176081

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *December 4, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

  
\_\_\_\_\_  
Signature

Gerry Heine  
\_\_\_\_\_  
Printed Name and Title

11-25-24  
\_\_\_\_\_  
Date

218 Virginia Ave  
\_\_\_\_\_  
Address

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY DWELLING UNIT USE WITHIN A SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 301 KIRVEN AVE., BEING PROPERTY ID 176066, LOT 1B, BLOCK 6 OF THE TRINITY HEIGHTS ADDITION IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, 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-2; and

**WHEREAS**, a proper application for a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-177-2024. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

**NOW, THEREFORE**, this property is rezoned from SF-2 to SF-2, with a SUP in order to permit an Accessory Dwelling Unit use on the following property: Lot 1B, Block 6 of the Trinity Heights addition, which is shown on Exhibit A, in accordance with the Site Plan attached as Exhibit B, and the 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 DWELLING UNIT USE WITHIN A SINGLE-FAMILY-2 (SF-2) ZONING DISTRICT;** the following standards and conditions are hereby established as part of this ordinance:

1. The accessory structure shall not be used as a Short-Term Rental without a Specific Use Permit approved by City Council.
2. The accessory structure shall not be used for commercial purposes.
3. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
4. The existing garage on the subject property shall be demolished prior to the issuance of a building permit for the proposed Accessory Dwelling Unit (ADU).
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 – 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 –Elevations. Where regulations are not specified in Exhibits B, C, or this Zoning Ordinance, the regulations of the Single Family-2 (SF-2) 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.

(8)

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.

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 16<sup>th</sup> day of December, 2024.

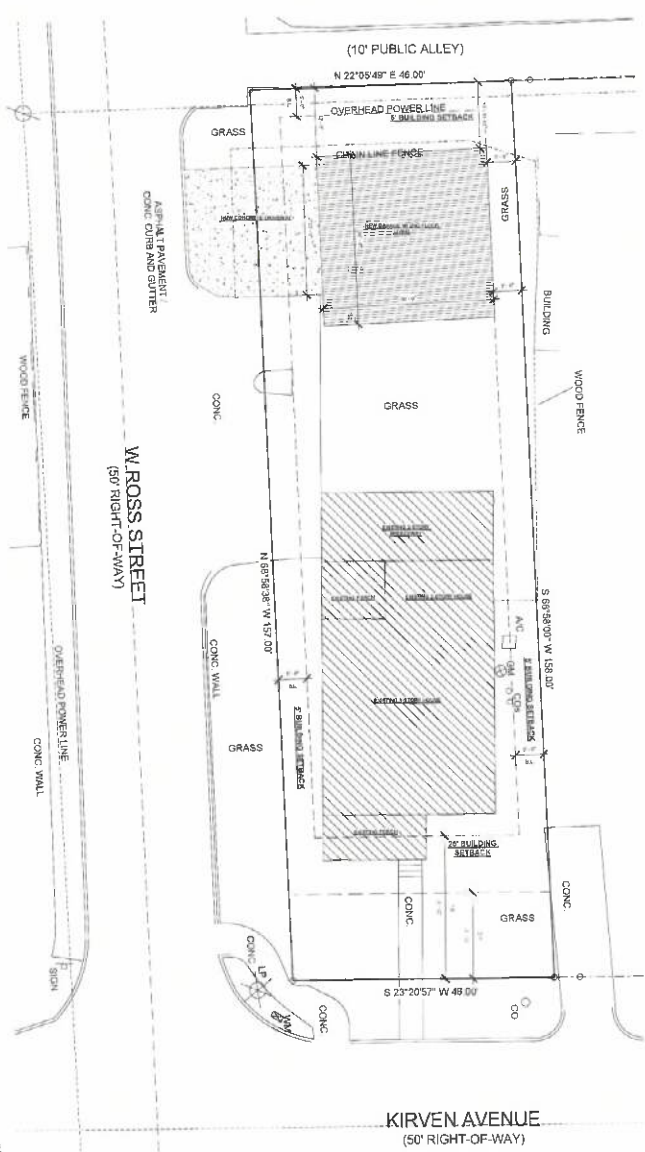
\_\_\_\_\_  
MAYOR

ATTEST:

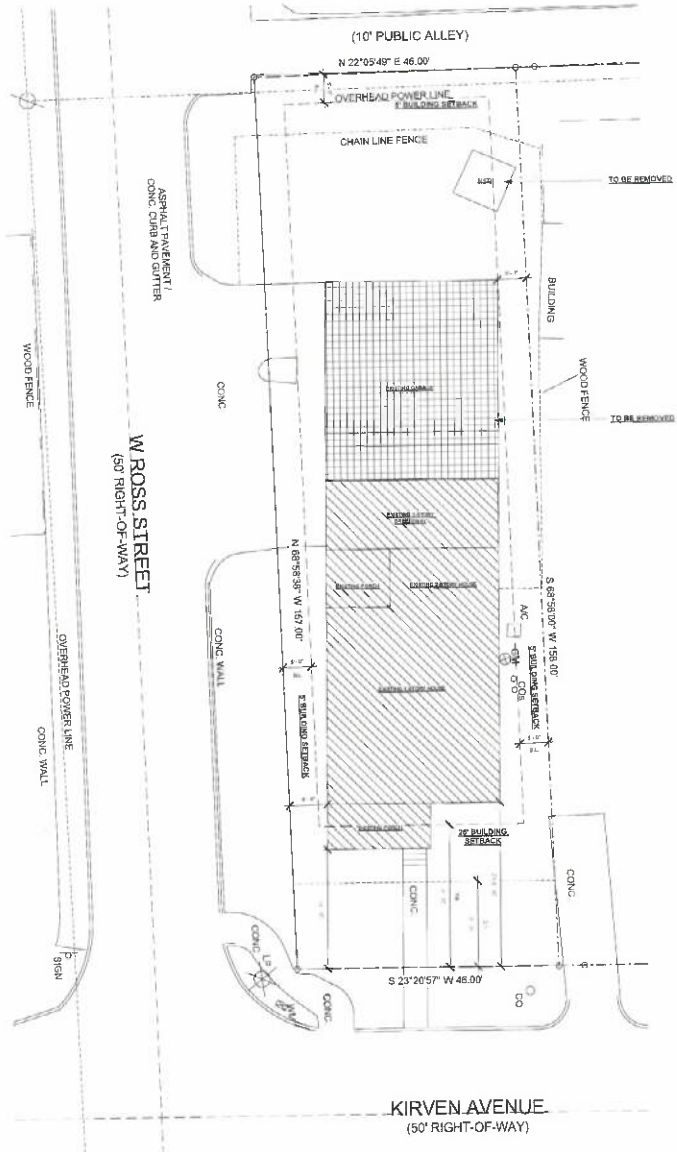
\_\_\_\_\_  
City Secretary

LOCATION MAP (EXHIBIT A)





1  
SITE PLAN - NEW  
1" = 10'-0"



2  
SITE PLAN - EXISTING/DEMO  
1" = 10'-0"

**GENERAL NOTES:**

- 1) These plans are intended to provide the basic information necessary to substantially complete the application. These drawings are not to be used for construction without the approval of the City Engineer. The contractor shall verify all dimensions and setbacks before any construction work is performed.
- 2) These plans are designed to be in substantial compliance with current City adopted International Building Code. The contractor shall comply with all applicable laws, rules, regulations, codes and ordinances. These include but are not limited to those relating to zoning, fire, and other applicable laws.
- 3) Contractor must verify all dimensions and scale drawings.



# WHITEHEAD DETACHED GARAGE

301 Kirven Avenue  
Trinity Heights #2  
Block 6 Lot 1  
Waxahatchie, Texas 75165

PRELIM.  
REVIEW  
October 29, 2024

PROGRESS SET FOR REVIEW ONLY  
THESE DRAWINGS ARE FOR  
DESIGN REVIEW AND NOT  
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BIDDING OR PERMIT PURPOSES  
THEY WERE PREPARED BY OR  
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REVISIONS

DATE	ISSUE	DELT
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Title  
SITE PLAN -  
EXISTING & NEW

Sheet  
A-001

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(8)



**AREA TOTALS**

LIVING AREA	900 SF
GARAGE	460 SF
FOUNDATION	460 SF
<b>TOTAL UNDER ROOF: 1,820 SF</b>	

**WINDOW SCHEDULE**

WINDOW TYPE	WIDTH	HEIGHT	TYPE	HEAD HEIGHT
A	7'-0"	5'-0"	SINGLE-HUNG	7'-0"
B	7'-0"	4'-0"	SINGLE-HUNG	7'-0"
C	5'-0"	5'-0"	DOUBLE	7'-0"

**DOOR SCHEDULE**

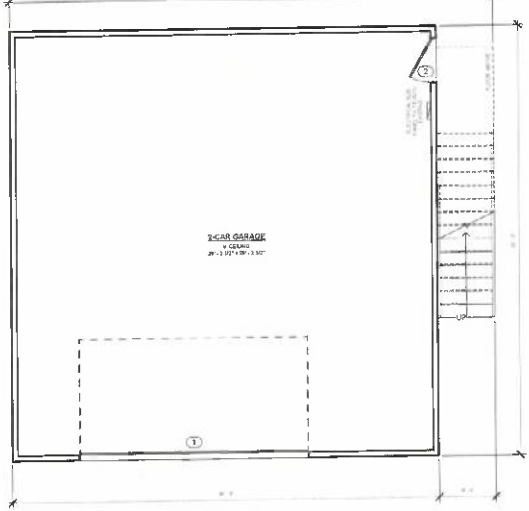
NUMBER	WIDTH	HEIGHT	FINISH	TYPE
1	16'-0"	7'-0"	OVERHEAD	GARAGE BKT. SOLID CORE
2	6'-0"	8'-0"	HIGHT	BKT. FULL LITE
3	6'-0"	8'-0"	HIGHT	HOLLOW CORE
4	6'-0"	8'-0"	HIGHT	HOLLOW CORE
5	6'-0"	8'-0"	HIGHT	HOLLOW CORE
6	6'-0"	8'-0"	HIGHT	HOLLOW CORE
7	6'-0"	8'-0"	HIGHT	HOLLOW CORE
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99	6'-0"	8'-0"	HIGHT	HOLLOW CORE
100	6'-0"	8'-0"	HIGHT	HOLLOW CORE

**GENERAL FLOOR PLAN NOTES:**

1. ALL ROOMS ARE TO BE FINISHED TO THE CEILING WITH THE EXCEPTION OF THE GARAGE WHICH IS TO BE FINISHED TO THE TRUSS ROOF.
2. ALL WALLS ARE TO BE FINISHED TO THE TOP OF THE CEILING.
3. ALL FLOORING IS TO BE FINISHED TO THE FINISH LINE.
4. ALL INTERIORS ARE TO BE FINISHED TO THE FINISH LINE.
5. ALL EXTERIOR WALLS ARE TO BE FINISHED TO THE FINISH LINE.
6. ALL EXTERIOR ROOFS ARE TO BE FINISHED TO THE FINISH LINE.
7. ALL EXTERIOR DOORS ARE TO BE FINISHED TO THE FINISH LINE.
8. ALL EXTERIOR WINDOWS ARE TO BE FINISHED TO THE FINISH LINE.
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10. ALL EXTERIOR PAINT IS TO BE FINISHED TO THE FINISH LINE.
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18. ALL EXTERIOR SIGNAGE ARE TO BE FINISHED TO THE FINISH LINE.
19. ALL EXTERIOR LIGHT FIXTURES ARE TO BE FINISHED TO THE FINISH LINE.
20. ALL EXTERIOR ELECTRICAL ARE TO BE FINISHED TO THE FINISH LINE.
21. ALL EXTERIOR MECHANICAL ARE TO BE FINISHED TO THE FINISH LINE.
22. ALL EXTERIOR PLUMBING ARE TO BE FINISHED TO THE FINISH LINE.
23. ALL EXTERIOR HVAC ARE TO BE FINISHED TO THE FINISH LINE.
24. ALL EXTERIOR SECURITY ARE TO BE FINISHED TO THE FINISH LINE.
25. ALL EXTERIOR LANDSCAPE ARE TO BE FINISHED TO THE FINISH LINE.
26. ALL EXTERIOR SITEWORK ARE TO BE FINISHED TO THE FINISH LINE.
27. ALL EXTERIOR UTILITIES ARE TO BE FINISHED TO THE FINISH LINE.
28. ALL EXTERIOR TELECOMMUNICATIONS ARE TO BE FINISHED TO THE FINISH LINE.
29. ALL EXTERIOR FIRE PROTECTION ARE TO BE FINISHED TO THE FINISH LINE.
30. ALL EXTERIOR SAFETY ARE TO BE FINISHED TO THE FINISH LINE.
31. ALL EXTERIOR ACCESSIBILITY ARE TO BE FINISHED TO THE FINISH LINE.
32. ALL EXTERIOR SUSTAINABILITY ARE TO BE FINISHED TO THE FINISH LINE.
33. ALL EXTERIOR WELLNESS ARE TO BE FINISHED TO THE FINISH LINE.
34. ALL EXTERIOR QUALITY OF LIFE ARE TO BE FINISHED TO THE FINISH LINE.
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2 SECOND FLOOR PLAN  
1/4" = 1'-0"



1 FIRST FLOOR PLAN  
1/4" = 1'-0"

**GENERAL NOTES:**

1. These plans are intended to provide the basic construction information necessary to accurately complete the structure. These plans shall be verified and checked completely by the holder. Any discrepancy, error, or omission should be brought to the attention of the designer before any construction work or purchase has been made.
2. These plans are designed to be a substantial compliance with current city codes and regulations. The user shall verify all codes, rules, and local building codes and ordinances. These codes shall take precedence over anything shown in these drawings.
3. Contractor must verify all dimensions and scale drawings.



# WHITEHEAD DETACHED GARAGE

301 Kirven Avenue  
Trinity Heights #2  
Block 6 Lot 1  
Waxahatche, Texas 75165

PRELIM.  
REVIEW

October 29, 2024

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THEY WERE PREPARED BY OR  
UNDER SUPERVISION OF

REVISIONS

DATE	REVISION	DRAWN BY

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**FLOOR PLAN**

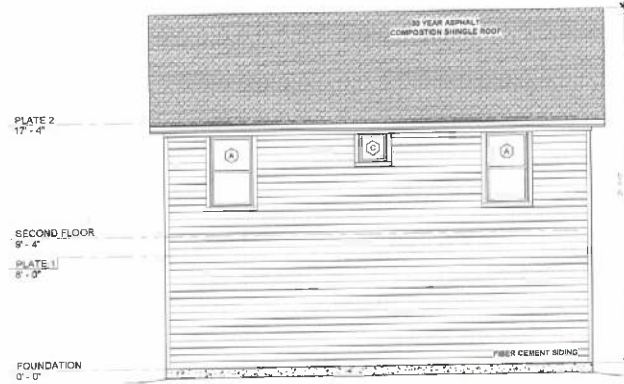
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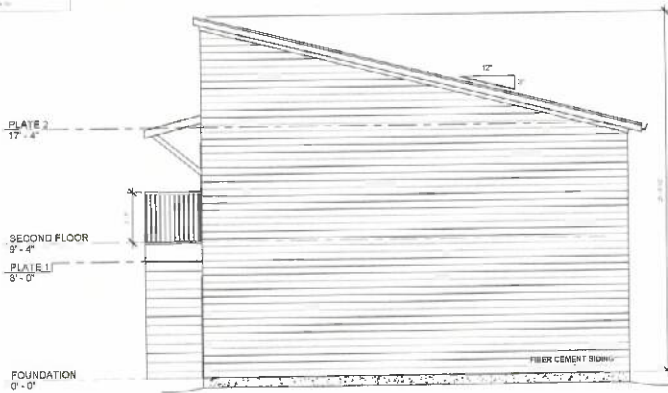
4 RIGHT ELEVATION  
1/4" = 1'-0"



3 LEFT ELEVATION  
1/4" = 1'-0"

GENERAL ELEVATION NOTES:

1) REFER TO FOUNDATION PLAN SHEET 01-02 & 01-03



2 REAR ELEVATION  
1/4" = 1'-0"



1 FRONT ELEVATION  
1/4" = 1'-0"

**GENERAL NOTES:**  
 1) These elevations are intended to provide the basic construction information necessary to architecturally complete the project. These plans are to be used and checked completely by the builder. Any dimensions and/or material quantities are to be brought to the attention of the designer before any construction starts or purchases are made.  
 2) These elevations are designed to be in substantial compliance with current city and state building codes. These elevations are not intended to be used as a substitute for a professional engineering or architectural drawing.  
 3) Dimensions must verify all dimensions and scale drawings.



**WHITEHEAD  
DETACHED GARAGE**

301 Kirven Avenue  
Trinity Heights #2  
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Waxahatchie, Texas 75165

**PRELIM.  
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Title  
**ELEVATIONS**

Sheet  
**A-301**

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DC TEXAS ARCHITECTURE

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# Planning & Zoning Department

## Zoning Staff Report

Case: ZDC-172-2024



**MEETING DATE(S)**

*Planning & Zoning Commission:* December 9, 2024

*City Council:* December 16, 2024

**CAPTION**

**Public Hearing** on a request by Brian Gregory, Rinker Materials, for a **Specific Use Permit (SUP)** for a Batch Plant and Outdoor Storage uses within a Light Industrial-1 (LI-1) zoning district located at 1220 Solon Road (Property ID 140094) - Owner: J&G Concrete Operations, LLC (ZDC-172-2024)

**RECOMMENDED MOTION**

*"I move to approve ZDC-172-2024, a Specific Use Permit (SUP) for a Batch Plant and Outdoor Storage uses, subject to the conditions the staff report, authorizing the Mayor and/or City Manager to execute all documents accordingly."*

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting held on December 9, 2024, the Commission voted 6-0 to recommend approval of case number ZDC-172-2024, subject to the conditions of the staff report.

**SUPER-MAJORITY VOTE REQUIRED**

A super-majority vote in favor of the proposed Planned Development request is required in order for City Council to approve this application. Staff has received letters of opposition to the proposed Specific Use Permit (SUP) request that total 71.7% of the property by acreage within the 200' notification buffer for the subject property. Per Section 2.04 of the Waxahachie Zoning Ordinance, a favorable vote of three-fourths (3/4) of all members, which equates to four (4) out of the five (5) members of the City Council, is required in order to approve this SUP request.

**APPLICANT REQUEST**

The Applicant is requesting a Specific Use Permit (SUP) for Batch Plant and Outdoor Storage uses.

**CASE INFORMATION**

<i>Applicant:</i>	Brian Gregory, Rinker Materials
<i>Property Owner(s):</i>	J&G Concrete Operations, LLC
<i>Site Acreage:</i>	20.0 acres
<i>Current Zoning:</i>	Light Industrial-1 District (LI-1) with a Specific Use Permit (SUP) for a Permanent Concrete Batch Plant use.
<i>Requested Zoning:</i>	LI-1 with a SUP for a Batch Plant and Outdoor Storage uses

**SUBJECT PROPERTY**

*General Location:* 1220 Solon Road

*Parcel ID Number(s):* 140094

*Existing Use:* Concrete Batch Plant (Rinker Materials)

*Development History:* The subject property currently has a SUP for Permanent Concrete Batch Plant that was approved in 2003 with Ordinance 2208. The subject property is currently not platted.

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	LI-1	Austin Bridge & Road
East	LI-2	SRM Concrete (ready-mix concrete)
South	C	Undeveloped
West	PD-LI-2	Undeveloped

*Future Land Use Plan:* Industrial

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

*Thoroughfare Plan:* The primary access to the subject property is from Marshall Road, a Minor Arterial (100' right-of-way) on the Thoroughfare Plan.

*Site Image:*



**PLANNING ANALYSIS**

The subject property has an approved SUP for a Permanent Concrete Batch Plant use; however, the property owner proposes to expand their operations by adding an 11,200 square-foot building located northeast of the existing 45,316 square-foot metal building, and outdoor storage for inventory to be located behind all existing and proposed buildings. The subject property consists of an existing 2,000 square-foot office building and a 45,316 square-foot metal building being utilized for precast concrete operations, and outdoor storage for their inventory from various locations. The existing SUP does not include the existing outdoor storage use, and the applicant is wanting to incorporate this use with their proposed SUP request.

The applicant is requesting a SUP for Batch Plant and Outdoor Storage uses. In which both uses require a SUP approved by the City Council within the Light Industrial-1 (LI-1) zoning district. The applicant proposes an additional metal building of 11,200 square feet to expand the existing precast concrete operations. The proposed building exceeds the existing structures in height to accommodate the size of the cranes being used for the new production process. The existing building is not tall enough to accommodate the new production process. Additionally, the applicant proposes providing a 24' fire lane comprised of concrete and approximately 110,000 square feet of cement-stabilized gravel as depicted in Exhibit B – Site Plan. The use of cement-stabilized gravel has been approved for a similar project in the site's vicinity. The applicant is not proposing a pole sign.

**Landscaping**

The applicant proposes 66 canopy trees and 39 accent trees (Crape Myrtles) for this site.

**Screening**

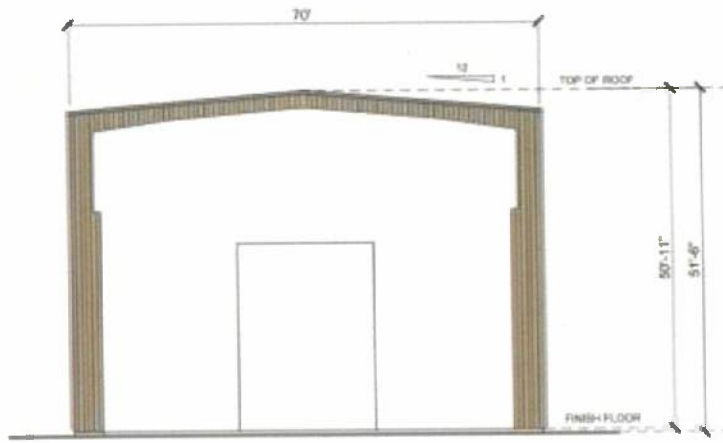
The City of Waxahachie Zoning Ordinance requires all outside storage areas to be screened with a masonry screening wall at least 6' in height, and the applicant is proposing an 8' concrete panel screening wall that spans out 8 1/2' in width along the northern, southern, and western sides of the subject property.

**Proposed Elevations**

The applicant has provided building elevations for the proposed metal building. The proposed metal siding exterior construction material matches the existing building on the site and is common for the use on site.



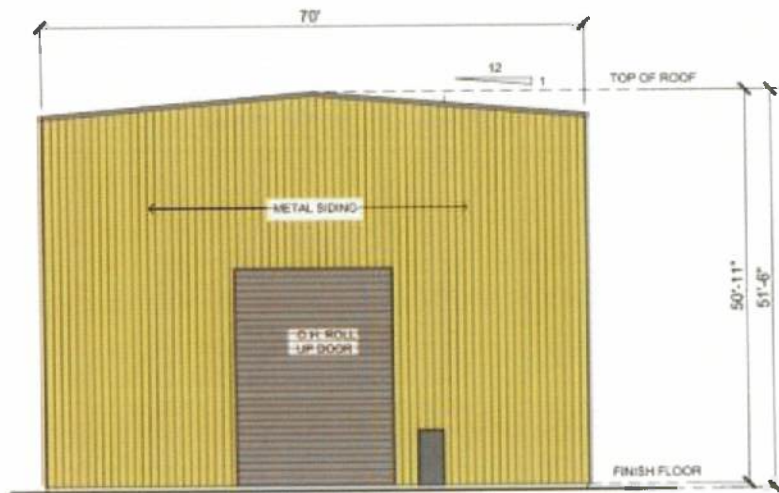
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**EAST ELEVATION**  
SCALE 3/32" = 1'-0"



**SOUTH ELEVATION**  
SCALE 3/32" = 1'-0"



**WEST ELEVATION**  
SCALE 3/32" = 1'-0"

Lighting

The applicant is proposing shielded wall packs to be mounted on the existing buildings and proposed building, at fifteen feet from the ground, along with a twenty-three-foot light pole to be located at the entrances on Solon Road and Marshall Road. The applicant has provided a photometric plan with the lighting specifications of the proposed lighting fixtures. The applicant shall adhere to Section 6.03 – Lighting and Glare Standards of the City of Waxahachie Zoning Ordinance.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, 7 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 in support and one (1) letter in opposition for the SUP request.

**PUBLIC NOTIFICATION RESPONSES**

Staff has received zero (0) letters in support and one (1) letter in opposition for the SUP request.

**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. A mutually agreed upon Development Agreement shall be fully executed within thirty (30) calendar days of the approval of this SUP application.
2. The property owner shall plat this lot prior to the submittal of any building permits.
3. The inventory stored on-site shall remain behind the existing and proposed structures and screened from the right-of-way.
4. The property owner shall provide a permanent irrigation system for all required landscape areas shown on Exhibit C – Landscape Plan. If the property owner needs to amend the landscape plan of this SUP, the amendment shall be approved administratively.
5. The property owner shall mitigate any lighting and/or glaring issues that causes a nuisance whether the lighting fixtures are existing or proposed.
6. The property owner shall provide 8”-12” opening at the bottom of the screening wall for the sole purpose of drainage.
7. The property owner shall provide cement-stabilized gravel material in areas shown on Exhibit B – Site Plan.
8. The property owner shall obtain all necessary permits from the City of Waxahachie Building & Community Services Department prior to construction on the subject property.

**ATTACHED EXHIBITS**

1. Property Notification Response
2. Operational Plan
3. SUP Ordinance
4. Exhibit A – Location Map
5. Exhibit B – Site Plan
6. Exhibit C – Landscape Plan
7. Exhibit D – Elevations
8. Exhibit E – Photometric Plan

**APPLICANT REQUIREMENTS**

1. If approved by City Council, the applicant is required to Plat the subject property prior to development of this site.

**STAFF CONTACT INFORMATION**

*Prepared by:*

Oanh Vu

Senior Planner

[oanh.vu@waxahachie.com](mailto:oanh.vu@waxahachie.com)

*Reviewed by:*

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

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

(9)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-172-2024

**WJ SOUTH GROVE LP**  
600 N Pearl St -Ste 2350 LB 149  
Dallas, TX 75201

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Monday, December 9, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 16, 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 Brian Gregory, Rinker Materials, for a Specific Use Permit (SUP) for a Batch Plant and Outdoor Storage uses within a Light Industrial-1 (LI-1) zoning district located at 1220 Solon Road (Property ID 140094) - Owner: J&G Concrete Operations, LLC (ZDC-172-2024) Staff: Oanh Vu

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](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: ZDC-172-2024

City Reference: 284811

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *December 4, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto: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:

We object to this use.

Signature

Michael C. Jackson, VP

Printed Name and Title

Date

12.4.24

Address

600 N. Pearl, Suite 2350, LB 149  
Dallas, TX 75201

(9)



## Waxahachie Plant Operations Plan

Rinker Materials  
1220 Solon Rd  
Waxahachie, TX 75167

The Waxahachie, Texas plant currently manufactures drawn brite basic wire for concrete pipe production as well as precast concrete end treatments. The plant employees approximately 16 employees and currently operates Monday – Friday; 6:00 am – 4:00 pm.

The company has an opportunity to introduce a new product line and Waxahachie is the ideal place for this production. This will expand the existing precast concrete operations by adding precast concrete pipe. The addition of the concrete pipe requires a new building with the crane height and capacity to handle these structures.

The addition of precast concrete pipe will slightly expand the hours of operation. The plant will move to a 5:00 am – 5:00 pm schedule and the plant may operate on Saturdays as needed. **If Saturday operation is necessary, the plant hours will be the same as M-F; 5:00 am – 5:00 pm. This is expected to occur more often during the summer months. May – September could be as often as every other Saturday. Saturday operation during the non-summer months will be very rare and initiated on an as-needed basis.** The employee headcount is expected to increase from approximately 16 employees to 22 employees.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW BATCH PLANT AND OUTDOOR STORAGE USES (RINKER MATERIALS) WITHIN A LIGHT INDUSTRIAL-1 (LI-1) LOCATED AT 1220 SOLON ROAD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 20.00 ACRES KNOWN AS PROPERTY ID 140094, 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 adopted a zoning ordinance and map showing the classification of the property located within the city limits of said City; 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-172-2024. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

**NOW, THEREFORE**, this property is rezoned from LI-1 to LI-1, with a SUP in order to allow Batch Plant and Outdoor Storage uses on the following property: Property ID 140094, which is shown on the Location Map (Exhibit A), Site Plan (Exhibit B), Landscape Plan (Exhibit C), Elevations (Exhibit D), and Photometric Plan (Exhibit E).

**SPECIFIC USE PERMIT**

**Purpose and Intent**

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

Specific Use Permit

**FOR OPERATION OF A SPECIFIC USE PERMIT FOR BATCH PLANT AND OUTDOOR STORAGE USES (RINKER MATERIALS) WITHIN A LIGHT INDUSTRIAL-1 (LI-1) ZONING DISTRICT;** the following standards and conditions are hereby established as part of this ordinance:

1. A mutually agreed upon Development Agreement shall be fully executed within thirty (30) calendar days of the approval of this SUP application.
2. The subject property shall conform to the site plan approved by the City Council under case number ZDC-172-2024.
3. Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A – Location Map, Exhibit B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevations, and Exhibit E – Photometric Plan.
4. The property owner shall plat this lot prior to the submittal of any building permits.
5. The Owner shall provide a permanent irrigation system for all required landscape areas shown on Exhibit C – Landscape Plan and maintain the landscaping required for screening at all times. If the property owner needs to amend the landscape plan of this SUP, the amendment shall be approved administratively.
6. The inventory stored on-site shall remain behind the existing and proposed structures and screened from the right-of-way.
7. The property owner shall mitigate any lighting and/or glaring issues that causes a nuisance whether the lighting fixtures are existing or proposed.
8. The property owner shall provide 8"-12" opening at the bottom of the screening wall for the sole purpose of drainage.
9. The property owner shall provide cement-stabilized gravel material in areas shown on Exhibit B – Site Plan.
10. The Property Owner shall be responsible for obtaining building permits per the City's applicable rules and regulations governing such permits.
11. 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.
12. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

- 13. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, the Development Agreement, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Elevations, and Exhibit E – Photometric Plan. Where regulations are not specified in Exhibits B, C, D, E in this Zoning Ordinance, or the Development Agreement, the regulations of the Light Industrial-1 (LI-1) Zoning District and the City of Waxahachie Zoning Ordinance shall apply to this development.
- 14. City Council shall have the right to review the Specific Use Permit at any point, if needed.

Compliance

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

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

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

**PASSED, APPROVED AND ADOPTED** on this 16<sup>th</sup> day of December, 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary



# EXHIBIT A - LOCATION MAP

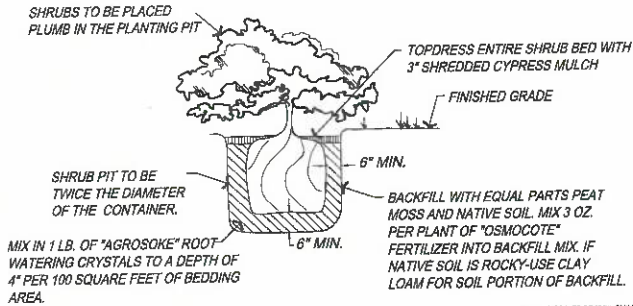
0 187.5 375 750 1,125 1,500 Feet

ZDC-172-2024 (SUP)

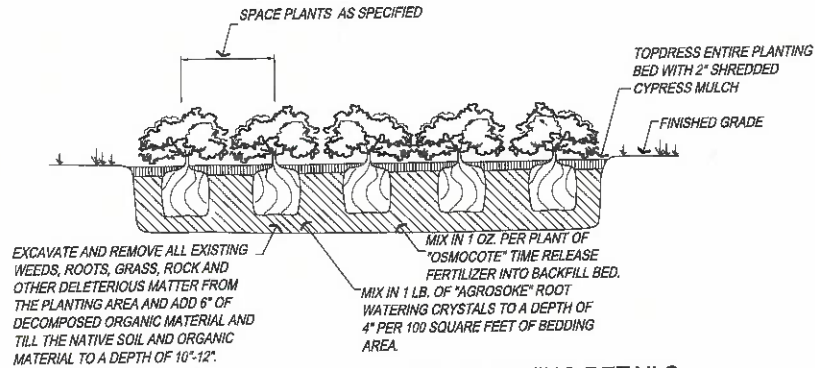




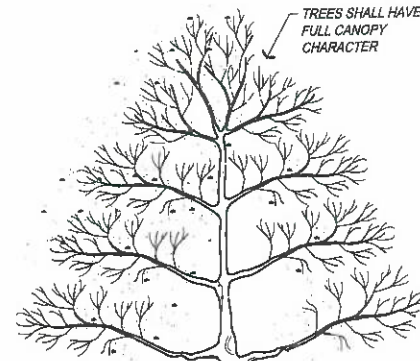
**EXHIBIT C - LANDSCAPE PLAN**



**SHRUB PLANTING DETAILS**



**GROUNDCOVER AND PERENNIAL PLANTING DETAILS**



**TREE PLANTING DETAILS**

1220 SOLON RD., WAXAHACHIE, TEXAS 75167

LANDSCAPE INSTALLATION DETAILS

LANDSCAPE PLAN TO ACCOMPANY SUP SITE PLAN



**COTTER ASSOCIATES, LLC**

LAND DEVELOPMENT DESIGN CONSULTANTS

LAND PLANNING / PROJECT MANAGEMENT / LANDSCAPE ARCHITECTURE

2004 Hill Country Court, Arlington, Texas 76010

Phone: (817) 918-8495 - Email: DALLAS@COTTERASSOCIATES.COM

Tx. Arch. Reg. 068679000 REC. # BR-010

DESIGN: BCC

DRAWN: DUC

DATE: 8-24

REV.: 1-15-24

PROJECT: 1220 Solon Rd.

2 of 2

(01)

# EXHIBIT D - ELEVATIONS



**EAST ELEVATION**  
SCALE 3/32" = 1'-0"

**NORTH ELEVATION**  
SCALE 3/32" = 1'-0"



**WEST ELEVATION**  
SCALE 3/32" = 1'-0"

**SOUTH ELEVATION**  
SCALE 3/32" = 1'-0"

THESE DRAWINGS, INCLUDING DESIGN, ALL OR PARTS, SPECIFICATIONS AND INFORMATION, ARE THE SOLE PROPERTY AND COPYRIGHT OF CHAS. D. BOBO, ARCHITECT. THEY ARE FOR USE ON THE SPECIFIC PROJECT AND SHALL NOT BE USED ON ANY OTHER WORK WITHOUT WRITTEN PERMISSION OF CHAS. D. BOBO, ARCHITECT.

22 OCT. 2024

REVISIONS

13 SEPT. 2024

DATE



ARCHITECT  
**CHAS. D. BOBO**

5405 CLIFT HAYDEN DR.  
DALLAS, TEXAS  
T 214 344 4972  
c.d.bobo@cdbob.com

NEW BUILDING FOR  
**RINKER MATERIALS**

1220 SOLON RD.  
WAXAHACHIE, TEXAS 75167

SHEET NO.

A2.0

(10)



STATE OF TEXAS	§	DEVELOPMENT AGREEMENT
	§	FOR RINKER MATERIALS
COUNTY OF ELLIS	§	

This Development Agreement for **Rinker Materials** ("Agreement") is entered into between **J&G Concrete Operations, LLC** ("**J&GCO**") and the City of Waxahachie, Texas ("City"). **J&GCO** and the City are sometimes referred herein together as the "Parties" and individually as a "Party."

**Recitals:**

1. **J&GCO** is the owner of approximately 20.00 acres of real property generally located at 1220 Solon Road, Parcel Number 140094 in the City of Waxahachie, Texas (the "Property"), for which the applicant has requested a change in the Property's Light Industrial-1 zoning to Light Industrial-1 with Specific Use Permit ("SUP"), revising specific development standards. The Property is currently zoned Light Industrial-1 by the City, and is anticipated to have the SUP reviewed on December 16, 2024.

2. The planned use of the Property is to create a SUP to allow for the use of a Batch Plant and Outdoor Storage development (Rinker Materials). The SUP 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 **J&GCO** 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 **J&GCO** 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 SUP zoning amendment Ordinance No. (TBD) (the "**Rinker Materials**"), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for **Rinker Materials**.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the **Rinker Materials** SUP Ordinance as contractually-binding obligations between the City of Waxahachie and **J&GCO**, and to recognize **J&GCO**'s reasonable investment-backed expectations in the **Rinker Materials** SUP Ordinance and the planned development of **Rinker Materials**.

**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 **Rinker Materials SUP** 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 shall be fully executed within thirty (30) calendar days of the approval of this SUP application.
- (B) The development shall conform as approved by the City Council under case number ZDC-172-2024.
- (C) The property owner shall plat this lot prior to the submittal of any building permits.
- (D) **J&GCO** shall provide a permanent irrigation system for all required landscape areas shown on Exhibit C - Landscape Plan and maintain the required landscaping at all times. If the property owner needs to amend the landscape plan of this SUP, the amendment shall be approved administratively.
- (E) The inventory stored on-site shall remain behind the existing and proposed structures and screened from the right-of-way.
- (F) The property owner shall mitigate any lighting and/or glaring issues that causes a nuisance whether the lighting fixtures are existing or proposed.
- (G) The property owner shall provide 8"-12" opening at the bottom of the screening wall for the sole purpose of drainage.
- (H) The property owner shall provide cement-stabilized gravel material in areas shown on Exhibit B – Site Plan.
- (I) 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.
- (J) 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 – Site Plan, Exhibit C –

Landscape Plan, Exhibit D – Elevations, and Exhibit E – Photometric Plan. Where regulations are not specified in Exhibits B, C, D, & E in this Development Agreement or Zoning Ordinance No. (TBD), the regulations of Light Industrial-1 (LI-1) zoning district and the City of Waxahachie Zoning Ordinance shall apply to this development.

- (K) 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) calendar days following approval of the agreement.

In consideration of **J&GCO's** agreement in this regard, the City of Waxahachie agrees that **J&GCO** has reasonable investment-backed expectations in the **Rinker Materials** SUP Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the **Rinker Materials** SUP Ordinance without impacting **J&GCO'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 **J&GCO** 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 120<sup>th</sup> 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, 87<sup>th</sup> 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, 87<sup>th</sup> 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.

(11)

**{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: \_\_\_\_\_

(11)

: J&G Concrete Operations, LLC (Owner)

By: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF TEXAS

§  
§  
§

COUNTY OF ELLIS

Before me, the undersigned authority, on this \_\_\_\_\_ day of \_\_\_\_\_, personally appeared \_\_\_\_\_, representative of **J&G Concrete Operations, LLC**, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: \_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires: \_\_\_\_\_

(12)

# Planning & Zoning Department Zoning Staff Report

Case: ZDC-196-2024



**MEETING DATE(S)**

Planning & Zoning Commission: December 9, 2024  
City Council: December 16, 2024

**CAPTION**

**Public Hearing** on a request by Jaydon Clemens, TaTT2Envy, LLC, for a **Specific Use Permit (SUP)** for a Tattoo Shop use within a General Retail (GR) zoning district located at 105 South Grand Avenue, Suite B (Property ID 176644 - Owner: Kenneth & Roger Dollar (ZDC-196-2024)

**RECOMMENDED MOTION**

*"I move to approve ZDC-196-2024, a Specific Use Permit (SUP) for a Tattoo Shop use, subject to the conditions the staff report, authorizing the Mayor and/or City Manager to execute all documents accordingly."*

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting held on December 9, 2024, the Commission voted 6-0 to recommend approval of case number ZDC-196-2024, subject to the conditions of the staff report.

**APPLICANT REQUEST**

The Applicant requests approval of a specific use permit for a Tattoo Shop use.

**CASE INFORMATION**

**Applicant:** Jaydon Clemens, TaTT2Envy, LLC  
**Property Owner(s):** Kenneth & Roger Dollar  
**Site Acreage:** 0.918 acres  
**Current Zoning:** General Retail (GR)  
**Requested Zoning:** GR with a SUP for a Tattoo Shop use

**SUBJECT PROPERTY**

**General Location:** 105 South Grand Avenue, Suite B  
**Parcel ID Number(s):** 176644  
**Existing Use:** Custom Personal Service (Barber Shop)  
**Development History:** The subject property is platted as part of the West End Addition. The existing retail center was originally built in 1972.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	C	Compton's Cleaning & Restoration Services
East	SF-2	Residential
South	SF-2	Residential
West	GR	Focused Care at Waxahachie

Future Land Use Plan:

Mixed-Use Neighborhood

Comprehensive Plan:

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

Thoroughfare Plan:

The primary access to the subject property is from West Main Street, a Minor Arterial (100' right-of-way) and South Grand Avenue, a Major Collector (80' right-of-way).

Site Image:



**PLANNING ANALYSIS**

The applicant proposes a specific use permit (SUP) for tattoo shop use at 105 South Grand Avenue, Suite B. The applicant is a tattoo artist who is proposing to operate one tattoo chair within the existing JC's Gentleman's Barber Lounge on an appointment-only basis during the shop's business hours. The proposed SUP allows JC's Gentleman's Barber Lounge to offer tattoo services. The SUP shall be terminated once JC's Gentleman's Barber Lounge closes, and the applicant will need to open a stand-alone tattoo shop. The tattoo shop use is allowed with a SUP approved by the City Council within the General Retail (GR) zoning district.

**Background:**

On May 1, 2023, the City Council enacted Ordinance 3374, which provides a comprehensive definition for tattoo-related uses within the city. This ordinance is significant as it broadens the regulatory framework regarding the operation of tattoo and body piercing establishments. Specifically, it mandates that any "Tattoo or Body Piercing Shop" seeking to operate in the General Retail (GR), Central Area (CA), and Commercial (C) zoning districts must secure a Specific Use Permit (SUP) prior to commencing operations.

This change marked a shift from the previous zoning regulations, which restricted tattoo establishments allowed outright to the Commercial (C) zoning district only. By extending the requirement for a Specific Use Permit to additional zoning areas, the City Council aims to ensure that these businesses comply with community standards and to address potential concerns related to their location and impact on the surrounding neighborhoods. This ordinance is intended to promote responsible business practices while maintaining the quality of life for residents in all affected zoning districts.

**PUBLIC NOTIFICATIONS**

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

**PUBLIC NOTIFICATION RESPONSES**

Staff has received three (3) letters in support and one (1) letter in opposition to the SUP request.

**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. This SUP shall remain with the applicant for this specific location, only. If the applicant moves to another location or JC's Gentleman's Barber Lounge closes, this SUP will be terminated immediately. The applicant will need to open a stand-alone tattoo shop with a new SUP.
2. The applicant shall amend this SUP should s/he decide to expand within the barbershop.
3. JC's Gentleman's Barber Lounge shall obtain a new Certificate of Occupancy to reflect the additional Tattoo Shop Land Use that notes this SUP by name and number before operating.
4. This property owner shall obtain all necessary permits from the City of Waxahachie Building & Community Services Department prior to operating at the subject property.

**ATTACHED EXHIBITS**

1. Public Notification Response(s)
2. SUP Ordinance
3. Operational Plan
4. Tattoo saturation map
5. Exhibit A - Location Map
6. Exhibit B - Site Plan
7. Exhibit C - Floorplan

**STAFF CONTACT INFORMATION**

*Prepared by:*

Oanh Vu

Senior Planner

[oanh.vu@waxahachie.com](mailto:oanh.vu@waxahachie.com)

*Reviewed by:*

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

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

(12)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-196-2024

RECEIVED DEC 9 2024

**JACKSON ANDREW**  
1905 N MIDKIFF RD  
MIDLAND, TX 79705-8218

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Monday, December 9, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 16, 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 Jaydon Clemens, TaTT2Envy, LLC, for a Specific Use Permit (SUP) for a Tattoo Shop use within a General Retail (GR) zoning district located at 105 South Grand Ave, Suite B (Property ID 176644 - Owner: Kenneth & Roger Dollar (ZDC-196-2024)  
Staff: Oanh Vu

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](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: ZDC-196-2024

City Reference: 176647

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *December 4, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto: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:

KARMA IS A BITCH  
Lev 19:28

Andrew H. Jackson  
Signature

11-21-2024  
Date

Andrew H. Jackson  
Printed Name and Title

109 S. Grand  
Address

(12)

**From:** [Jayjay Towavy](#)  
**To:** [Vu, Qanh](#)  
**Subject:** Fwd: recommendation letter  
**Date:** Monday, December 9, 2024 10:18:32 AM

---

----- Forwarded message -----

**From:** Jose Cisneros <[jcisneros77@icloud.com](mailto:jcisneros77@icloud.com)>  
**Date:** Mon, Dec 9, 2024 at 12:07 AM  
**Subject:** recommendation letter  
**To:** <[Clemens.jaydon00@gmail.com](mailto:Clemens.jaydon00@gmail.com)>

to whom it may concern,

my name is jose cisneros and i am  
a barber and owner of jcs barber lounge.

i am writing this letter with the purpose  
of notifying the city of my relationship  
to jaydon clemens. i've know him for  
5 years and know of his trade. hes  
very responsible takes a lot of pride  
and care of his career and his services.

he has a great reputation in the city  
and i know he'll do great for himself  
and for the people of this community.  
he's got my full support with his growth  
he will do great things given the opportunity.  
thank you all.

best josé cisneros

Sent from my iPhone

(12)

**From:** [Jayjay Towavy](#)  
**To:** [Vu, Qanh](#)  
**Subject:** Fwd: letter of recommendation  
**Date:** Monday, December 9, 2024 10:17:33 AM

---

----- Forwarded message -----

**From:** Alex Skelton <[hello@skeltonfamilychiropractic.com](mailto:hello@skeltonfamilychiropractic.com)>  
**Date:** Mon, Dec 9, 2024 at 10:06 AM  
**Subject:** letter of recommendation  
**To:** [clemens.jaydon00@gmail.com](mailto:clemens.jaydon00@gmail.com) <[clemens.jaydon00@gmail.com](mailto:clemens.jaydon00@gmail.com)>

To whom it may concern:

I am the owner of Skelton Family Chiropractic. My office is in the same shopping center where Tatt2envy is opening. I am writing this letter to express my full support for this opening. I do not see any negatives of having this tattoo shop right next door.

Sincerely,  
Dr. Alex Skelton, DC  
Skelton Family Chiropractic

(12)

Monday, December 9, 2024

RE: Waxahachie Planning & Zoning Meeting Dec 9, 2024  
Agenda Item #5 for Special Use Permit for Jaydon Clemens  
TaTT2Envy, LLC at 105 S Grand, Ste B

Dear Members of our Planning & Zoning Committee:

My name is Sherrie Compton, I am the owner of Blooms & More, a retail florist shop located in the retail strip center at the corner of W. Main and S. Grand. I have had my business in this location for approximately 9+ years, watching many businesses come and go.

I recently met Jaydon Clemens after knowing his mother, great uncle and grand-parents for many years (all Waxahachie residents). I find Jaydon to be a respectful young man who is more than his appearance will tell you. Jaydon recently placed an order with my business to honor teachers from his early years. From talking with his mother, I found out that he is active in feeding the homeless.

Like most small business owners, Jaydon has done his homework and is working to do all the things it takes to get a small business up and running. His art is locally appreciated, as he has been named Tattoo Artist of the year for '23 and '24 by the Ellis County Best contest. He is attempting to improve his life by being a business owner where he can excel with his natural talents.

It is my understanding that there has been a letter of opposition submitted on the Zoning Change Request. As an occupant of the strip center I do not have any objection to TaTT2Envy, LLC being a part of our strip center family. Several of the current occupants do business with one another, and I believe Jaydon and his business will be a good fit that could possibly add customers to the existing businesses.

(12)

Thank you for your time and consideration of this matter. Please place your votes for Jaydon Clemens to open his business at 105 S Grand, Ste B.

Respectfully,

Sherrie Compton  
Owner – Blooms & More  
(born and raised in Waxahachie)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW A TATTOO SHOP USE (TATT2ENVY, LLC) WITHIN A GENERAL RETAIL (GR) LOCATED AT 105 SOUTH GRAND AVENUE, SUITE B IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.918 ACRES KNOWN AS PROPERTY ID 176644, 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 adopted a zoning ordinance and map showing the classification of the property located within the city limits of said City; and

**WHEREAS**, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-196-2024. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

**NOW, THEREFORE**, this property is rezoned from GR to GR, with an SUP in order to allow Tattoo Shop use on the following property: Property ID 176644, which is shown on the Location Map (Exhibit A), the Site Slan (Exhibit B), and the Floor Plan (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 the Zoning Ordinance.

Specific Use Permit

**FOR THE OPERATION OF A SPECIFIC USE PERMIT FOR TATTOO SHOP USE (TATT2ENVY, LLC) WITHIN A GENERAL RETAIL (GR);** the following standards and conditions are hereby established as part of this ordinance:

1. The subject property shall conform to the site plan approved by the City Council under case number ZDC-196-2024.
2. Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A – Location Map, Exhibit B – Site Plan, Exhibit C – Floorplan.
3. This SUP shall remain with the applicant for this specific location, only. If the applicant moves to another location or JC's Gentleman's Barber Lounge closes, this SUP will be terminated immediately. The applicant will need to open a stand-alone tattoo shop with a new SUP.
4. The applicant shall amend this SUP should s/he decide to expand within the barbershop.
5. JC's Gentleman's Barber Lounge shall obtain a new Certificate of Occupancy to reflect the additional Tattoo Shop Land Use that notes this SUP by name and number before operating.
6. 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.
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, the Development Agreement, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibit B – Site Plan and Exhibit C – Floor plan. Where regulations are not specified in Exhibits B and C this Zoning Ordinance, or the Development Agreement, the regulations of the General Retail (GR) Zoning District 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 or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate for a period exceeding six months (6 months), a new Specific Use Permit shall be required to reestablish the use.

3. This Specific Use Permit shall run with the land and therefore may be transferred from owner to owner; however, each new owner shall obtain a new Certificate of Occupancy.
4. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

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

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

**PASSED, APPROVED AND ADOPTED** on this 16<sup>th</sup> day of December, 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary

(13)

**I will be operating  
a private tattoo  
studio in the  
rented space I will  
be tattooing by  
appointment only  
and only open  
during operating  
hours I will not be  
advertising the  
private studio at  
all**

# Tattoo Saturation Map

- ★ Existing Tattoo Studios
- ★ ZDC-196-2024

MANIFEST TATTOO SOCIETY

SATORI TATTOO COLLECTIVE

ZDC-196-2024

THE MARK TATTOO

LOST VEIL TATTOO

TATTOO GUILD

HEART IN HAND

SOUTHBOUND TATTOO



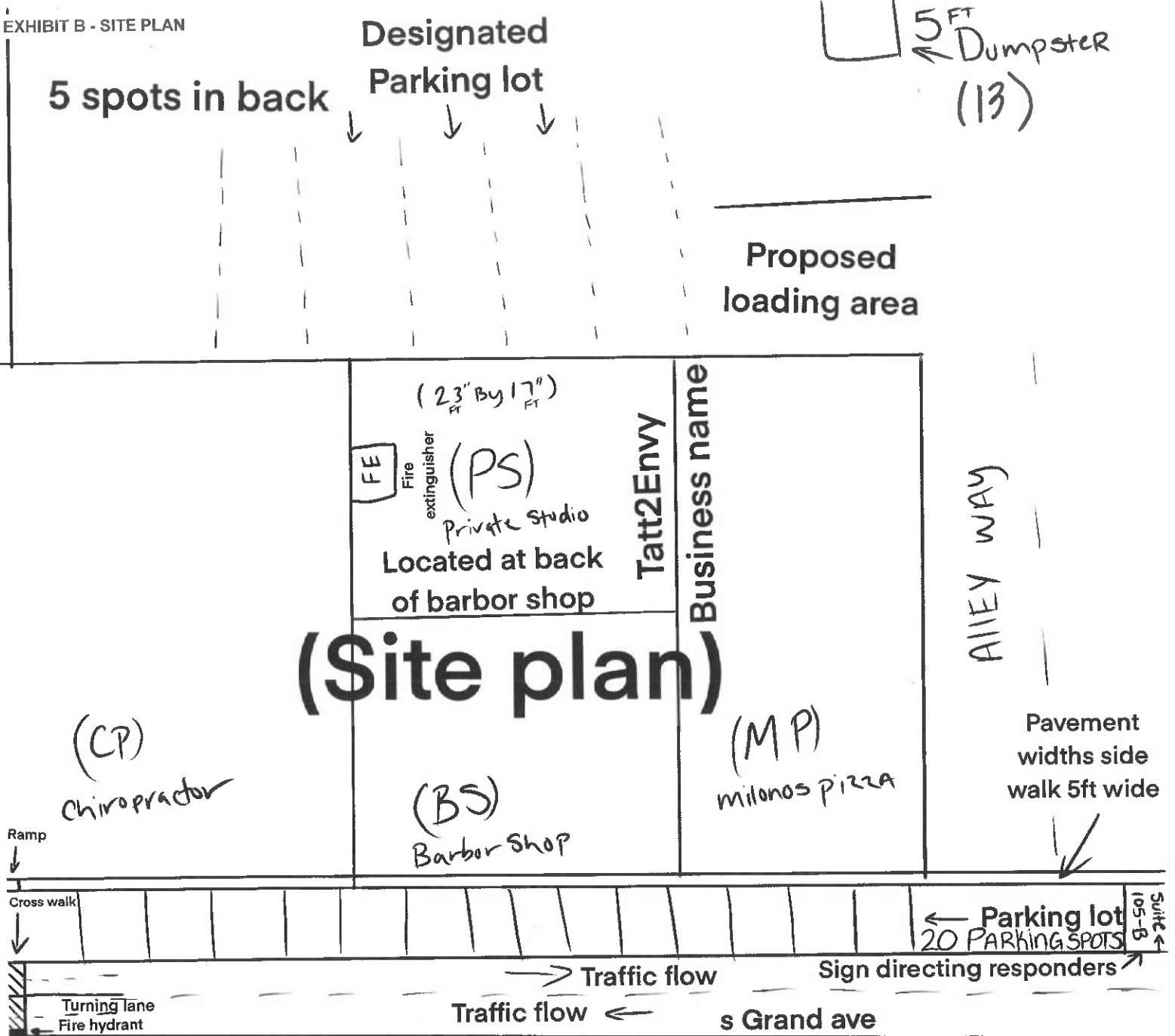
(13)



**EXHIBIT A - LOCATION MAP**

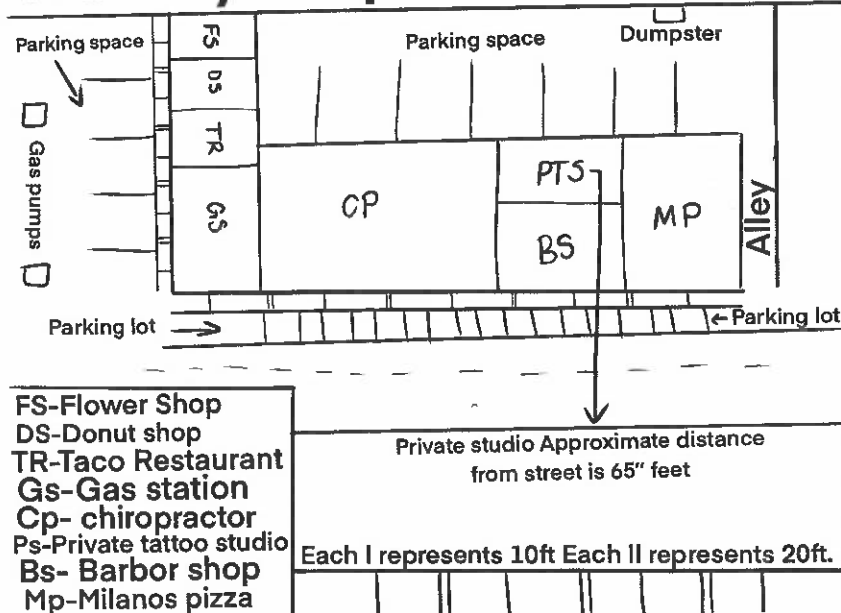
0 25 50 100 150 200 Feet

 ZDC-196-2024 (SUP)



**(Site plan)**

**Vicinity map 09/03/2024**



Applicant information  
 Jaydon Clemens  
 420 Edmondson rd  
 Waxahachie tx 75167  
 4699014175

Owner information  
 Roger Dollar  
 Pobox 427  
 Waxahachie tx, 75168  
 9729371140

(The official 911 address is (105 s Grand ave suite-B))

(No proposed signage only the signs directing responders)

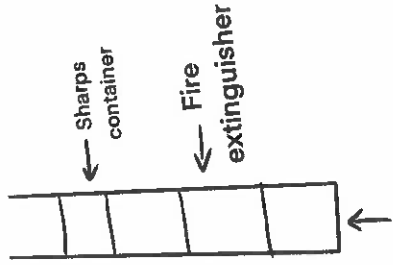
**Title Block**

Subdivision-west end rev  
 Lot 1&2 Block 6 west end  
 Zoning -GR  
 Area in acres 0.918  
 Waxahachie Ellis  
 09/04/2024  
 ZDC-196-2024

105-B  
TATTZENY

← Suite number (13)  
← Business name

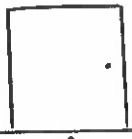
Bookshelf



Wall pillar

(Square footage)  
(23ft by 17ft)

WORK  
Station



Hand wash  
sink

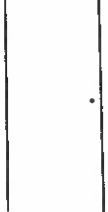
↑  
Inside front  
door to private  
tattoo studio

↑ Wall seperating ↑  
harbor shop  
and private  
tattoo studio

Shop break  
room  
Open room  
unused

(Floor plan)

Front door  
Main Entrance



Sign directing  
Responders  
↓

105-B ↑

Side walk

Street

(S Grand Ave)

The official 911  
address is (105  
s Grand ave  
suite-B)

Title Block

Business name  
Tatt2Envy.llc

Subdivision-west end rev  
Lot 1&2 Block 6 west end  
Zoning -GR  
Area in acres 0.918  
Waxahachie Ellis  
09/04/2024  
ZDC-196-2024

# Planning & Zoning Department

## Zoning Staff Report



Case: ZDC-146-2024

**MEETING DATE(S)**

*Planning & Zoning Commission:* December 9, 2024  
*City Council:* December 16, 2024

**CAPTION**

**Public Hearing** on a request by Russell Scott, for a **Specific Use Permit (SUP)** to allow for a Digital Billboard Sign within a Commercial (C) zoning district located at 801 S Interstate 35E (Property ID 189033) - Owner: Russell Scott (ZDC-146-2024) Staff: Zack King

**RECOMMENDED MOTION**

*"I move to approve ZDC-146-2024, a Specific Use Permit for a Digital Billboard Sign, subject to the conditions the staff report, authorizing the Mayor and/or City Manager to sign the associated documents accordingly."*

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting held on December 9, 2024, the Commission voted 6-0 to recommend approval of case number ZDC-146-2024, subject to the conditions of the staff report.

**APPLICANT REQUEST**

The applicant requests approval of a Specific Use Permit (SUP) to allow for the conversion of an existing static billboard into a digital billboard at 801 S Interstate 35E.

**CASE INFORMATION**

*Applicant:* Russell Scott  
*Property Owner(s):* Russell Scott  
*Site Acreage:* 0.706 acres  
*Current Zoning:* Commercial (C)  
*Requested Zoning:* Commercial (C) with SUP for a Digital Billboard Sign

**SUBJECT PROPERTY**

*General Location:* 801 S Interstate 35E  
*Parcel ID Number(s):* 189033  
*Existing Use:* A static billboard is currently situated on the property. BAT Security occupies the existing building on the subject property.

*Development History:*

The subject property is not currently platted. A Plat is required to be filed for the subject property prior to construction of the digital billboard.

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	Commercial (C)	Dallas Suites & Inn
East	Commercial (C)	Executive Inn and Suites
South	Commercial (C)	Executive Inn and Suites
West	General Retail (GR)	Interstate 35E & Fire Station No. 4

*Future Land Use Plan:*

Regional Commercial

*Comprehensive Plan:*

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.

*Thoroughfare Plan:*

The subject property is accessible via the Interstate 35E Service Road

*Site Image:*



## PLANNING ANALYSIS

The Waxahachie Code of Ordinances currently prohibits "Billboard" Signs within the City Limits. However, the City Manager, Michael Scott, is authorized to negotiate with the owners of existing billboards who wish to modify or convert their "Billboard" signs to a digital format. After a discussion with the billboard owner, the City Manager recommended that the owner to apply for a Specific Use Permit (SUP) for approval by the City Council to allow for the conversion of the existing static billboard into a digital billboard.

The SUP process is utilized to evaluate certain land uses that may not otherwise be compatible with permitted uses in a base zoning district. The SUP process allows land use to be evaluated to determine whether it is compatible with adjacent uses by ensuring the nature of the proposed land use is reasonable and any potential negative impacts of the land use have been mitigated. Through the SUP process, a specific site design is developed to ensure the intent of the base zoning district is maintained.

### Background

The existing billboard on the subject property is constructed with a monopole support, extends to a maximum height of 49', and features two (2) static advertising faces. The billboard is situated along Interstate 35E, adjacent to the Brookside Road bridge. In 2019, TxDOT completed construction of the new Brookside Road bridge. The new bridge stands at a higher elevation than the previous bridge and blocks the view of the billboard for south-bound interstate traffic. To address this new site constraint, the applicant is seeking to increase the maximum height of the billboard to 60'. Along with the height increase, the applicant is also seeking to modernize the billboard by converting the two (2) static sign faces to digital message boards. The proposed digital billboard faces are each 14' tall and 48' wide, resulting in a 672 square-foot sign face.

### Proposed Use

To counterbalance the proposed sign height, increase and digital conversion, the applicant has engaged with City staff and Waxahachie Community Development Corporation (WCDC) members to develop a sign design that serves as an entry feature for the City and provides advertising for the City directly. A partnership allowing for advertising for the City is proposed to be memorialized with a mutually agreed upon Development Agreement, if this SUP is approved.

The applicant proposes a free advertising space to the City of Waxahachie on each side of the digital billboard in perpetuity. The advertising allowance is proposed to be eight (8) seconds in length, repeating every fifty-six (56) seconds, 24-hours a day. The applicant has noted that this amount of advertising can cost up to \$10,000 a month and up to \$120,000 a year. The applicant has also noted that uploads of graphics or messages to the billboard would not incur a charge.

### Sign Design

The applicant has provided a series of renderings for the proposed Digital Billboard Sign; which are attached to this report. The applicant proposes to wrap the support structure for the sign with a combination of natural and cast stone. The southbound face of the billboard structure is proposed to include a 10' stainless steel emblem of the Ellis County Courthouse with backlit letters that display "Welcome to Waxahachie The Crossroads of Texas". The northbound face of the billboard structure is proposed to feature backlit letters that state "Welcome to Waxahachie The Gingerbread City". The applicant also proposes to install, and permanently maintain, landscaping at the base of the billboard to soften its presence at eye level.

Lighting & Glare Standards:

The applicant has confirmed that the Digital Billboard Sign will be in compliance with the requirements of the Waxahachie Lighting and Glare Standards established by Section 6.03 of the Waxahachie Zoning Ordinance. The applicant has also confirmed that the Digital Billboard Sign will be equipped with automatic dimming technology to reduce brightness and glare during low-light and night conditions.

TxDOT Approval:

A TxDOT permit is required for Billboard Signs along TxDOT right-of-way (ROW). The applicant is in possession of a permit for the existing 49' static Billboard Sign. The applicant has also received approval of an amended permit from TxDOT to allow the newly proposed Digital Billboard Sign to extend up to 60' in height.

**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.

**PUBLIC NOTIFICATION RESPONSES**

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

**RECOMMENDATION**

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

Conditions:

1. A mutually agreed upon Development Agreement shall be required to be executed prior to construction of the Digital Billboard Sign.
2. All exterior construction materials, location of exterior construction materials, and percentage of exterior construction materials for the Digital Billboard Sign shall conform with the Renderings Exhibit.
3. The subject property is required to be platted prior to the issuance of building permit(s) for the Digital Billboard Sign. At the time of platting, a 15' Utility Easement is required to be dedicated adjacent to all public right-of-way (ROW). The Digital Billboard Sign shall remain outside the required 15' Utility Easement.
4. The property owner shall provide a permanent irrigation system for all proposed landscape areas and maintain the proposed landscaping in a healthy, live-growing condition at all times.
5. The Digital Billboard Sign shall be compliant with the Waxahachie Lighting and Glare Standards established by Section 6.03 of the Waxahachie Zoning Ordinance.
6. The applicant shall receive all necessary building permits from the Building & Community Services Department prior to construction.

**ATTACHED EXHIBITS**

1. Public Notification Responses
2. Specific Use Permit (SUP) Ordinance
3. Location Map – Exhibit A
4. Site Plan – Exhibit B
5. Operational Plan – Exhibit C
6. Renderings – Exhibit D
7. Billboard saturation map

**APPLICANT REQUIREMENTS**

1. If approved by City Council, the applicant can submit a Plat Application with the Planning Department and apply for Building Permit(s) from the Building and Community Services Department.

**STAFF CONTACT INFORMATION**

*Prepared by:*

Zack King, AICP

Planning Manager

[zking@waxahachie.com](mailto:zking@waxahachie.com)

*Reviewed by:*

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

Senior Director of Planning

[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-146-2024



TEXAS STATE OF HIGHWAY DEPT  
PO BOX 190  
WAXAHACHIE, TX 75165-4701

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Monday, December 9, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 16, 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 Russell Scott, for a Specific Use Permit (SUP) to allow for a Digital Billboard Sign within a Commercial (C) zoning district located at 801 S Interstate 35E (Property ID 189033) - Owner: Russell Scott (ZDC-146-2024) 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](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: ZDC-146-2024

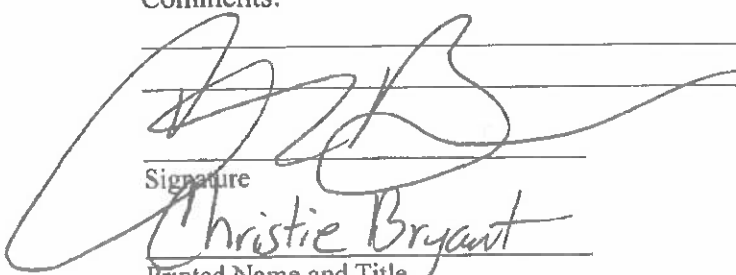
City Reference: 193844

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *December 4, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

  
Signature  
Christie Bryant  
Printed Name and Title

12/2/2024  
Date  
PO Box 190  
Address  
Waxahachie, TX. 75168

(14)

December 2, 2022

Jennifer Pruitt  
Senior Director of Planning  
City of Waxahachie  
401 South Rogers  
Waxahachie, Texas 75165

Dear Jennifer:

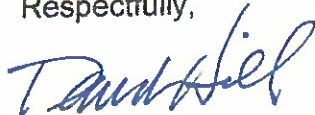
It is my understanding you have met with Rusty Scott regarding raising the current billboard he owns at I-35E and Brookside Road ten feet with an electronic billboard sitting atop. You requested Mr. Scott provide you with letters of recommendation for this signage, an endorsement I support.

There are several reasons I support the electronic billboard:

- It is planned that Brookside Road will be a primary portal into our city and the proposed design of the structure will highlight that.
- Two ads, one each on both the north and south facing faces of the sign will be devoted to the City of Waxahachie, which will virtually eliminate the cost for an expensive electronic sign on the civic center grounds.
- The city ads can be changed at will which means community events, economic development promotions or messages to drawn tourists can be shown whenever it is desired.
- Since the message can be changed at will, it could eliminate promotional dollars spent by the CVB on existing static billboards along I-35E.

Mr. Scott's outdoor electronic billboard will benefit the City of Waxahachie and I wholeheartedly support its construction.

Respectfully,



David Hill

(15)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A DIGITAL BILLBOARD SIGN USE WITHIN A COMMERCIAL (C) ZONING DISTRICT, LOCATED 801 S INTERSTATE 35E IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.706 KNOWN AS PROPERTY ID 189033, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, the described property is classified in said ordinance and any amendments thereto as C; and

**WHEREAS**, a proper application for 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-146-2024. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

**NOW, THEREFORE**, this property is rezoned from C to C, with a SUP in order to permit a Digital Billboard Sign use on the following property: Property ID 189033, which is shown on Exhibit A, in accordance with the Site Plan attached as Exhibit B, the Operational Plan attached as Exhibit C, and the Renderings attached as Exhibit D.

### **SPECIFIC USE PERMIT**

#### **Purpose and Intent**

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

Specific Use Permit

FOR OPERATION OF A **SPECIFIC USE PERMIT FOR A DIGITAL BILLBOARD SIGN USE WITHIN A COMMERCIAL (C) ZONING DISTRICT**; the following standards and conditions are hereby established as part of this ordinance:

1. A mutually agreed upon Development Agreement shall be required to be executed prior to construction of the Digital Billboard Sign.
2. The development shall conform as approved by the City Council under case number ZDC-146-2024.
3. The development shall adhere to the City Council approved in Exhibit A- Location Map, Exhibit B –Site Plan, Exhibit C - Operational Plan, and Exhibit D – Renderings.
4. All exterior construction materials, location of exterior construction materials, and percentage of exterior construction materials for the Digital Billboard Sign shall conform with the Renderings (Exhibit D).
5. The subject property shall be platted prior to the issuance of building permit(s) for the Digital Billboard Sign. At the time of platting, a 15' Utility Easement shall be dedicated adjacent to all public right-of-way (ROW). The Digital Billboard Sign shall remain outside the required 15' Utility Easement.
6. The Property Owner shall provide a permanent irrigation system(s) for all landscape areas identified in Exhibit C – Operational Plan and Exhibit D – Renderings, and shall maintain or cause to be maintained the landscaping at all times.
7. The Digital Billboard Sign shall be compliant with the Waxahachie Lighting and Glare Standards established by Section 6.03 of the Waxahachie Zoning Ordinance.
8. All improvements within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
9. 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.
10. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance (Ordinance No. TBD) or the Development Agreement, shall conform to those requirements and/or standards prescribed in Exhibit B –Site Plan, Exhibit C - Operational Plan, and Exhibit D – Renderings. Where regulations are not specified in Exhibits B, C, and D in this Zoning Ordinance (Ordinance No. TBD) or the Development Agreement, the regulations of the Commercial (C) zoning district and the City of Waxahachie Zoning Ordinance shall apply to this development.

(15)

11. City Council shall have the right to review the Specific Use Permit at any point, if needed.

Compliance

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

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.

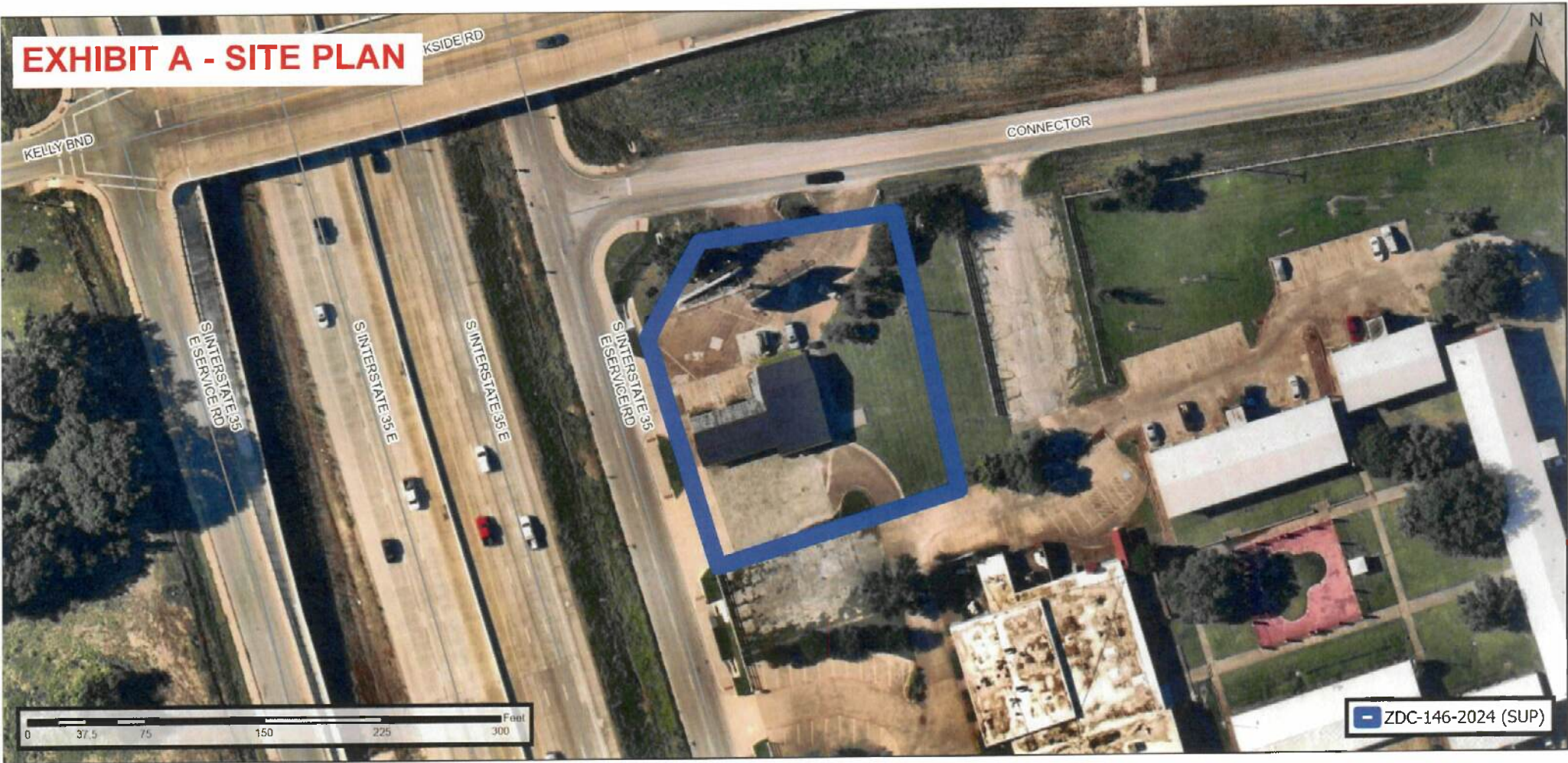
**PASSED, APPROVED AND ADOPTED** on this 16<sup>th</sup> day of December, 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary

# EXHIBIT A - SITE PLAN



ZDC-146-2024 (SUP)

**EXHIBIT B - SITE PLAN**

FIELD NOTES for Russell N. Scott

Job no. B-11177

BEING a part of the Alfred Polk Survey, Abstract 827, Waxahachie, Ellis County, Texas, and being the tract described in deed from the Estate of Audrey Faye Currie to Russell N. Scott, recorded in Volume 2445, Page 1782, Official Public Records of said County, and being more particularly described by its metes and bounds as follows:

BEGINNING at a 1/4 inch steel rod found at the northwest corner of said Scott tract, at an angle point in the east line of Interstate Highway 35-E;

THENCE N 82°50'00" E, (bearing base line) with the southerly line of said Highway and northerly line of said Scott tract, 125.07 feet (call N 82°25' E, 125.08 feet) to a 1 inch steel pipe found at the northeast corner of said Scott tract and the northwest corner of the tract described in deed from Alfred Capital SBLC Holdings, LLC to PK and Associates, Inc. recorded in Volume 1811, Page 1492 of said Official Public Records;

THENCE S 22°04'40" E, with the common line of said Scott and PK and Associates tracts, 179.29 feet (call S 12°00' E, 179.50 feet) to a 1/4 inch steel rod found at the southeast corner of said Scott tract and an interior corner of said PK and Associates tract;

THENCE S 73°49'14" W, with the common line of said Scott and PK and Associates tracts, 160.31 feet (call S 73°53' W, 160.00 feet) to a 1/4 inch steel rod set at the southwest corner of said Scott tract and the most west northwest corner of said PK and Associates tract and on the east line of said Interstate Highway 35;

THENCE with the common line of said Scott tract and said Highway, N 16°07'00" W, 150.00 feet (call N 16°07' W, 150.00 feet) to a 1/4 inch steel rod found and N 29°25'00" E, 49.20 feet (call N 29°25', 49.20 feet) to the point of beginning and containing approximately 0.7066 acre of land.

**SIGN EASEMENT**

BEING a part of the A. Polk Survey, Abstract 827, Waxahachie, Ellis County, Texas, and being the tract described in deed from the Estate of Audrey Faye Currie to Russell N. Scott as recorded in Volume 2445, Page 1782, Official Public Records of said County, and being more particularly described by its metes and bounds as follows:

BEGINNING at a 1/4 inch steel rod found at the most north northwest corner of said Scott tract, at an angle point in the east line of Interstate Highway 35-E;

THENCE N 82°50'00" E, (bearing base line) with the southerly line of said Highway and northerly line of said Scott tract, 43.51 feet to a point;

THENCE S 27°01'23" E, 34.50 feet to a point;

THENCE S 69°12'42" W, 94.78 feet to a 1/4 inch steel rod found at the most west northwest corner of said Scott tract on the west line of said Scott tract and on the east line of said Highway;

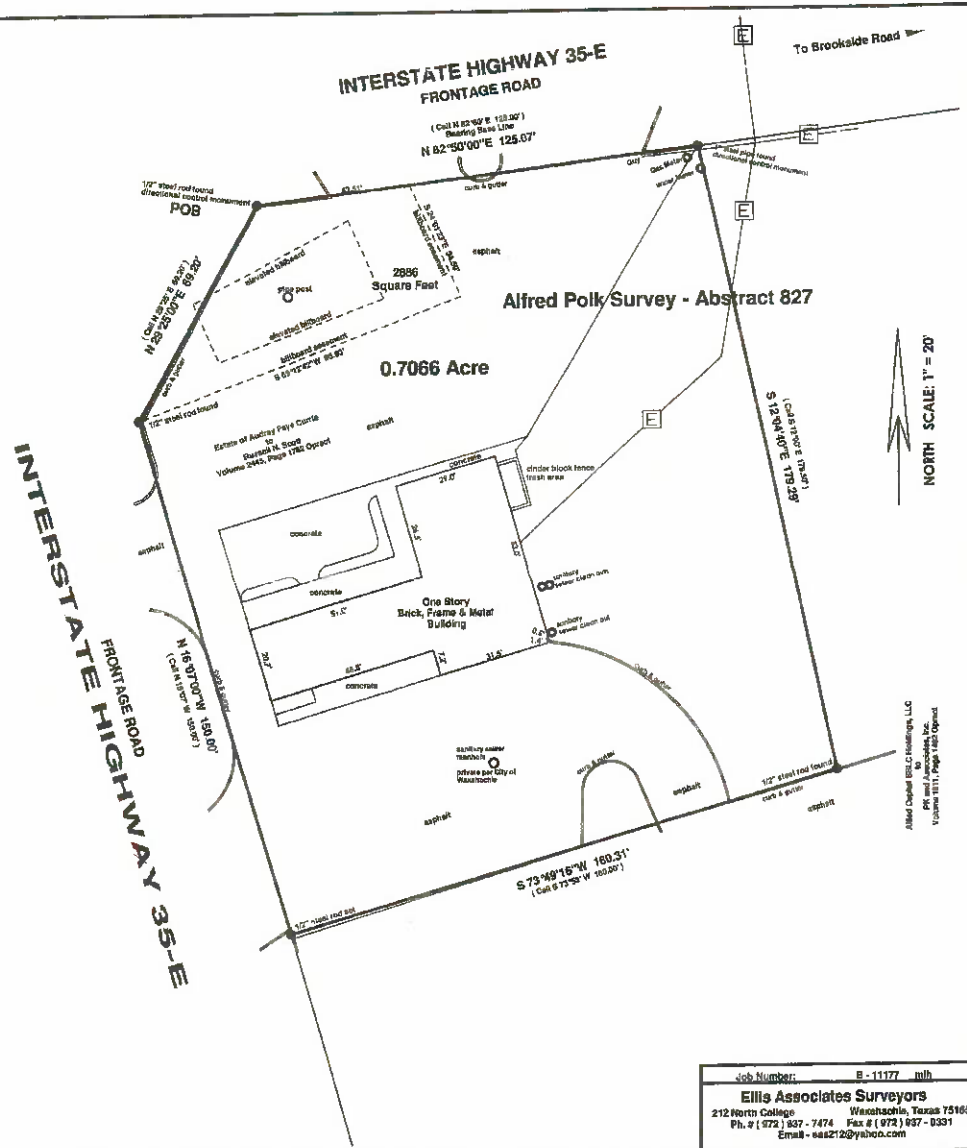
THENCE N 29°25'00" E, with the common line of said Scott tract and Highway, 49.20 feet to the point of beginning and containing approximately 2886 square feet of land.

I declare that the plat and field notes hereon are the representation of an actual and accurate survey made on the ground on December 2011. There are no visible encroachments, protrusions or easements, unless shown hereon. The bearings recited hereon are based on record deed of subject tract. According to the Federal Emergency Management Agency Flood Insurance Rate Map Number 48139CD180 D, dated January 20, 1997, for Ellis County, Texas, and incorporated Areas this tract is not within a Special Flood Hazard Area inundated by one hundred-year flood. This survey is for the benefit of Russell N. Scott.

*Stuart G. Hamilton*  
 Stuart G. Hamilton  
 Registered Professional Land Surveyor Number 4480  
 Copy 5 of 6 signed on  
 DEC 30 2011



Standard Land Survey  
 of  
 0.7066 Acre in the  
 Alfred Polk Survey, Abstract 827,  
 Waxahachie, Ellis County, Texas



Job Number: B-11177 mth  
 Ellis Associates Surveyors  
 212 North College Waxahachie, Texas 75168  
 Ph. # (972) 837-7474 Fax # (972) 837-8331  
 Email - eae212@yahoo.com

(15)



**R. J. Lynn & Associates**

## **Benefits to the City of Waxahachie regarding the proposed digital billboard at I-35E and Brookside Road.**

### **Introduction**

Rusty Scott, the CEO and owner of OCC, is dedicated to giving back to the community which has helped his company grow. A way in which he is doing that is through the proposed digital billboard on I-35E at Brookside Road which is located on his corporate property.

This presentation of the intended signage and the benefits it gives back to the City of Waxahachie is a unique approach which will directly benefit our community. Bob Lynn, owner of R. J. Lynn and Associates, developed the promotional plan because as ad agency-of-record for the city he shares in Mr. Scott's love for the community.

### **Signage Benefits**

The digital billboard offers advertisers 7 spots per side of 8-second duration, repeating itself every 56 seconds, giving each advertiser 6,171 exposures per day. Current TXDOT traffic counts for 2022 state that more than 62,451 cars would pass either the north or south sign exposures every day.

Each advertiser would be featured on a 14-foot (tall) by 48-foot (wide) digital space. The City of Waxahachie would be given **two free spots**, one each on the northbound and southbound faces of the billboard. There are **more than 22 million vehicles per year** which would pass the sign.

The complimentary spots would benefit promotional advertising and event messaging for:

- Convention & Visitors' Bureau
- Waxahachie Civic Center
- Waxahachie Sports Complex
- Railyard Park & Amphitheater
- Waxahachie Economic Development
- Tourism & Branding
- Waxahachie Chamber of Commerce

Lamar Outdoor Advertising charges up to \$5,000 per month for one, 9-second digital ad in the Metroplex. If the City of Waxahachie had messages on two of those billboards, they would spend \$120,000 per year.

Bob Lynn has been on the WCDC board for 14 years. Every year the board has a discussion on erecting a digital billboard on the grounds of the Civic Center, and every year it has been tabled due to anticipated costs:

- It is estimated that the erection of a digital billboard at the Civic Center would cost more than \$400,000 when construction, electronics, running power to the sign and landscaping are considered. This does not include yearly insurance, maintenance, and technical upgrades.
- Civic Center staff would have to be taught how to create and load digital messages.

## Portal

The Brookside exit on I-35E is one of the designated portals leading to the downtown, historical district of our community. The entrance to the Main Street and courthouse square corridor from I-35E must be more than just directional signs on I-35E; it should be a memorable architectural landmark of materials which are symbolic of the grand historic homes on Main Street and 1880's structures on the downtown square.

The base structure of the proposed signage will have a sprinkler system which will water crepe myrtle bushes. The southbound face will feature a 10-foot round, stainless steel laser-cut, backlit, silhouette of the courthouse with "Welcome to Waxahachie" and "The Crossroads of Texas" cut in the outside circle of the county courthouse.

The Northbound face will feature graphics of "Welcome to Waxahachie" and "The Gingerbread City," which will also be backlit. Therefore, the proposed sign landmark base rising up to the digital billboard will highlight the community's important designations:

- **Welcome to Waxahachie** (both sides) inviting travelers to exit Brookside Road.
- **The Crepe Myrtle Capital of Texas** (designated in 1997) featuring living Crepe Myrtle bushes in a raised garden.
- **The Gingerbread City**, an honorific for the beautiful Victorian architecture which has been preserved since the 1880s.
- **The Crossroads of Texas**, a 2018 Economic Development Council descriptive phrase created to highlight Waxahachie's central location to major highways, train cargo, DFW/Love Field, and the NAFTA highway linking to the Gulf shipping opportunities.

The billboard's structure inviting people into Waxahachie is just as important as the two free digital billboard messages the city is receiving at no charge. The structure's 40+ landmark footing will be a 24/7/365 tribute to Waxahachie.

## Operation

The advertising on the billboard will be coordinated by Bob Lynn (RJL&A) through the sales department of the Waxahachie Sun. Each advertiser, including the City of Waxahachie, will not only get exposure on the digit billboard, but will also be featured in the Sun's newspaper, internet and Facebook sites, and Waxahachie Downhome app and internet sites. The Sun will offer:

- One, :08 ad on the billboard, repeating every 56 seconds, 24 hours every day.
- One free graphic upload to the sign every month with the advertiser supplying the artwork/message.
- Additional messages will be charged at \$300 per new message\*.

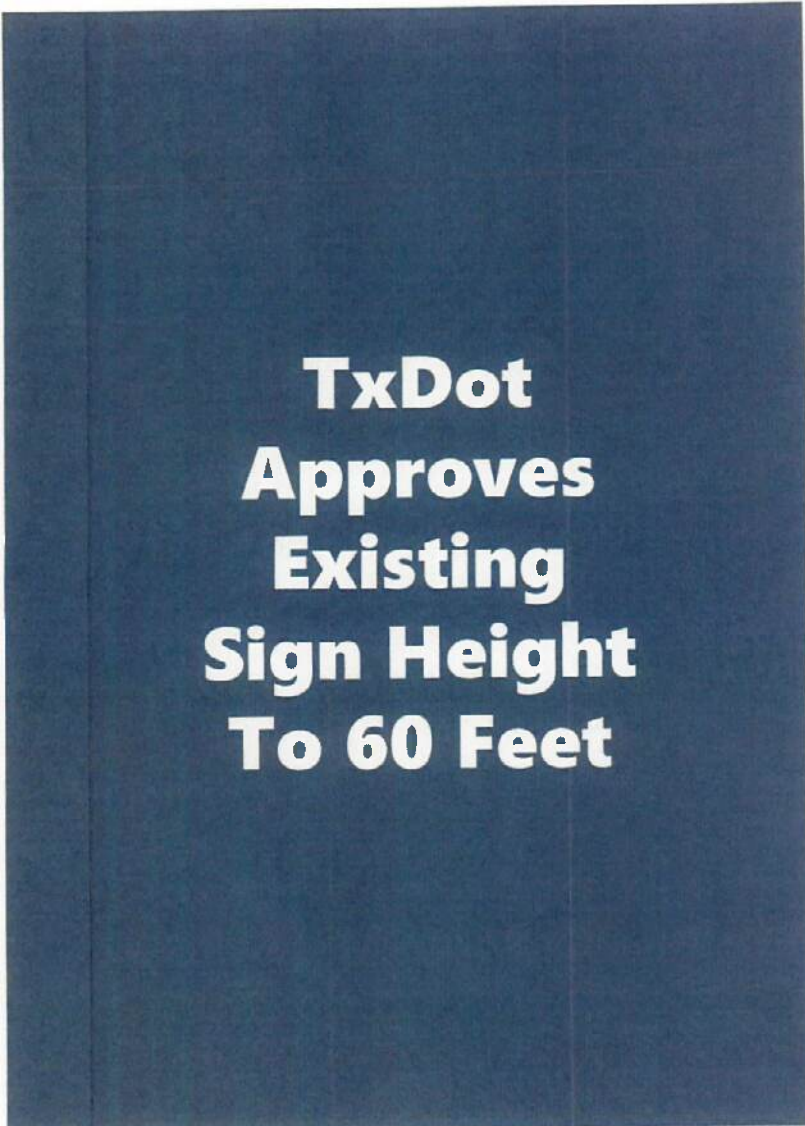
\*If the city wishes to put more than one new message per month (ie: city event, Sports Center tournament, economic development greeting, etc.), one or more people with the city can be trained on how to upload graphic/messages to the board and can do that through the Sun at no charge.

---

**Conclusion**

The proposed digital billboard at I-35E and Brookside Road provides clear benefits to the City of Waxahachie:

- Rusty Scott is dedicated to the city which helped his company grow. For that reason, he is prepared to invest thousands of dollars to upgrade the proposed digital billboard shaft from a standard mast to an impressive monument-type structure to serve as a notable portal into the city featuring stonework reminiscent of existing historical buildings, laser cut lettering and laser-cut fabrication, backlighting and a crepe myrtle garden.
- The signage gives the city a digital billboard without having to construct one at the civic center through WCDC funding.
- Professional companies, The Waxahachie Sun and RJA, will sell and help create digital ads, and coordinate the digital billboard operation.
- City staff will be trained to create and transpose through a dedicated computer program as many ads as they wish per month at no charge.
- The signage is designed to highlight branding statements including Welcome to Waxahachie, Crepe Myrtle Capital of Texas, Crossroads of Texas, and Gingerbread Capital of Texas.
- If the city invested advertising dollars with Lamar Outdoor Advertising it would spend an estimated \$120,000 per year.
- More than 22 million vehicles would pass the digital billboard per year.
- The outdoor advertising could promote timely events and thus pull passing travelers into Waxahachie, helping brand the city with positive and memorable messaging.



**Texas Department of Transportation**

April 13, 2021

**Amendment of Permit**

Russell Scott  
PO Box 190  
Waxahachie, TX 75168

Original Record ID: PMT-HBA-00711  
Record ID Number: PMT-AMD-21-00014

To Whom It May Concern:

Department records show the above permit located in Ellis County, on the east side of IH 35E, approximately 178 feet S of Brookside Rd inside incorporated city limits of Waxahachie, Texas.

An application was submitted to amend the permit. Amendment of the following items has been approved:

Value:	Previous configuration permitted:	Approved with this amendment
Sign Height	49 Feet	60 Feet

Sincerely,

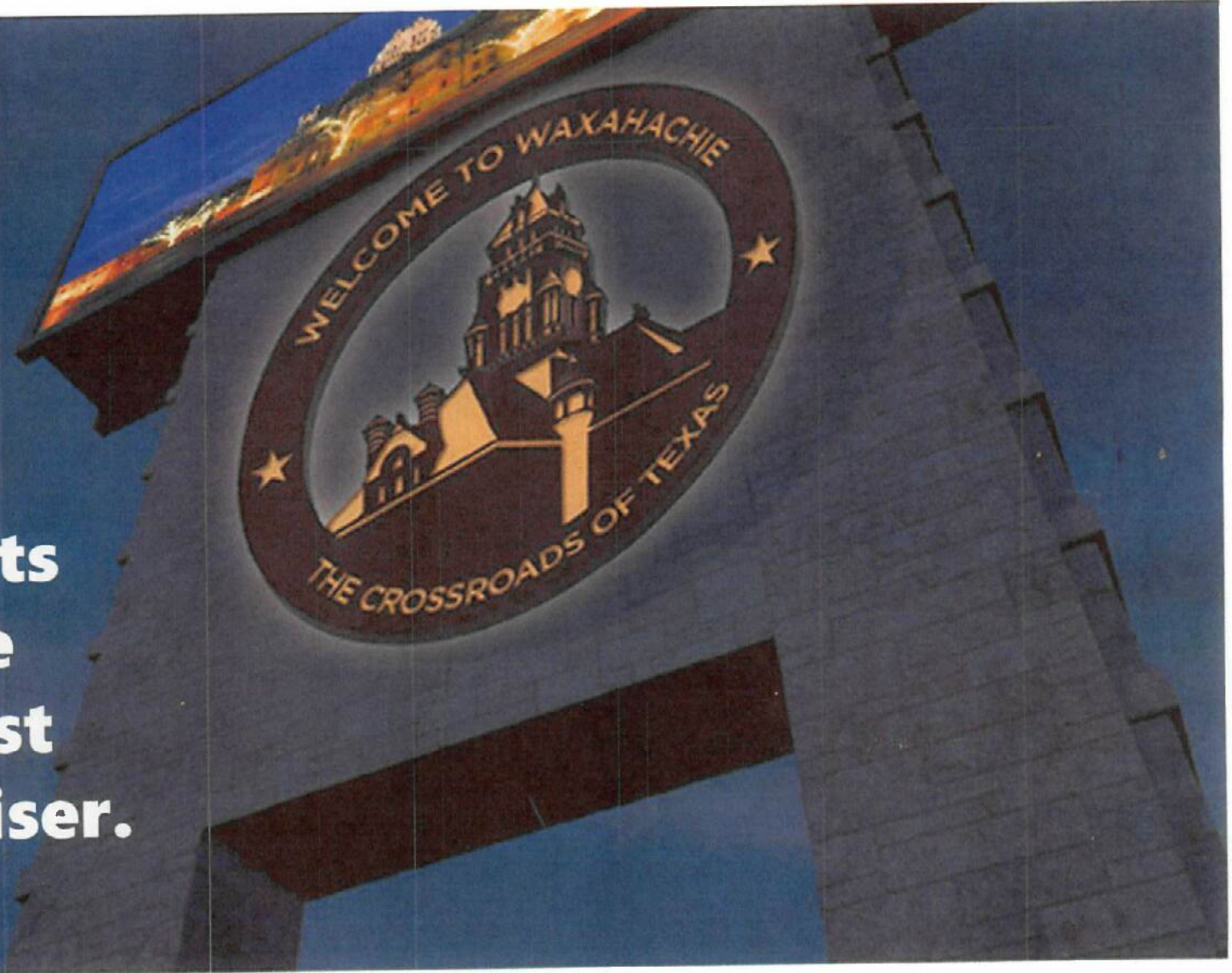
DocuSigned by:  
*Wendy Knox*

01B1250TC17F4BB  
Wendy Knox, MPA, CTCM  
Director, Commercial Signs Section

(15)

**EXHIBIT D - RENDERINGS**

**FINALLY...  
A Billboard  
That Benefits  
Waxahachie  
And Not Just  
The Advertiser.**



**Because of I-35 construction, new Brookside Road Bridge blocks existing static sign's readability.**

## Existing Signage at I-35 and Brookside Road Bridge

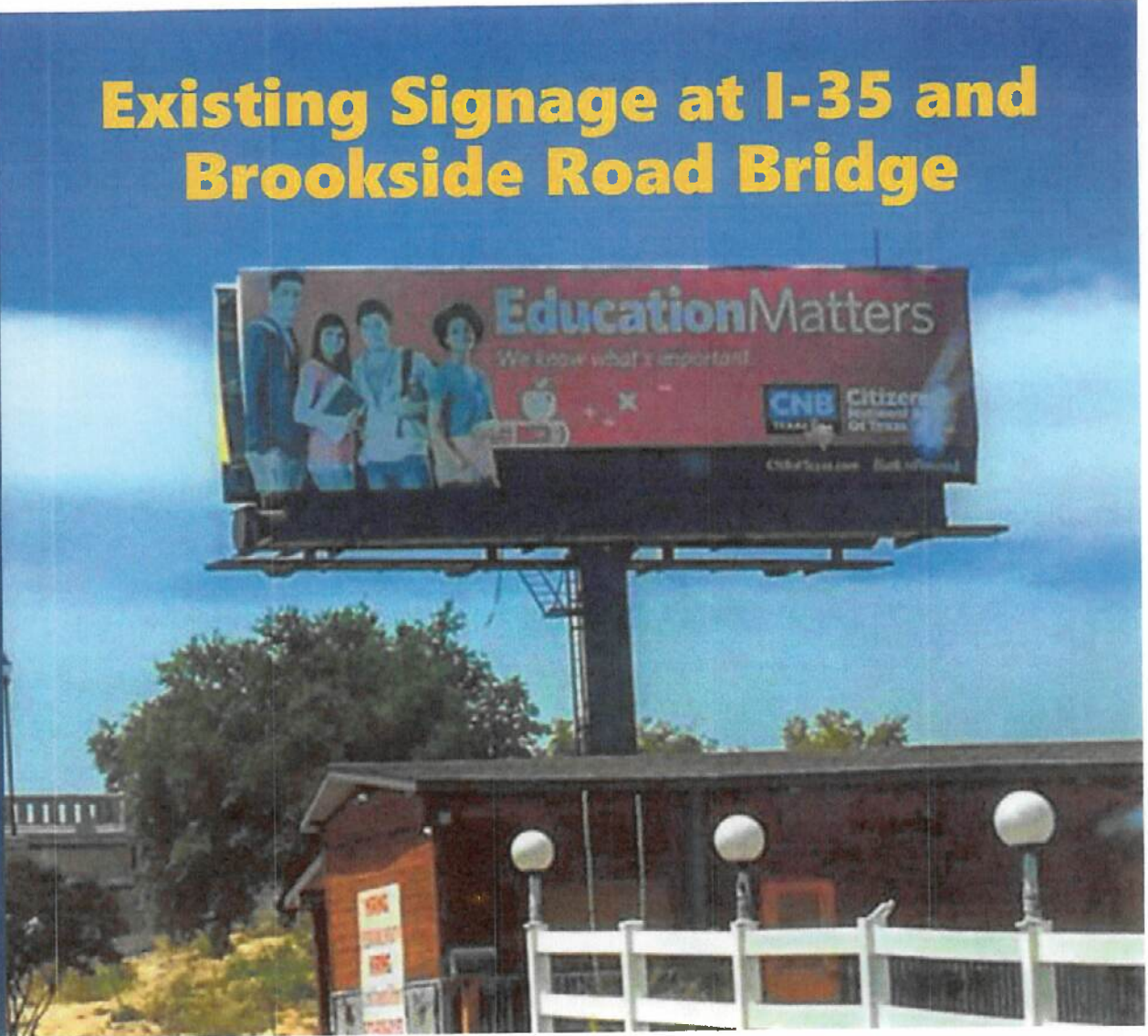
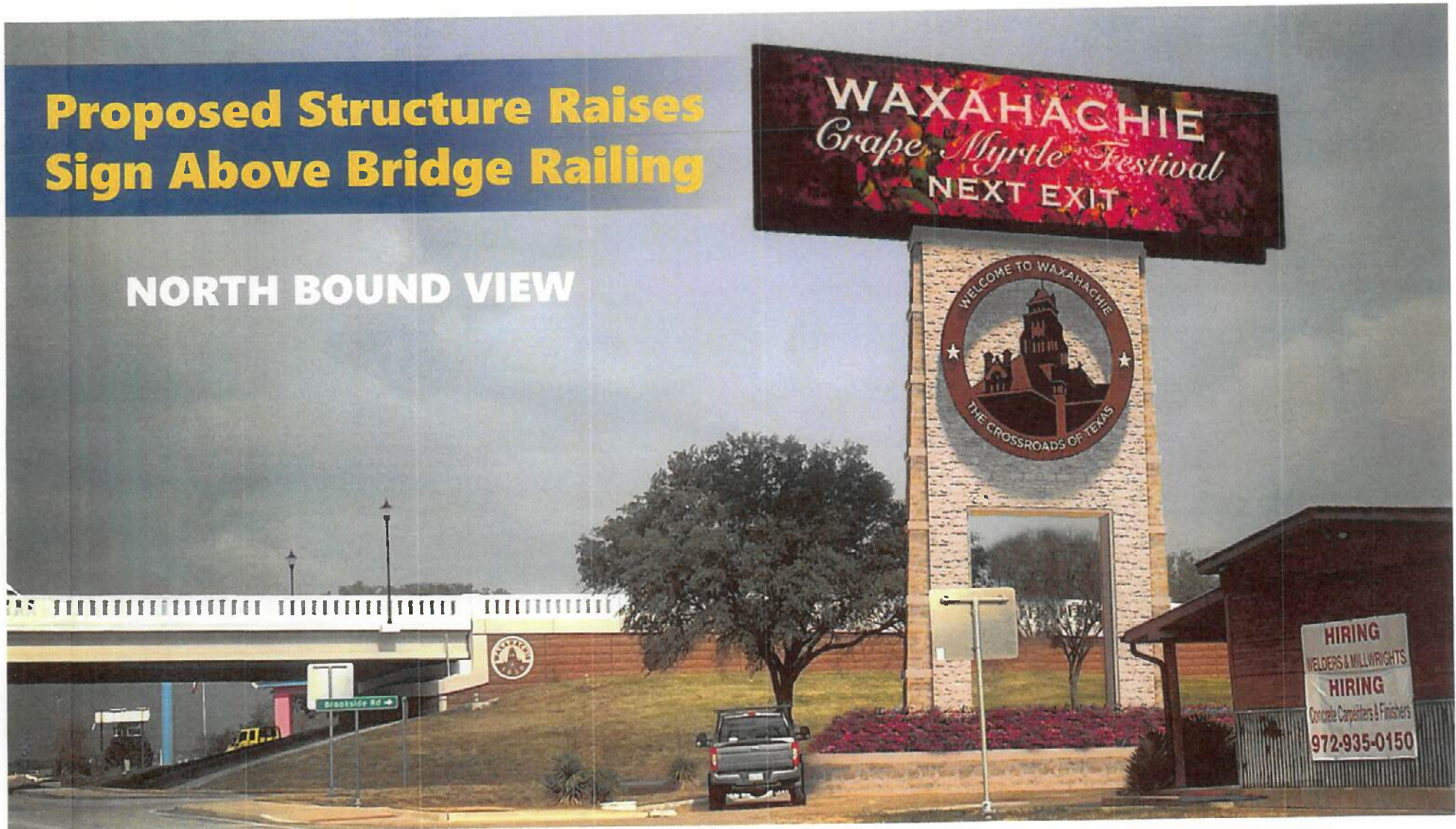


EXHIBIT D - RENDERINGS

**Proposed Structure Raises  
Sign Above Bridge Railing**

**NORTH BOUND VIEW**



**HIRING**  
WELDERS & MILLWRIGHTS  
**HIRING**  
Concrete Carpenters & Finishers  
972-935-0150

(15)

EXHIBIT D - RENDERINGS

SOUTH BOUND VIEW

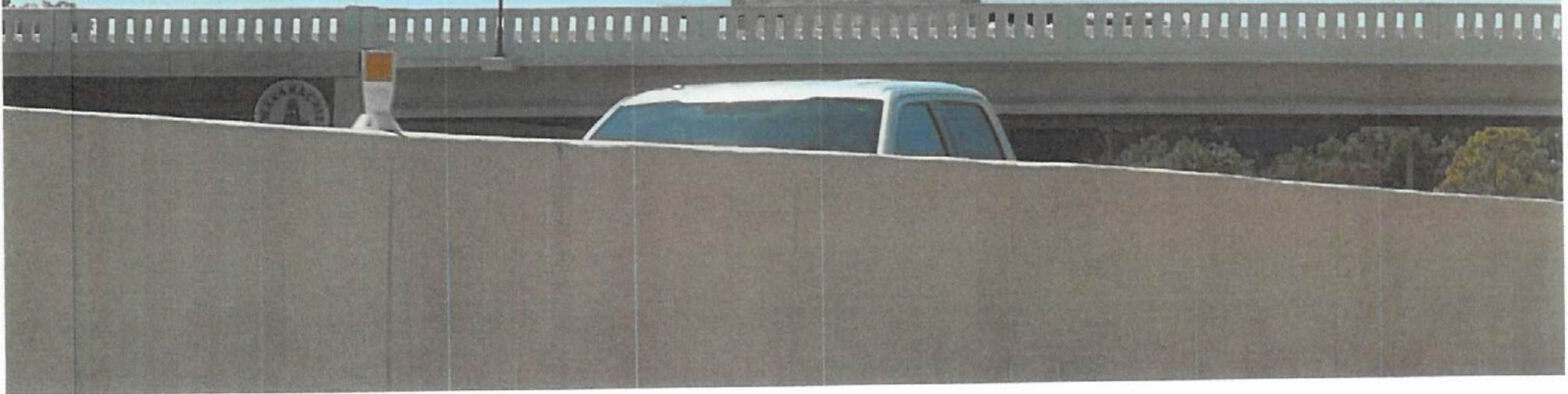


**EXHIBIT D - RENDERINGS**

**NOW VISIBLE ABOVE BRIDGE RAILING**



WELCOME  
TO  
WAXAHACHIE



**EXHIBIT D - RENDERINGS**

# **Baylor Scott & White Granted Digital Billboard in 2014**

- **Strictly for BS&W use.**
- **No community messaging considered.**



**EXHIBIT D - RENDERINGS**

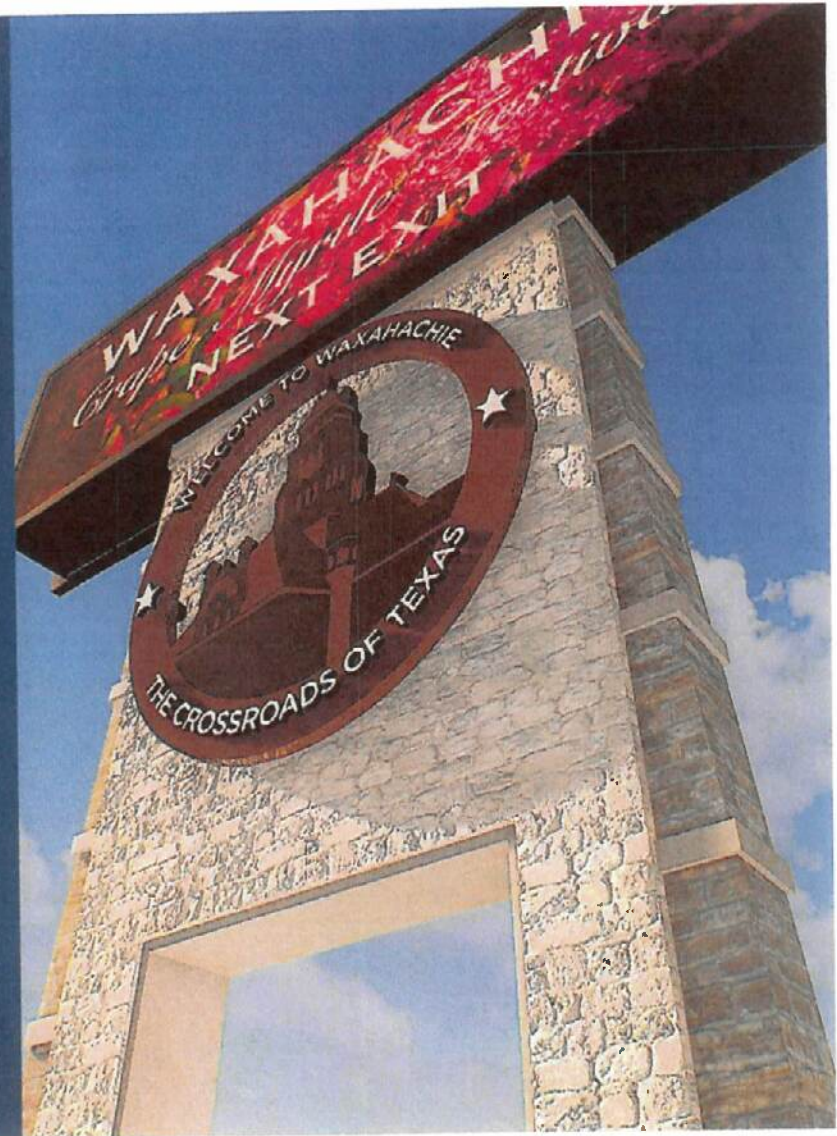
## **Digital Billboard at Waxahachie Civic Center.**

- **Every year WCDC discusses a digital billboard at the Civic Center.**
- **Upfront Cost: \$400,000+**
- **Estimated Yearly Maintenance: \$5,000**



## **Digital Billboard, 24/7/365, Directly Benefits:**

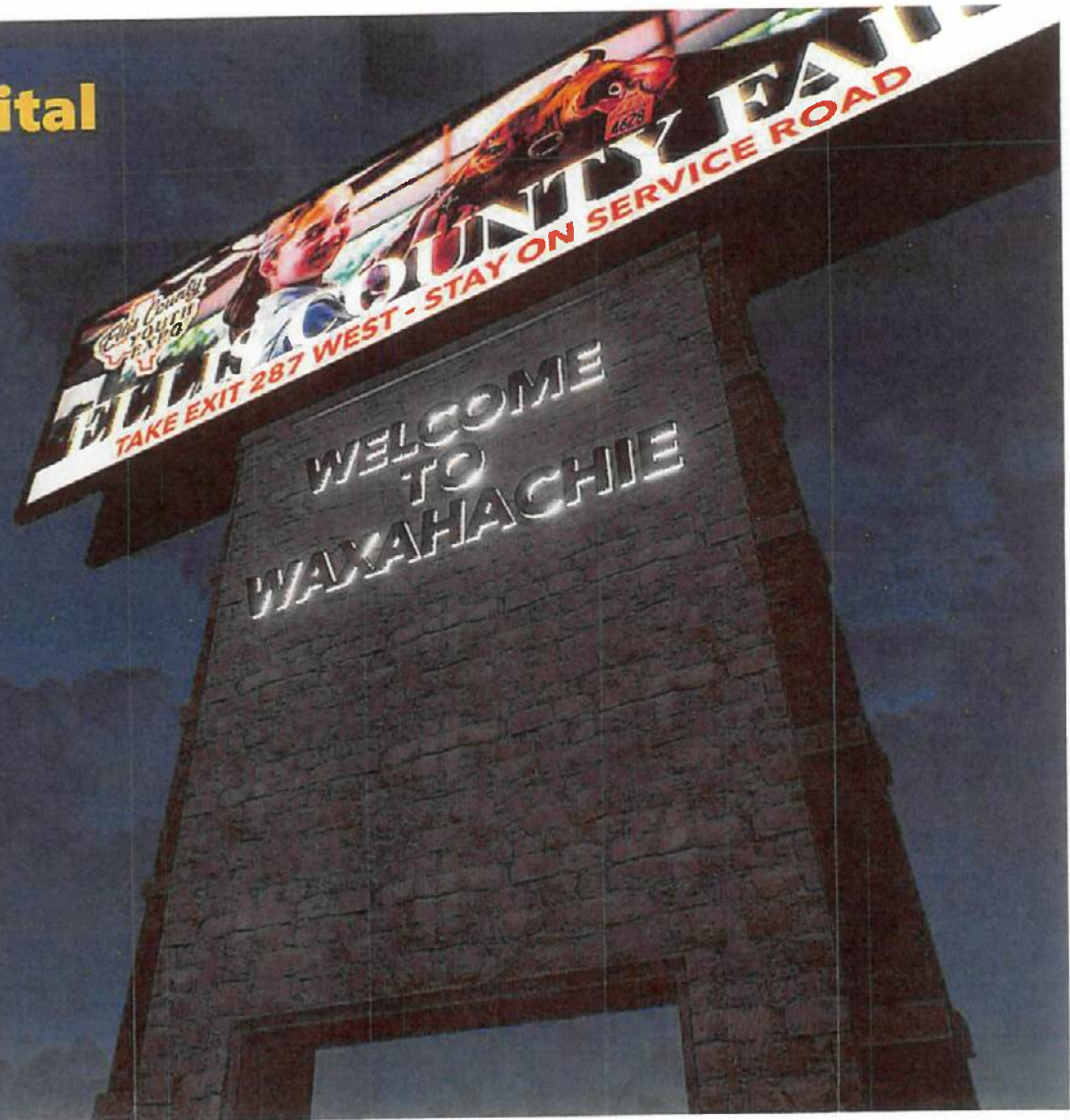
- **City of Waxahachie Landmark Portal**
- **Waxahachie Economic Development**
- **Convention and Visitors Bureau**
- **Waxahachie Civic Center**
- **Waxahachie Sports Complex**
- **Railyard Park & Amphitheater**
- **Tourism & Branding**
- **Waxahachie Chamber of Commerce**
- **Civic Organizations**



## EXHIBIT D - RENDERINGS

### Cost to Advertise on a Digital Billboard in Metroplex

- Lamar Outdoor Advertising charges up to \$5,000 per month per one, 9 second digital ad in Metroplex.
- 2 side promotional message equates to \$130,000 per year if advertising on Lamar Billboard.
- Brookside portal long read time at 75 mph than offset at Civic Center.

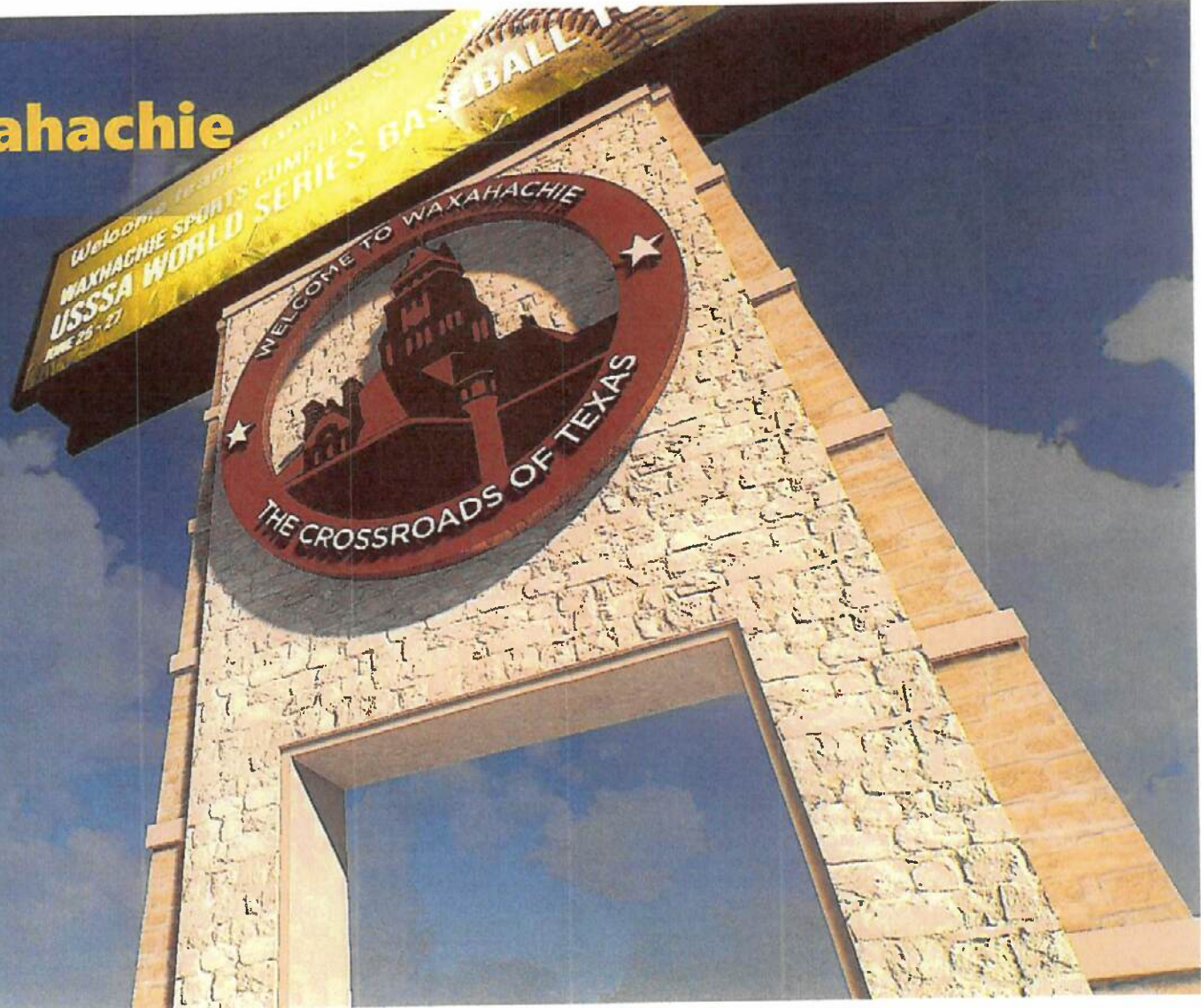


## EXHIBIT D - RENDERINGS

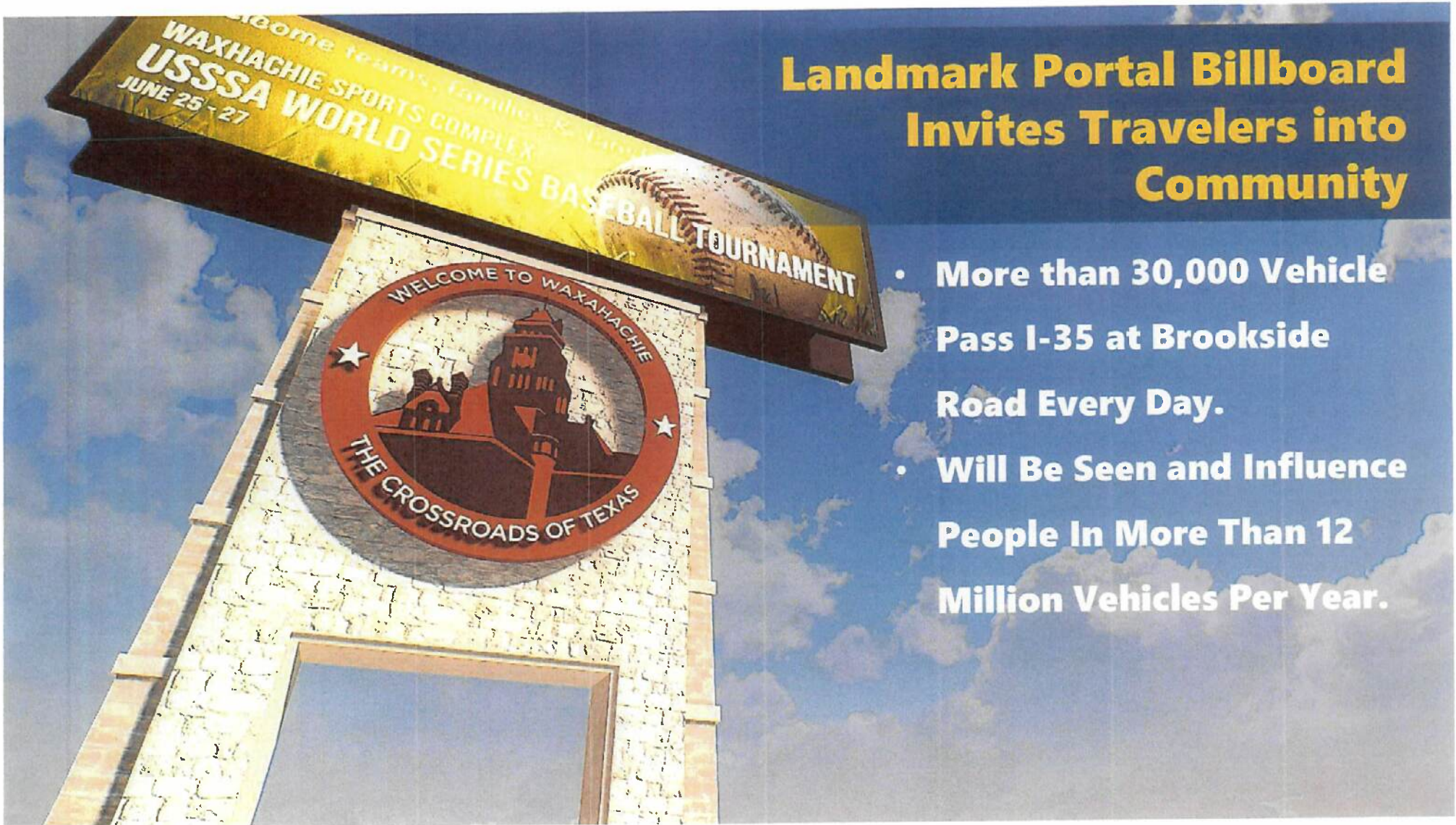
### Benefits to Waxahachie

City receives AT NO COST:

- One 8.5 second ad per minute per side
- 2,880 impressions per day
- More than 1 Million free ads per year
- Landscaped with Crepe Myrtle bushes
- Enhances one of five portals at no cost to city.



## EXHIBIT D - RENDERINGS



**EXHIBIT D - RENDERINGS**

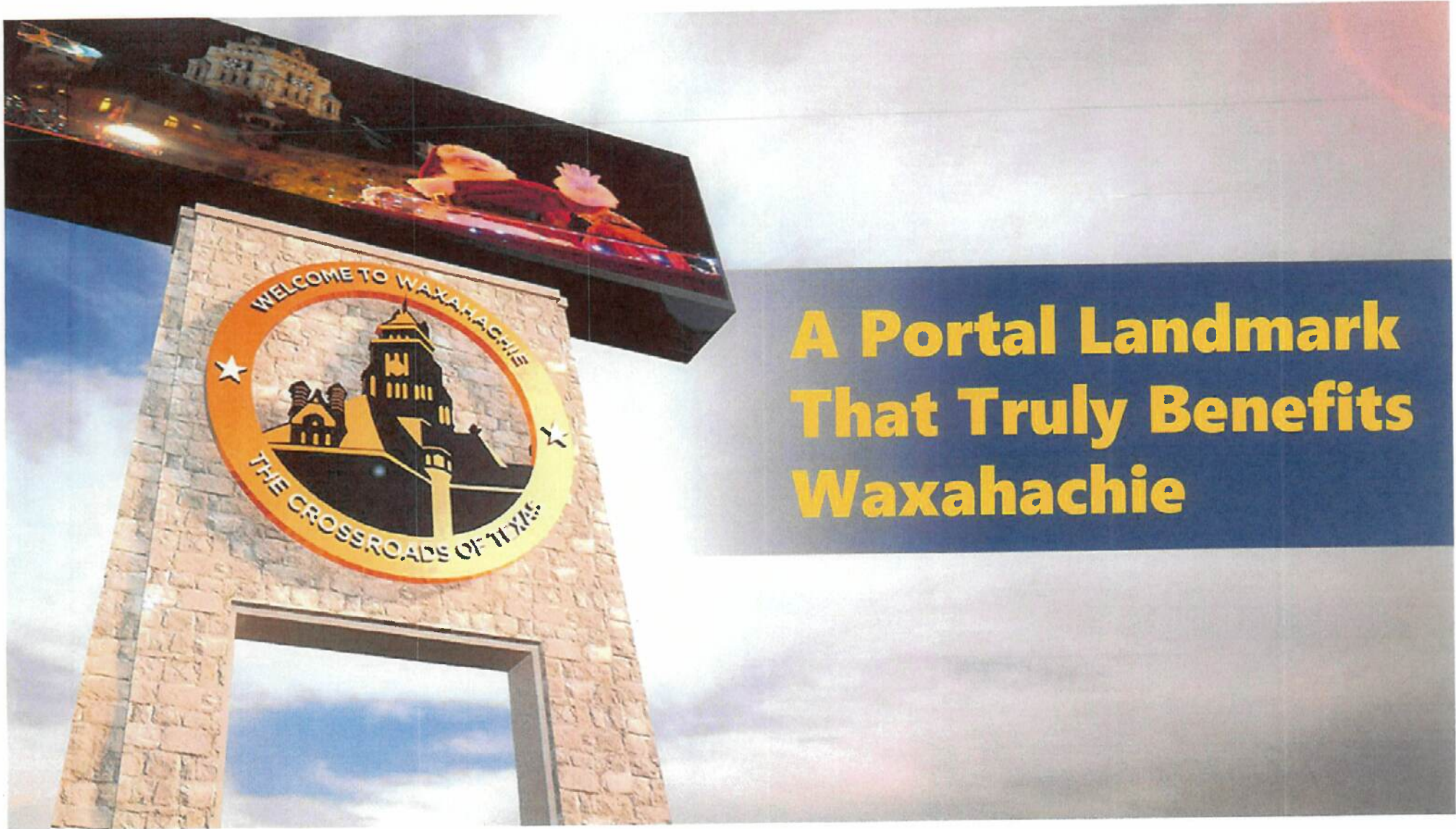
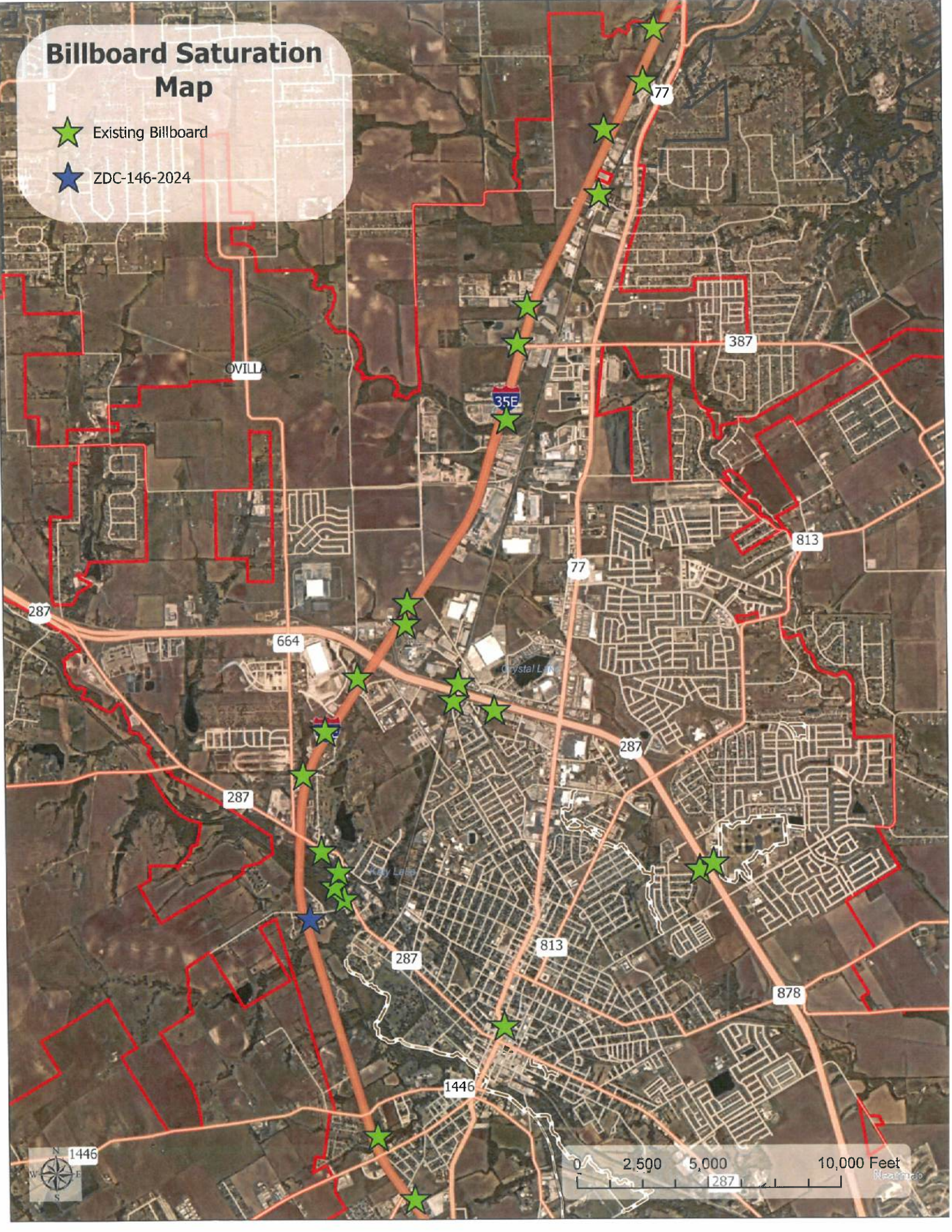


EXHIBIT D - RENDERINGS



# Billboard Saturation Map

- ★ Existing Billboard
- ★ ZDC-146-2024



(16)

# Planning & Zoning Department Zoning Staff Report

Case: ZDC-200-2024



**MEETING DATE(S)**

*Planning & Zoning Commission:* December 9, 2024  
*City Council:* December 16, 2024

**CAPTION**

**Public Hearing** on a request by Cheralyn Armijo, Glenn Engineering Corp., for a **Zoning Change** from a Single Family-1 (SF-1) zoning district to Planned Development-Commercial (PD-C) zoning district, for a **Public School** (Waxahachie Creek High School) use, located approximately 0.5 miles south of 135 Park Hills Drive (Property ID 294908) - Owner: Waxahachie ISD (ZDC-200-2024) Staff: Zack King

**RECOMMENDED MOTION**

*"I move to approve ZDC-200-2024, a Planned Development request for Waxahachie Creek High School, subject to the conditions the staff report, authorizing the Mayor and/or City Manager to sign the associated documents accordingly."*

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting held on December 9, 2024, the Commission voted 6-0 to recommend approval of case number ZDC-200-2024, subject to the conditions of the staff report.

**APPLICANT REQUEST**

The applicant requests approval of a Planned Development (PD) application to establish development regulations that allow for the development of Waxahachie Creek High School.

**CASE INFORMATION**

*Applicant:* Cheralyn Armijo, Glenn Engineering Corp.  
*Property Owner(s):* Waxahachie ISD  
*Site Acreage:* 129.479 acres  
*Current Zoning:* Single Family-1 (SF-1)  
*Requested Zoning:* Planned Development-Commercial (PD-C)

**SUBJECT PROPERTY**

*General Location:* Approximately 0.5 miles south of 135 Park Hills Drive  
*Parcel ID Number(s):* 294908  
*Existing Use:* The subject property is currently undeveloped.  
*Development History:* The applicant has submitted a Site Plan Application (SP-186-2024) and Civil Construction Permit (CIVIL-005128-2024). Each of these applications are currently under review by staff.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	PD-O and PD-2F	Country Lane Senior Living
East	Single Family-1	Undeveloped
South	Single Family-1	Undeveloped
West	Single Family-1	Undeveloped

Future Land Use Plan:

Local Commercial, Mixed Use Neighborhood, and Regional Commercial

Comprehensive Plan:

Local Commercial: The local commercial placetype includes areas for restaurants, shops, grocery stores, offices, and personal service establishments. This placetype was incorporated to preserve the City's commercial corridors. Where appropriate, local commercial uses should be located at the intersection or frontage of major thoroughfares (60 feet or greater). The intensity of this placetype falls between neighborhood scale commercial and regional commercial. Local commercial will consist of a single or cluster of standalone office, retail or commercial buildings with an anchor. Local commercial uses should be interconnected with sidewalks to increase walkability. In addition, a shared open space comprised of a plaza or park is encouraged for multi-pad site developments.

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

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.

(116)

*Thoroughfare Plan:*

The subject property will be accessible via State Spur 394, to be constructed by TxDOT. The subject property will also be accessible via a new road extended from Old Italy Road by the City of Waxahachie.

*Site Image:*



**PLANNING ANALYSIS**

The applicant proposes a Planned Development (PD) to establish zoning regulations that allow for the development of Waxahachie Creek High School. The PD process was utilized to establish appropriate zoning for the current Waxahachie High School before its construction in 2016. The existing SF-1 zoning of the subject property does generally allow for a Public School land use outright. However, the current demands of a high school necessitate some design elements that are not allowed by right within the SF-1 zoning district. Specifically, the proposed height of the High School (75') and accessory uses, such as sports stadiums and fields, are not allowed by right in the SF-1 zoning district. Due to this, the applicant proposes a PD with a base Commercial (C) zoning district to allow for the development of the new High School, accessory buildings, and athletic facilities. If this PD Application is approved, administrative approval of a Site Plan Application is still required prior to development on the subject property. A Plat Application is also required to be submitted and approved for the subject property prior to development on the subject property.

In addition to the standards of the base Commercial zoning district, the applicant proposes the following specific development regulations with this PD request. Notably, identical development regulations were utilized for the PD covering the current Waxahachie High School.

<u>Development Regulation</u>	<u>Proposed</u>	<u>Base Commercial (C) Zoning</u>
Height	<b>75' (6 stories)</b>	3 stories (36')
Lot Coverage	<b>50%</b>	40%
Fencing	<b>Chain-link (Athletic facilities only)</b>	Chain-link prohibited

Building Articulation

In addition to the general development standards identified above, the applicant also proposes modified regulations for building articulation. The Waxahachie Creek High School is proposed to be approximately 375,000 square feet in total size, which is comparable to the existing Waxahachie High School. Due to the overall proposed size of the school, and the resulting building articulation requirements, the applicant proposes reduced articulation requirements for the development. The modified regulations still ensure appropriate articulation across the entirety of the building and require all roof-mounted equipment to be fully screened from view. The detailed building articulation regulations can be referenced in Exhibit B below.

Landscaping

Due to safety concerns and site needs associated with a public High School, the applicant proposes modified landscape regulations for the subject property with this PD request. Specifically, the applicant has provided development regulations that allow for a reduction in total landscaping to preserve visibility across the subject property. The applicant has noted that a reduction in street trees is specifically needed to ensure pedestrian and student safety on campus. Parking lot landscape islands are also proposed to be eliminated to allow for sufficient space in the parking lot for marching band practice. The full modified landscape regulations can be referenced in Exhibit B below.

Signage

The applicant has also included specific development regulations for signage with this PD request. The applicant proposes to allow for one (1) electronic message sign by right on the subject property. Typically, an electronic message sign requires approval of a Specific Use Permit (SUP) by the City Council. The applicant proposes a two-sided monument sign featuring an electronic message board with a maximum size of 30 square feet. The design for the proposed sign has not been finalized yet. The design and location of the sign are required to be provided prior to approval of a Site Plan application.

**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.

**PUBLIC NOTIFICATIONS**

Staff has received three (3) letters of support and zero (0) letters of opposition for the PD 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. The property owner shall receive administrative approval of a Site Plan Application prior to issuance of a building permit.
2. The property owner shall receive approval of a Plat Application prior to issuance of a building permit.
3. The property owner shall provide a permanent irrigation system for all required landscape areas and maintain the required landscaping at all times.
4. The applicant shall obtain permit(s) from the City of Waxahachie Building Department prior to construction of the High School.

(16)

**ATTACHED EXHIBITS**

1. Public Notification Responses
2. Planned Development Ordinance
3. Planned Development Regulations – Exhibit A
4. Landscape Exceptions – Exhibit B
5. Location Map – Exhibit C

**APPLICANT REQUIREMENTS**

1. If approved by City Council, the applicant can complete the administrative Site Plan approval process with City staff.

**STAFF CONTACT INFORMATION**

*Prepared by:*

Zack King, AICP  
Planning Manager  
[zking@waxahachie.com](mailto:zking@waxahachie.com)

*Reviewed by:*

Jennifer Pruitt, AICP, LEED-AP, CNU-A  
Senior Director of Planning  
[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

(16)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-200-2024

**TWO COUNTRY LANE-WAXAHACHIE LTD  
1005 SHADY RIVER CT N  
BENBROOK, TX 76126-2900**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Monday, December 9, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 16, 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 Cheralyn Armijo, Glenn Engineering Corp., for a Zoning Change from a Single Family-1 (SF-1) zoning district to Planned Development-Commercial (PD-C) zoning district, for a Public School (Waxahachie Creek High School) use, located approximately 0.5 miles south of 135 Park Hills Drive (Property ID 294908) - Owner: Waxahachie ISD (ZDC-200-2024) 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](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: ZDC-200-2024

City Reference: 236971

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *December 4, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto: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:

Kenneth H. Mitchell  
Signature

11-23-24  
Date

Kenneth H. Mitchell, Owner  
Printed Name and Title



Kenneth H. Mitchell  
1005 Shady River Ct. N.  
Benbrook, TX 76126

(14)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-200-2024

MITCHELL KENNETH H  
1005 SHADY RIVER CT N  
BENBROOK, TX 76126-2900

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Monday, December 9, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 16, 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 Cheralyn Armijo, Glenn Engineering Corp., for a Zoning Change from a Single Family-1 (SF-1) zoning district to Planned Development-Commercial (PD-C) zoning district, for a Public School (Waxahachie Creek High School) use, located approximately 0.5 miles south of 135 Park Hills Drive (Property ID 294908) - Owner: Waxahachie ISD (ZDC-200-2024) 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](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: ZDC-200-2024

City Reference: 241954

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on December 4, 2024 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto: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:

KL Mitchell

Signature

Kenneth H. Mitchell, Owner  
Printed Name and Title

11-23-24

Date



Kenneth H. Mitchell  
1005 Shady River Ct. N.  
Benbrook, TX 76126

Address

(16)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-200-2024

**THE GRAND RESERVE WAXAHACHIE LTD  
1005 N SHADY RIVER CT  
BENBROOK, TX 76126-2900**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Monday, December 9, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 16, 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 Cheralyn Armijo, Glenn Engineering Corp., for a Zoning Change from a Single Family-1 (SF-1) zoning district to Planned Development-Commercial (PD-C) zoning district, for a Public School (Waxahachie Creek High School) use, located approximately 0.5 miles south of 135 Park Hills Drive (Property ID 294908) - Owner: Waxahachie ISD (ZDC-200-2024) 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](mailto:Planning@Waxahachie.com) for additional information on this request.

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Case Number: ZDC-200-2024 City Reference: 241955

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *December 4, 2024* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto: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:

\_\_\_\_\_  
\_\_\_\_\_  
Kenneth H. Mitchell  
Signature 11-23-24  
Date

Kenneth H. Mitchell, Owner  
Printed Name and Title  Kenneth H. Mitchell  
1005 Shady River Ct. N.  
Benbrook, TX 76126

(16)

Venissat, Michelle

From: Logan Garrett <logan@hiviewrealestate.com>  
Sent: Tuesday, December 3, 2024 8:49 PM  
To: Planning  
Cc: Andrew Garrett  
Subject: Case#: ZDC-200-2024

Some people who received this message don't often get email from logan@hiviewrealestate.com. [Learn why this is important](#)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-200-2024

REGULATORY GROUP 7566  
1003 Ferris Ave  
Waxahachie, TX 75165-1001

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Monday, December 3, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 16, 2024 at 7:00 p.m. in Meeting Rooms A & B at the Waxahachie Civic Center, 2040 Civic Center Ln, Waxahachie, Texas to consider the following:

Request by Cherokee Aerials, Glenn Engineering Corp., for a zoning change from a Single Family 1.5D (1.5 zoning district to Planned Development Commercial (PDC) zoning district, for a Public School (Waxahachie Creek High School) use, located approximately 0.5 miles south of 110 Park Hills Drive (Property ID 290861) - Owner: Waxahachie 75165-1001-340-3420; 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 hearing. If you cannot attend the hearing, you may express your views by filing in and returning the bottom portion of this notice. Please contact the Planning Department at 817-939-4200 or via email: [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) for additional information or for requests.

Case Number: ZDC-200-2024 City Reference: 102940

Your response to this notification is required. If you choose to respond, please return this form by 4:00 P.M. on December 4, 2024 to ensure inclusion in the agenda packet. Forms can be printed on [www.waxahachie.com](https://www.waxahachie.com) or you may drop off your form at City of Waxahachie, Municipal Planning and Zoning Department, 2040 Civic Center Ln, Waxahachie, TX 75165.

SUPPORT  OPPOSE  
Comments: Great location, great access and should be considered for future needs of our community.  
Logan D. Garrett  
12/3/24  
City of Waxahachie, Texas  
Address: 75165

Thank you!

["Texas Real Estate Commission Information About Brokerage Services"](#)

Sincerely,

Logan D. Garrett, Realtor®  
Hi View Real Estate  
1007 Ferris Ave  
Waxahachie, TX 75165  
CELL # 469.576.1482  
Logan@HiViewRealEstate.com  
OFFICE # 469.517.0012  
FAX # 888.388.3614  
www.HiViewRealEstate.com

\*\*\*\* CONFIDENTIALITY NOTICE \*\*\*\*

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-1 (SF-1) TO COMMERCIAL (C) LOCATED APPROXIMATELY 0.5 MILES SOUTH OF 135 PARK HILLS DRIVE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 129.479 ACRES KNOWN AS PROPERTY ID 294908, 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 Zoning Change has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-200-2024. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from SF-1 to C; 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 SF-1 to C to facilitate the development of the subject property in a manner that allows for Waxahachie Creek High School on the following property: Property ID 294908, which is shown on Exhibit C, in accordance with the Planned Development Regulations attached as Exhibit A and the Landscape Exceptions attached as Exhibit B.

**PLANNED DEVELOPMENT**

**Purpose and Intent**

The purpose of this planned development is to allow for the development of Waxahachie Creek High School and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

### Development Standards

All development on land located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this ordinance.

### Development Regulations

1. The development shall conform as approved by the City Council under case number ZDC-200-2024.
2. The development shall adhere to the City Council approved in Exhibit A – Planned Development Regulations, Exhibit B – Landscape Exceptions, and Exhibit C – Location Map.
3. All exterior lighting, including accent and security lighting, shall maintain compliance with the Lighting & Glare Standards of Section 6.03 of the Waxahachie Zoning Ordinance.
4. The Property Owner shall provide a permanent irrigation system for all required landscape areas and maintain the required landscaping at all times.
5. The property owner shall receive administrative approval of a Site Plan Application prior to issuance of a building permit.
6. The property owner shall receive approval of a Plat Application prior to issuance of a building permit.
7. All improvements within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
8. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
9. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance, shall conform to those requirements and/or standards prescribed in Exhibit A – Planned Development Regulations, Exhibit B – Landscape Exceptions, and Exhibit C – Location Map. Where regulations are not specified in Exhibits A, B, & C in this Ordinance, the regulations of the Commercial (C) zoning district and the City of Waxahachie Zoning Ordinance shall apply to this development.

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.

(17)

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 16<sup>th</sup> day of December, 2024.

---

MAYOR

ATTEST:

---

City Secretary

**EXHIBIT A**

PLANNED DEVELOPMENT REGULATIONS

Compliance with the City's Comprehensive Plan

Zoning category "C" Commercial is the intended base zoning classification underlying this Planned Development. Variations to permitted uses, height and area regulations, special requirements, and development regulations are as detailed in these Planned Development Regulations. The primary use of "public school" is an allowable use under "C" Commercial zoning.

Permitted Uses

Only the following uses are allowed by right:

- Public School
- Accessory buildings
- Athletic Facilities

Height Regulation

The maximum building height above grade adjacent to the building is seventy-five (75) feet.

Maximum Lot Coverage

The maximum lot coverage for the main structure is 50%.

Minimum Roof Pitch

Minimum roof pitch shall be at least 2:12, except for flat-roofed structures with a parapet that conceals the roof and roof mounted equipment from view of public right-of-way (ROW).

Building Articulation

The unique function of this building type necessitates the following building articulation elements:

- Horizontal articulation: No building wall shall extend for a distance equal to five (5) times the wall's height without having an offset of a minimum of ten (10) percent of the wall's height. The new plan must extend for a minimum of twenty-five (25) percent of the length of the first plane.
- Vertical articulation: no horizontal wall shall extend for a distance greater than five (5) times the wall height without changing height by a minimum of five (5) percent of the wall's height.
- The above articulation requirements do not apply to the following building elevations:
  - o Elevations that are not visible from a public right-of-way (ROW)
  - o Elevations containing overhead service doors

Linear Landscaping Building Articulation

One (1) linear landscaping island with a minimum width of ten (10) feet for every two parking bays within the parking lot will not be provided in order to allow for the construction of an unimpeded area for a full width football field to be striped to allow band practice within the limits of the southeast parking lot and to provide a clear area with no trees or obstructions for student parking in the west parking lot as noted on the site plan.

Tree Planting

A tree will not be planted within sixty-four (64) feet of each parking space. Trees will be planted according to the landscape plan approved with the Site Plan.

Bicycle Parking

No bicycle parking will be required, however, the WISD may choose to install bicycle parking at a later date in a safe manner without necessitating a revised Site Plan.

Landscape Planting

Special conditions are requested to the Landscape Planting requirements in accordance with the attached chart, LANDSCAPE SPECIAL EXCEPTIONS REQUESTED, attached as EXHIBIT B.

Monument Signage

One (1) permanent two-sided monument sign will be provided with materials that match the building and contain (1) digital marquee on each side.

For a Single Tenant Monument Sign City regulations state that maximum size is 80 square feet and maximum height is eight (8) feet. The size of each side of sign face shall be 77 square feet, with base included each side of sign face shall be 116 square feet. The total sign height shall not exceed 7'-0" tall from finish grade to top of sign.

For an Electronic Message Sign regulations state that a maximum of seventy (70) percent of the sign face may be devoted to a changeable sign copy. The size of each digital display shall not exceed 30 square feet and shall not exceed 40% (=30sf/77sf approximately) coverage of each side.

Fencing

Chain link fence will be allowed in the sport courts and ballfield areas but will not be permitting along the perimeter.

(17)

### Site Plan

Administrative approval of a Site Plan Application that is compliant with these development standards is required. This includes the Site Plan, Landscape Plan, Photometric Plan, and Elevation/Façade Plan.

One (1) permanent two-sided monument sign will be provided with materials that match the building and contain (1) digital marquee on each side.

For a Single Tenant Monument Sign City regulations state that maximum size is 80 square feet and maximum height is eight (8) feet. The size of each side of sign face shall be 77 square feet, with base included each side of sign face shall be 116 square feet. The total sign height shall not exceed 7'-0" tall from finish grade to top of sign.

For an Electronic Message Sign regulations state that a maximum of seventy (70) percent of the sign face may be devoted to a changeable sign copy. The size of each digital display shall not exceed 30 square feet and shall not exceed 40% (=30sf/77sf approximately) coverage of each side.

**EXHIBIT B****SPECIAL EXCEPTIONS**

<b>INTERIOR LANDSCAPE SECTION 5.04.e</b>	
SHADE TREES REQUIRED	314 TREES
SHADE TREES PROVIDED ON ENTIRE SITE	260 TREES
UNDERSTORY TREES REQUIRED	627 TREES
UNDERSTORY TREES PROVIDED ON ENTIRE SITE	103 TREES
SHRUBS REQUIRED	2,234 TREES
SHRUBS PROVIDED ON ENTIRE SITE	578 SHRUBS
GROUND COVER REQUIRED	23,506 SF
GROUND COVER PROVIDED (CREATES RODENT PROBLEMS)	0 SF
SEASONAL COLOR REQUIRED	3,134 SF
SEASONAL COLOR PROVIDED (SOME FLOWERING PERENNIALS)	0 SF
<b>PARKING LOT LANDSCAPE SECTION 5.04.f</b>	
PARKING LANDSCAPE REQUIRED	35,160 SF
PARKING LANDSCAPE PROVIDED	24,134 SF
PARKING TREES REQUIRED	151 TREES
PARKING TREES PROVIDED IN PARKING AREA	60 TREES
PARKING SHRUBS REQUIRED	753 SHRUBS
PARKING SHRUBS PROVIDED AT PARKING EDGE AS SCREENING	230 SHRUBS
LINEAR LANDSCAPE ISLANDS REQUIRED	4 ISLANDS
LINEAR LANDSCAPE ISLANDS PROVIDED	0 ISLANDS
TREE WITHIN 64' OF EVERY PARKING SPACE TREES ARE SHOWN AT END ISLANDS ONLY AND WILL NOT COVER THE 64' REQUIREMENT	
<b>STREET TREES SECTION 5.04.g.vi</b>	
(SOUTH) FUTURE SPUR 394	
BUFFER TREES REQUIRED (2,120 LF / 30 LF =)	70 TREES
BUFFER TREES PROVIDED	0 TREES
(EAST) FUTURE SPUR 394	
BUFFER TREES REQUIRED (2,212 LF / 30 LF =)	74 TREES
BUFFER TREES PROVIDED	0 TREES
NO TREES PLANTED IN R.O.W., THIS IS TXDOT R.O.W.	

**SPECIAL EXCEPTIONS NOTES**

DUE TO THE SIZE OF THE SITE AND BUILDING IT IS DIFFICULT TO MEET EACH PART OF THE LANDSCAPE CODE. OUR GOAL IS TO MEET THE INTENT FOR EACH SECTION OF THE CODE WHERE POSSIBLE.

**INTERIOR LANDSCAPE:**

SHADE TREE AND ORNAMENTAL TREES HAVE BEEN PLANTED FOR ENHANCEMENT, SECURITY, AND VISIBILITY. DUE TO THE SIZE OF THE PROPOSED BUILDING WE FEEL AN EXCESS OF REQUIRED TREES WAS GENERATED FOR THE SITE TO MAINTAIN SECURITY AND VISIBILITY. WE HAVE PROVIDED SHRUBS FOR ACCENT AROUND THE BUILDING. GROUND COVER IS NOT UTILIZED AS IT IS A RODENT HABITAT AT SITES THAT PREPARE FOOD AND HAVE THAT TYPE OF REFUSE IN THE DUMPSTER. COLOR IS BEING PROVIDED THROUGH FLOWERING PERENNIAL SHRUBS. THE PROVIDED LANDSCAPE IS IN EXCESS 10 TIMES THE SITE LANDSCAPE REQUIREMENT.

**PARKING LOT LANDSCAPE:**

DUE TO THE LOCATION OF PARKING BETWEEN THE BUILDING AND STREET, PARKING LANDSCAPE REQUIREMENTS WERE VERY HIGH. WE DIFFER FROM OTHER NON-RESIDENTIAL IN THAT OUR PARKING IS 150' TO 200' FROM THE STREET CURB.

PARKING LANDSCAPE, TREES, AND SHRUBS ARE IN RANGE IF WE USED 13 SF PER SPACE IN LIEU OF 30 SF PER SPACE.

**STREET TREES:**

STREET TREES ARE NOT SHOWN DUE TO THESE FRONTAGES BEING TXDOT FRONTAGES. INTERIOR TREES HAVE BEEN PLACED ADJACENT OTH R.O.W. AT 40' INTERVAL TO SERVE AS ALTERNATIVE STREET TREES.

**LINEAR LANDSCAPE ISLANDS IN PARKING:**

PART OF THE AREA REQUIRING LINEAR ISLANDS FALLS WITHIN THE BAND PRACTICE AREA.

# EXHIBIT C - LOCATION MAP



(17)

# Planning & Zoning Department Zoning Staff Report

Case: ZDC-203-2024



**MEETING DATE(S)**

*Planning & Zoning Commission:* December 9, 2024  
*City Council:* December 16, 2024

**CAPTION**

**Public Hearing** on a request by Stephanie Gienger, Kimley-Horn, for a **Zoning Change** from a Planned Development-Multi-Family-2 (PD-MF-2) and to a Planned Development-Multi-Family-2 (PD-MF-2) zoning district, located at 2797 John Arden Drive, (Property ID 189265, 189266, and 275156) - Owner: Arden Group LLC and International Church of Foursquare Gospel (ZDC-203-2024)

**RECOMMENDED MOTION**

*"I move to approve ZDC-203-2024, a Planned Development (PD) for a senior living (55+) community, subject to the conditions the staff report, authorizing the Mayor and/or City Manager to sign the associated documents accordingly."*

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting held on December 9, 2024, the Commission voted 6-0 to recommend approval of case number ZDC-203-2024, subject to the conditions of the staff report.

**APPLICANT REQUEST**

The applicant requests approval of a zoning change to a Planned Development-Multi-Family-2 (PD-MF-2) zoning district to allow for the development of a 75-unit senior living (55+) community.

**CASE INFORMATION**

*Applicant:* Stephanie Gienger, Kimley-Horn  
*Property Owner(s):* Arden Group LLC and International Church of Foursquare Gospel  
*Site Acreage:* 13.66 acres  
*Current Zoning:* Planned Development-Multi-Family-2 (PD-MF-2)  
*Requested Zoning:* Planned Development-Multi-Family-2 (PD-MF-2) – 7 Additional Units

**SUBJECT PROPERTY**

*General Location:* 2797 John Arden Drive  
*Parcel ID Number(s):* 189265, 189266, and 275156  
*Existing Use:* A single family residence currently exists on the subject property.  
*Development History:* The subject property is not currently platted.

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	PD-MF-GR & PD-15-LI-1	Oxford Apartments & Oncor Facility
East	LI-1	Navarro College
South	PD-16-LI-1	Connect 4 Life Church
West	SF-2	Undeveloped

*Future Land Use Plan:*

Urban Village & Mixed Use Neighborhood

*Comprehensive Plan:*

Urban Village: An urban village is intended to be a bustling center of activity with active streets and a focus on the pedestrian. Filled with high-yield development, it is also one of the most fiscally resilient placetypes and in the right proportion can subsidize low-value development patterns. Streets are narrow with on-street parking making the streetscape comfortable for people who inhabit and patronize the homes and businesses here. When uses which require large amounts of parking are built, parking is hidden with continuous building frontage. Commercial uses on the ground floor should have a higher proportion of glazing to create a more interesting interface between the public and private realm. Most commercial uses make sense in this area as long as the building form treats pedestrians as their principal user.

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

*Thoroughfare Plan:*

The subject property is accessible via John Arden Drive and Alliance Boulevard.

*Site Image:***PLANNING ANALYSIS**

The applicant proposes to rezone the subject property to allow for the development of the Woodland Cottages at Waxahachie, a 75-unit senior living (55+) community.

*Case Background:*

In December 2018, approximately ten (10) acres of the subject property were rezoned from Planned Development-16-Light Industrial-1 (PD-16-LI-1) to Planned Development-Multi-Family-2 (PD-MF-2) with Ordinance 3073. This zoning change conceptually allowed for the development of a tax credit senior living (55+) multi-family project with a maximum density of 18 dwelling units per acre. The PD did not include a detailed site plan, landscape plan, or elevation/façade plan; however, the developer was required to return to the Planning & Zoning Commission and City Council for approval of these items prior to construction. The development of the original senior living project ultimately did not proceed because the developer failed to receive the necessary tax credits for the project.

In September of 2024, a new Planned Development Application (ZDC-120-2024) was approved for the property. This PD application for the Woodland Cottages at Waxahachie allowed for a 68-unit senior living (55+) community. The application featured a multi-family use only on the east side of Alliance Boulevard. The west side of Alliance Boulevard was reserved as a 3-acre General Retail (GR) tract.

In October of 2024, the applicant submitted this Planned Development Application (ZDC-203-2024) to replace the 3-acre General Retail (GR) tract on the west side of Alliance Boulevard with an additional multi-family tract. After further consideration of non-residential development on this tract, the property owner and applicant decided the most feasible path of development for the site is direct inclusion into the senior living community. The applicant proposes to develop the area west of Alliance Boulevard with seven (7) additional senior living (55+) units.

*Proposed Use:*

The current Planned Development request aims to replace the existing Planned Development-Multi-Family-2 (PD-MF-2) zoning for the subject property and provide an updated detailed site plan, landscape plan, and elevation/façade plan.

Proposed Use (continued):

As noted above, this PD request allows for a 75-unit senior living (55+) community. This is an increase of seven (7) units over the PD approved by the City Council in September 2024. To accommodate the additional units, the site's design has been slightly modified. East of Alliance Boulevard, the applicant now proposes sixty-four (64) units. The remaining eleven (11) units are now proposed on the west side of Alliance Boulevard. Thus, eliminating the potential General Retail uses on the 3-acre tract on the west side of Alliance Boulevard. The proposed new unit count results in an overall density of 5.49 dwelling units per acre, which increased from the previously approved 4.98 dwelling units per acre. The 75 proposed units are spread out between twenty-two (22) residential buildings. Eight (8) unique residential building types are proposed for the development. The residential building types provide a variety of unit counts ranging from two (2) units per building up to eight (8) units per building. A total of 16 one-bedroom units, 57 two-bedroom units, and 2 three-bedroom units are now proposed. All buildings on the subject property are proposed to be restricted to one-story in height.

The applicant has exceeded the minimum parking requirement for the proposed development; which is 75-spaces. One (1) parking space is required for every senior living (55+) unit. The applicant has provided a total of 167 parking spaces for the development. The applicant has also met the requirement to provide 50% of all required parking spaces as attached garages. A total of sixty-three (63) attached garages have been provided with an additional four (4) detached garage spaces proposed. Attached garages are available on nineteen (19) of the twenty-two (22) residential buildings. The remaining parking on the site is proposed as typical surface spaces.

The design of the senior living (55+) portion of the development meets the typical setback requirements of the Waxahachie Zoning Ordinance; which results in a 25' setback on all sides of the property. The applicant has proposed development standards with this request that will require valet trash service for residents. The applicant proposes constructing the development's residential portion in a single phase.

Comprehensive Plan:

As noted above, the subject property is identified by the 2023 Comprehensive Plan partially under the Urban Village and Mixed-Use Neighborhood placetypes. Each of these placetypes encourage a combination of residential and commercial uses. The applicant proposes to adhere to the intent of the Comprehensive Plan by developing a type a low-density senior living (55+) community that is not currently present in this area of Waxahachie. In addition to compliance with the Comprehensive Plan, the proposed development is consistent with the existing zoning (Ord. 2569) adjacent to the Civic Center; which allows for mixed and multi-family uses along Alliance Boulevard.

Detention & Utilities:

The applicant proposes to reserve a portion of the 3.24-acre tract on the west side of Alliance Boulevard for a detention pond, as shown on the Site Plan attached as Exhibit C below. The detention pond will meet drainage and detention requirements for the development as a whole. The applicant proposes to extended a 12" water line and 8" sewer line along Alliance Boulevard to provide water and wastewater services to both tracts.

Thoroughfare Plan & Access:

As part of the Planned Development request, the applicant still proposes to dedicate 80' of right-of-way (ROW) for the extension of Alliance Boulevard, as required by the Waxahachie Thoroughfare Plan. The applicant will construct an extension of Alliance Boulevard to their southern property line as part of the proposed development. Alliance Boulevard will be used as one of the points of access for the tract on the east side of Alliance Boulevard and the only point of access for the tract on the west side of Alliance Boulevard. A driveway connection to John Arden Drive will also be installed on the east side of the property to serve as a second point of access to the eastern tract. An automatic security gate will restrict all access points for the multi-family tract. The automatic gates will come equipped with Knox boxes to ensure the Fire Department can access the site.

Landscaping:

The applicant is proposing to exceed the minimum landscaping requirements for the development. The applicant proposes to incorporate seventy-eight (78) crape myrtles into the Landscape Plan for the site. To provide additional screening from the north of the subject property, the applicant proposes to install 7' evergreen eastern red cedars along the northern property line. Exhibit D can be referenced below for the full landscape plan for the property.

Elevation/Façade Plan:

The applicant has provided a detailed Elevation/Façade Plan as part of the PD proposal. The applicant proposes to utilize eight (8) complimentary, but distinct, residential building types for the development. As noted above, there are a total of twenty-two (22) residential buildings proposed with the development. The Elevation/Façade Plan, attached as Exhibit E below, provides a fully rendered view of each of the eight (8) different residential buildings styles.

The applicant proposes utilizing 100% masonry (brick, stone, stucco) exterior construction materials for all residential buildings' front and side facades. Up to 31% of the rear façade on some residential buildings is proposed to be constructed with cementitious siding. Notably, the siding is only proposed for use in rear porch areas. Six (6) of the eight (8) residential building types are proposed to utilize an 8:12 roof pitch. Two (2) of the residential building types are proposed to utilize a 5:12 roof pitch to provide further architectural variety within the development.

Screening:

Proposed screening for the subject property on the east side of Alliance Boulevard has not changed from the previous PD. Additional fencing is proposed west of Alliance Boulevard with this PD, in compliance with the screening requirements of the Waxahachie Zoning Ordinance.

The Waxahachie Zoning Ordinance requires installing a 6' solid masonry wall between residential and non-residential uses. The applicant proposes to install a 6' masonry screening wall adjacent to the Onco service center north of the subject property, along the western property line, and adjacent to the Connect 4 Life Church south of the subject property. An existing ornamental iron fence is in place between the subject property and the Oxford Apartment Complex. The applicant proposes to install 7' evergreen eastern red cedars adjacent to this existing fence to enhance screening between the developments. The applicant proposes to extend an ornamental iron fence along the northern property line on the west side of Alliance Boulevard. Adjacent to undeveloped land south of the subject property, the applicant proposes to install a 6' cedar wood fence. A detail for each proposed fencing type can be referenced on Exhibit D below.

Amenities:

The proposed amenities for the development on the east side of Alliance Boulevard have not changed from the previous PD. West of Alliance Boulevard, the applicant has proposed an additional sports court and cabana amenity. The development standards proposed by the applicant require the construction of a clubhouse, pool, sports court, cabana, and fitness amenity with the initial development. The applicant also proposes to install a concrete walking path through the open space areas shown on the Site Plan.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, 10 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property. Staff has received no letters of support or opposition for the Zoning Change request. Staff has received zero (0) letters of support and zero (0) letters of 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. 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.
5. The property owner shall establish a deed restriction on the subject property that requires residents to be fifty-five (55+) years of age or older.

**ATTACHED EXHIBITS**

1. Development Agreement/Planned Development Ordinance
2. Location Map – Exhibit A
3. Development Standards – Exhibit B
4. Detailed Site Plan – Exhibit C
5. Landscape Plan – Exhibit D
6. 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](mailto:zking@waxahachie.com)

*Reviewed by:*  
 Jennifer Pruitt, AICP, LEED-AP, CNU-A  
 Senior Director of Planning  
[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-MULTI-FAMILY-2 (PD-MF-2) TO PLANNED DEVELOPMENT-MULTI-FAMILY-2 (PD-MF-2), WITH A DETAILED SITE PLAN, LOCATED AT 2797 JOHN ARDEN DRIVE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 13.66 ACRES KNOWN AS PROPERTY ID 189265, 189266, AND 275156 OF THE JONATHAN E. PRICE SURVEY, ABSTRACT 844, 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 Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-203-2024. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from PD-MF-2 to PD-MF-2, 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 PD-MF-2 to PD-MF-2, with a Detailed Site Plan, in order to facilitate development of a single-story age restricted (55+) multi-family residential development on the following property: Property ID 189265, 189266, and 275156, 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 single-story age restricted (55+) multi-family residential development, and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

### Development Standards

All development on land located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this ordinance. The locations of buildings, 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-203-2024.
3. The development shall adhere to the City Council approved in Exhibit A- Location Map, Exhibit B – Development Standards, Exhibit C – Detailed Site Plan, Exhibit D – Landscape Plan, and Exhibit E – Elevation/Façade Plan.
4. 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.
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 establish a deed restriction on the subject property that requires residents to be fifty-five (55+) years of age or older.
7. All improvements within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
8. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
9. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance or the Woodland Cottages at Waxahachie Development Agreement, shall conform to those requirements and/or standards prescribed in Exhibit A- Location Map, Exhibit B – Development Standards, Exhibit C – Detailed Site Plan, Exhibit D – Landscape Plan, and Exhibit E – Elevation/Façade Plan. Where regulations are not specified in Exhibits A, B, C, D, & E in this Ordinance, or the Woodland Cottages at Waxahachie Development Agreement, the regulations of the Multi-Family-2 (MF-2) zoning district and the City of Waxahachie Zoning Ordinance shall apply to this development.

(19)

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.

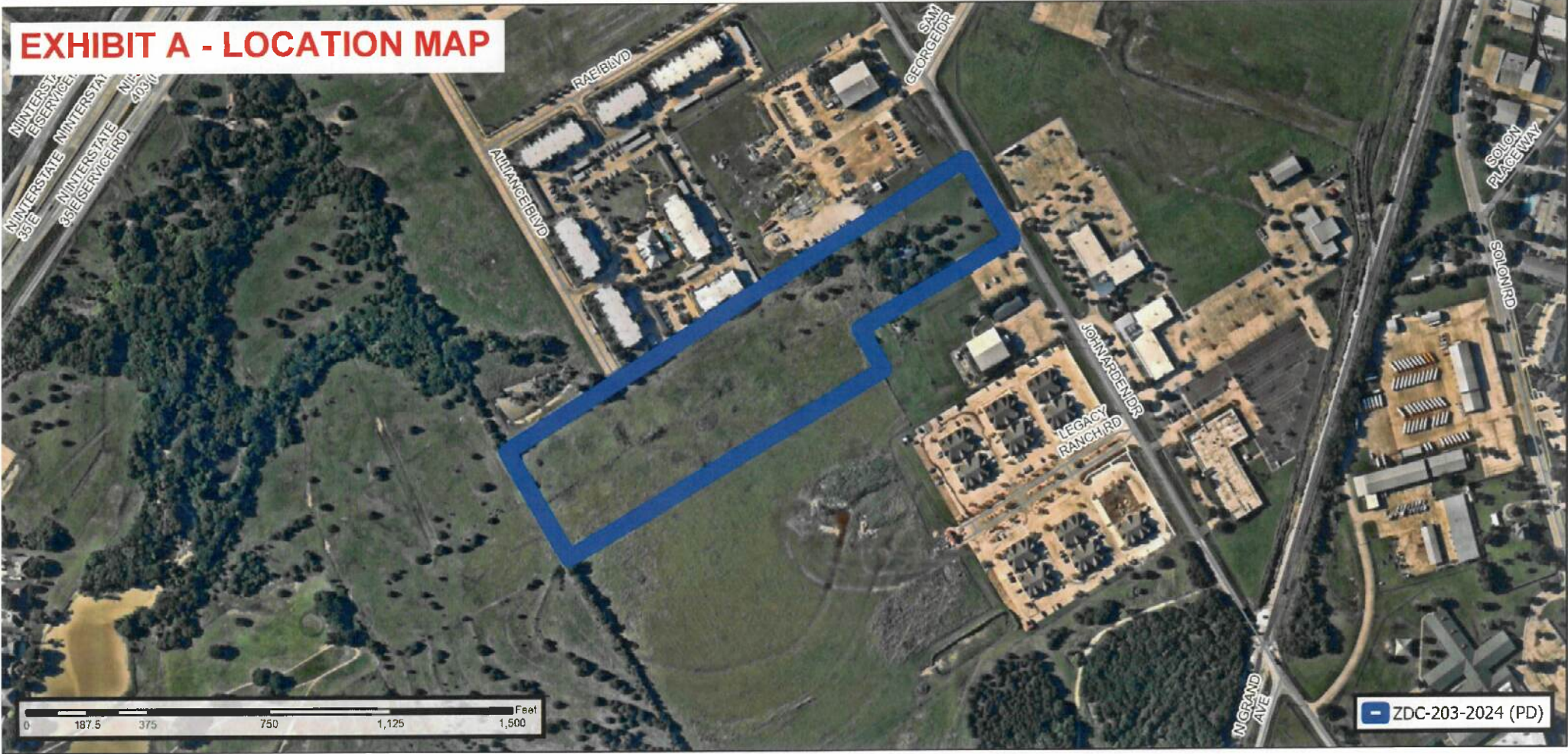
**PASSED, APPROVED, AND ADOPTED** on this 16<sup>th</sup> day of December, 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary

# EXHIBIT A - LOCATION MAP



**Planned Development Standards**

**Purpose and Intent**

The purpose of this planned development is to create a single-story age restricted (55+) senior living multi-family residential development and to establish appropriate restrictions for the development.

**Development Standards**

“Site Property” as defined on Exhibit A will comply with the MF-2 Zoning District of the City of Waxahachie 2024 Zoning Ordinance, except as otherwise provided herein.

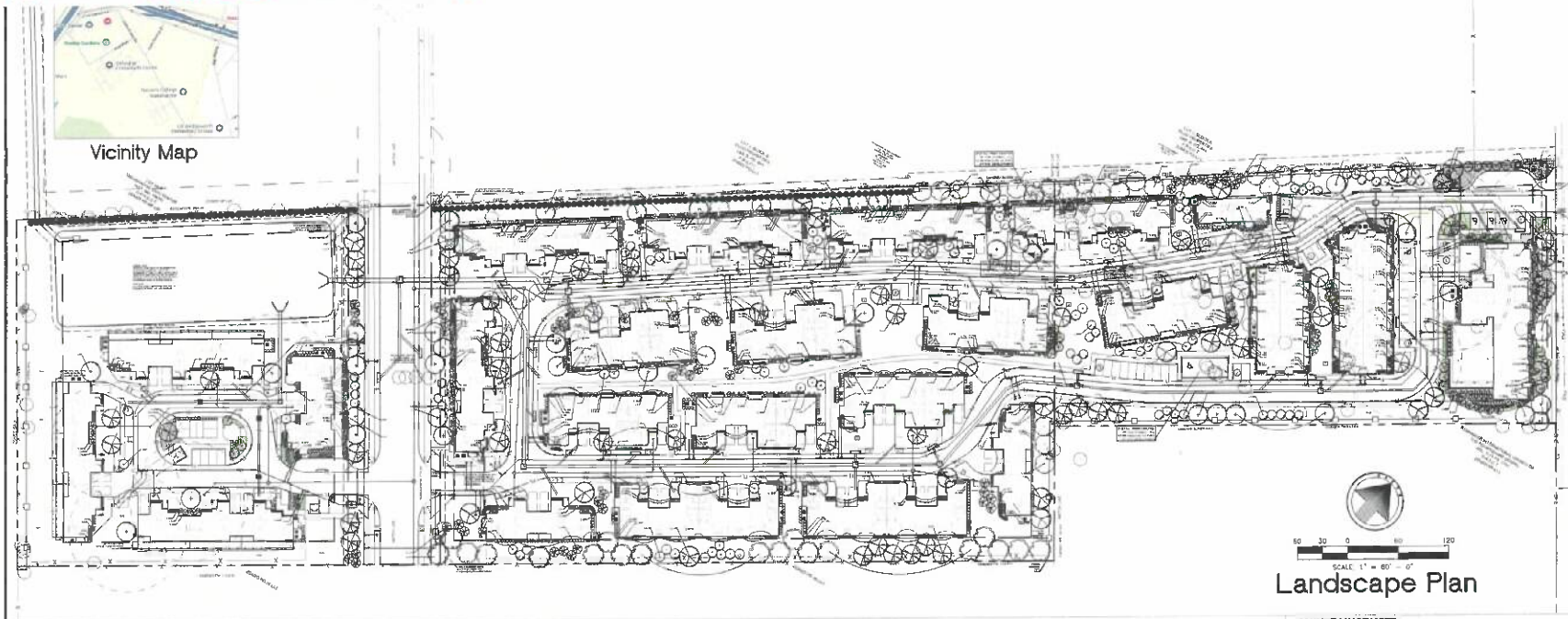
- 1) Permitted Land Use
  - a) Approximate 9.69 acres east of Alliance Boulevard
    - i) Residential Type Uses per City of Waxahachie Code of Ordinances Appendix A, section 4.03(a)
      - (1) Senior living restricted (55+) multi-family residential up to 64 units allowed within the site property.
  - b) Approximate 3.24 acres west of Alliance Boulevard
    - i) Residential Type Uses per City of Waxahachie Code of Ordinances Appendix A, section 4.03(a)
      - (1) Senior living restricted (55+) multi-family residential up to 11 units allowed within the site property.
- 2) Screening Requirements
  - a) For screening where multifamily is adjacent to existing two family or residential PD districts, a minimum of one (1) single row of Eastern Red Cedar of Brodie variety every 7 feet shall be provided along the property line. The purpose of the landscape screening is to provide a visual barrier between the properties.
  - b) Where multifamily is adjacent to a single-family district, screening requirements follow the City of Waxahachie Code of Ordinances.
- 3) Trash Service
  - a) The property owner shall provide one (2) refuse facilities on the site property. A refuse facility shall be a dumpster or other similar receptacle designed for receiving garbage in bulk for more than one dwelling.
  - b) The property owner shall provide valet trash service for residents located within the site. Each unit shall be provided with a refuse container for solid waste collection. Trash service to pick up refuse containers is to be handled by a private company.
- 4) Architectural Roof Pitch
  - a) Buildings located within the site property shall have a minimum roof pitch of 5:12
- 5) Construction Materials

- a) Construction materials, location, and percentages shall comply with the Façade/Elevation Plan accompanying the PD or otherwise approved by the City.
- 6) Amenities
  - a) Amenities listed in the PD, or otherwise approved by the City, shall be provided within the site property.
    - i) The site property located east of Alliance Boulevard shall include a clubhouse, pool, and fitness room.
    - ii) The site property located west of Alliance Boulevard shall include a pickleball court and cabana.





# EXHIBIT D - LANDSCAPE PLAN



### Landscape Requirements/ Calculations

#### Buffer Yard and Landscape Buffer

286 In. ft. John Arden Drive  
 Street Buffer provided = 7,150 SF (100% Permanent Landscape)  
 Buffer Yard Tree Required: 8 Provided: 8  
 376 In. ft. Alliance Pkwy. (both sides)  
 Street Buffer provided = 18,800 SF (100% Permanent Landscape)  
 Permanent Landscape Required  
 Buffer Yard Tree Required: 16 Provided: 20  
**Note: All street trees required to be 4" cal (DBH)**

#### Parking Requirements

Parking Required: 68 Parking Provided: 167  
 13 sf parking landscape per parking spaced  
 Parking provided 167 spaces @ 13 s.f. = 2171 sf

Parking Landscape Area Provided: 30,456  
 Required planting per 500 s.f.  
 2- Canopy Trees (4" cal DBH)  
 Canopy Trees Required: 10 Canopy Trees Provided: 31  
 10- Shrubs (3 gallon)  
 Shrubs Required: 40 Shrubs Provided: 140  
 Park Space must be within 60ft of a canopy tree

#### Interior Landscape Requirements

Total Bldg Footprint = 139,643 SF \* .50 = 69,822 SF Required Interior Landscape Area  
 Interior Landscape Provided 146,289 s.f.

Canopy Trees Required: 1/ 500 SF of required LA	140	ST (70- 4" cal. DBH/ 70- 2" cal. DBH)
Ornamental Trees Required : 1/ 250 SF of required LA	280	(MT 8'ht min.)
Required Shrubs: 1/ 40 SF of required LA	1746	(3gallon)
Required Ground Cover: 15% of required LA	10,473	(4"pots)
Required Seasonal Color: 2% of required Landscape LA	1396	(4"pots)

#### Plant Materials Provided Per Proposed Plan

Canopy Trees (each)	164
Understory/Ornamental Trees (each)	343
Shrubs (each)	1862
Ground Cover (square feet)	11930
Seasonal Color (square feet)	1568

Landscape Plan



#### MAINTENANCE NOTE

The property owner, tenant or agent shall be responsible for the maintenance of all required landscaping in a healthy, neat, orderly and live growing condition at all times. This shall include mowing, edging, pruning, fertilizing, irrigation, weeding, and other such activities common to the maintenance of landscaping. Landscape areas shall be kept free from trash, litter, weeds, and other such materials not part of the landscaping. Plant materials that die shall be replaced with plant materials of similar variety and size.

#### IRRIGATION NOTE

All backflow installation and connection to City water lines must be permitted separately by the City inspection staff.  
 All turf zones and bed zones will be separated.  
 All beds will be irrigated with drip irrigation.  
 All turf spray heads will be pressure compensating heads.  
 All other turf heads will be stream rotors and/or drip as required by state and local codes.

PLANNED DEVELOPMENT  
 WOODLAND COTTAGES AT  
 WAXAHACHIE  
 BEING 13.66 ACRES OUT OF THE IOZHANTHAN E.  
 PRICE SURVEY  
 ABSTRACT NO. 844  
 CITY OF WAXAHACHIE, ELLIS COUNTY, TX  
 PROPOSED ZONING: PD  
 CASE NUMBER: ZDC-205-2024  
 PREPARATION DATE: NOVEMBER 12, 2024

Date: 05-29-2024  
 Job: 2024-WC-WAXAHACHIE.TX

Revisions	
Date	Description



electronically affixed/signered 11-12-24  
 Waxahachie, TX

A Landscape Development of Carbon/Landmark Construction  
**Woodland Cottages**

John Arden, P.E.

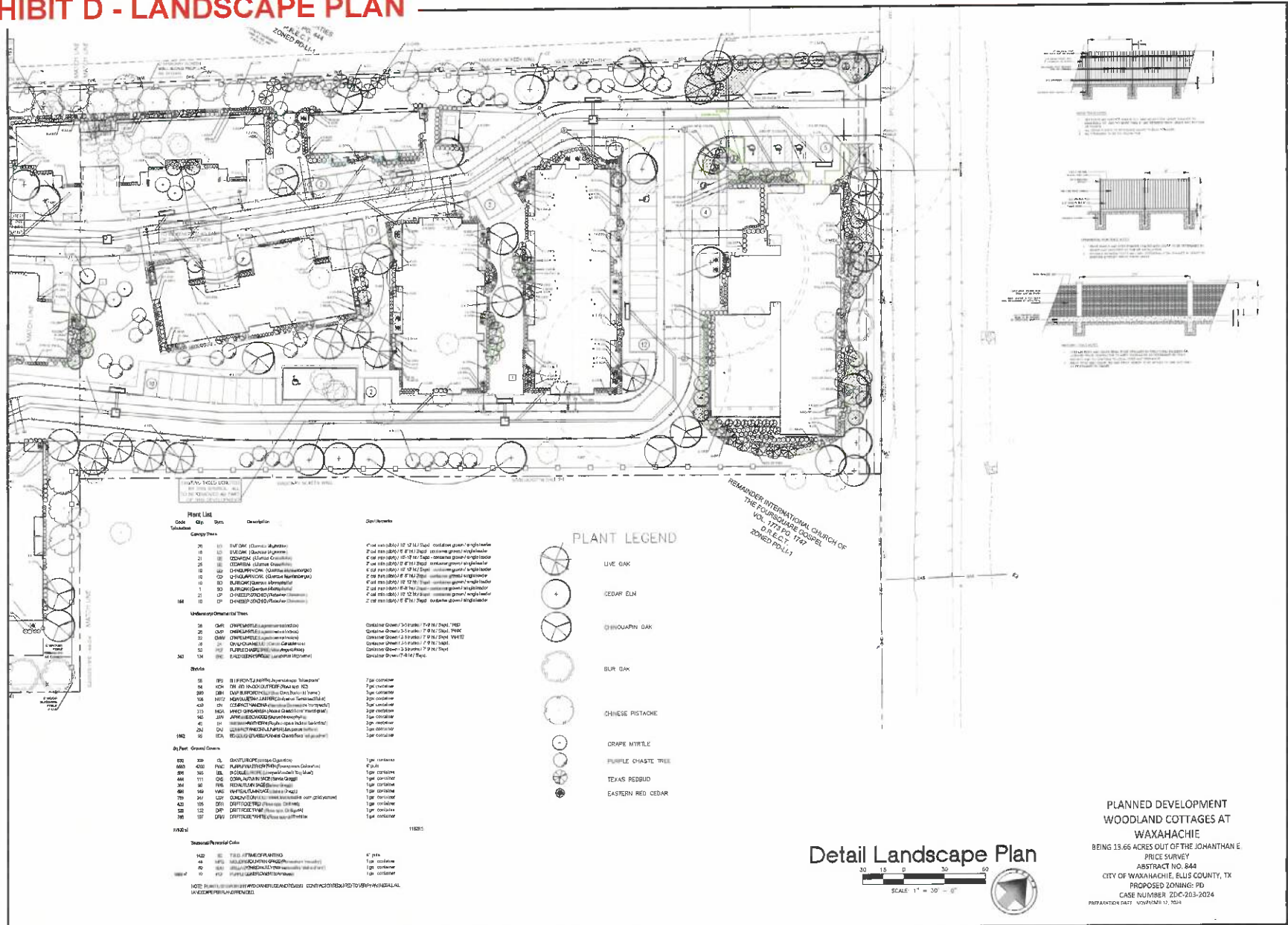
Date Completed	05-29-24
Designed by	DMF
Checked by	DMF
Phase	Site Plan

Crossroads Mgmt. LLC  
 17120 Dallas Pkwy #101  
 Dallas, TX 75248  
 972-250-2990

Sheet  
**LP.11**  
 LANDSCAPE PLAN

(b1)

# EXHIBIT D - LANDSCAPE PLAN



Date: 05-29-2024  
 Rev: 2024-WC-WAXAHACHIE.TX

Revisions	
Date	Description



electronically attested/signed 11-12-2024  
 John Arcden, P.E.  
 Waxahachie, TX

A Landscape Development of Cartlandmark Construction

## Woodland Cottages

17120 Dallas Pkwy #101  
 Dallas, TX 75248  
 972-250-2990

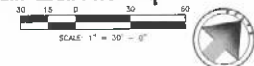
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Designed by:	DMF
Checked by:	DMF
Phase:	Site Plan

**Crossroads Mgmt. LLC**  
 17120 Dallas Pkwy #101  
 Dallas, TX 75248  
 972-250-2990

Sheet  
**LP12**  
 LANDSCAPE PLAN

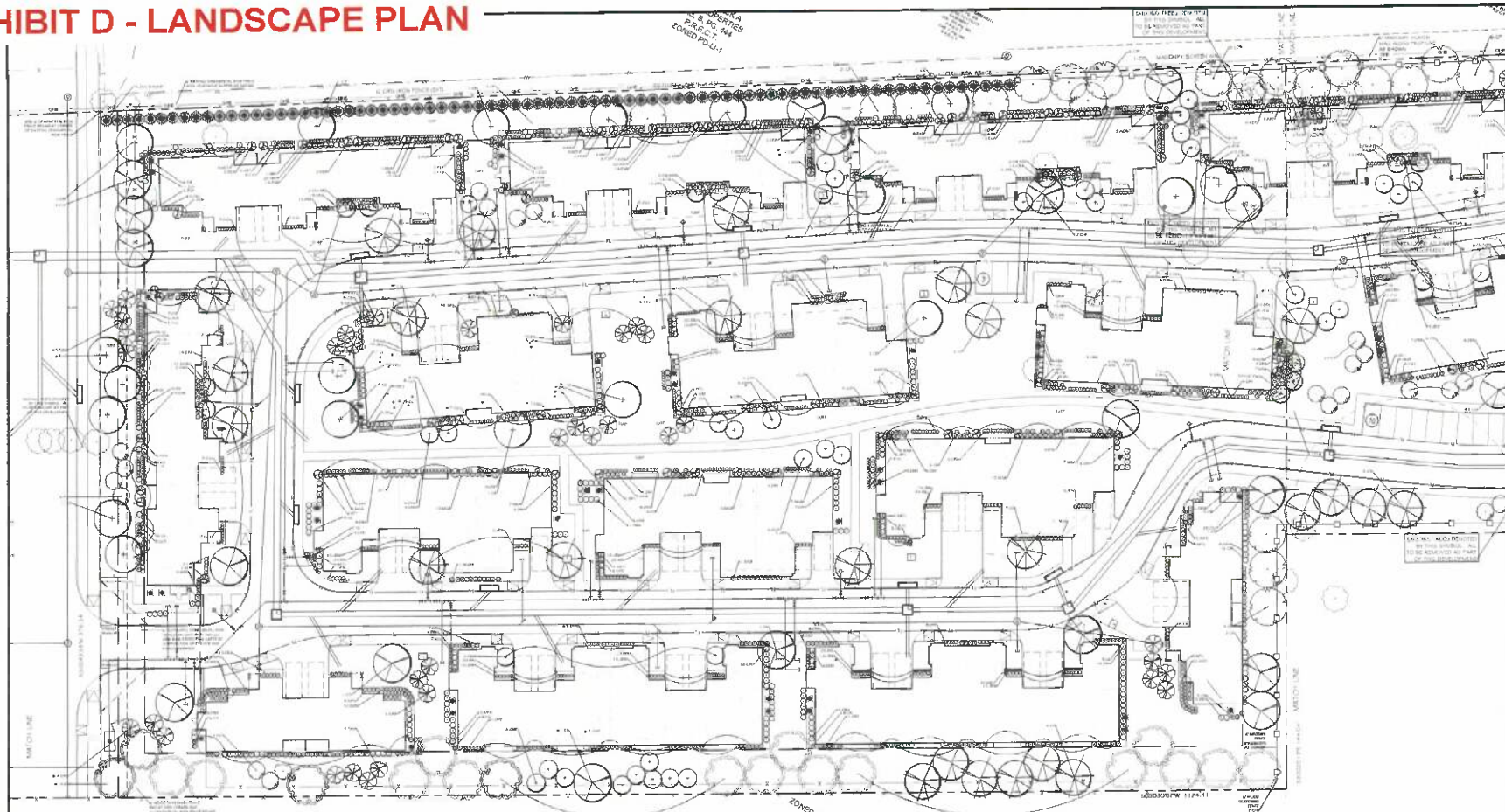
PLANNED DEVELOPMENT  
**WOODLAND COTTAGES AT  
 WAXAHACHIE**  
 BEING 13.66 ACRES OUT OF THE JONATHAN E  
 PRICE SURVEY  
 ABSTRACT NO. 844  
 CITY OF WAXAHACHIE, ELUS COUNTY, TX  
 PROPOSED ZONING: PD  
 CASE NUMBER ZDC-203-2024  
 PREPARATION DATE: 05/29/24

### Detail Landscape Plan



(b1)

# EXHIBIT D - LANDSCAPE PLAN



**GENERAL LANDSCAPE NOTES**

1. All landscape areas are to be installed within 120 days of project start-up and shall be subject to final inspection by the City of Waxahatchie.
2. All trees are to be planted in pits to the satisfaction of the City of Waxahatchie. All trees are to be planted in pits and shall be subject to final inspection by the City of Waxahatchie.
3. All trees are to be planted in pits and shall be subject to final inspection by the City of Waxahatchie.
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9. All trees are to be planted in pits and shall be subject to final inspection by the City of Waxahatchie.
10. All trees are to be planted in pits and shall be subject to final inspection by the City of Waxahatchie.

**IRRIGATION NOTES**

1. All irrigation systems are to be installed within 120 days of project start-up and shall be subject to final inspection by the City of Waxahatchie.
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10. All irrigation systems are to be installed within 120 days of project start-up and shall be subject to final inspection by the City of Waxahatchie.

**EXISTING AND PROPOSED TREE NOTES**

1. All existing trees to be retained shall be marked with a 'T' and a number indicating the tree's size and location.
2. All existing trees to be removed shall be marked with an 'X' and a number indicating the tree's size and location.
3. All proposed trees shall be marked with a circle and a number indicating the tree's size and location.
4. All proposed trees shall be marked with a circle and a number indicating the tree's size and location.
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10. All proposed trees shall be marked with a circle and a number indicating the tree's size and location.



Detail Landscape Plan

Date: 05-29-2024  
 Job: 2024-WC-WAXAHACHE, TX

Revisions	Description
Date: 04-01-24	City Comments



electronically signed/signed 11-12-2024  
 Waxahatchie, TX  
 Justin Anglin, P.E.

A Landscape Development of Carbon Landmark Construction  
**Woodland Cottages**

Date Completed:	05-29/24
Designed by:	DMF
Checked by:	DMF
Phase:	Site Plan

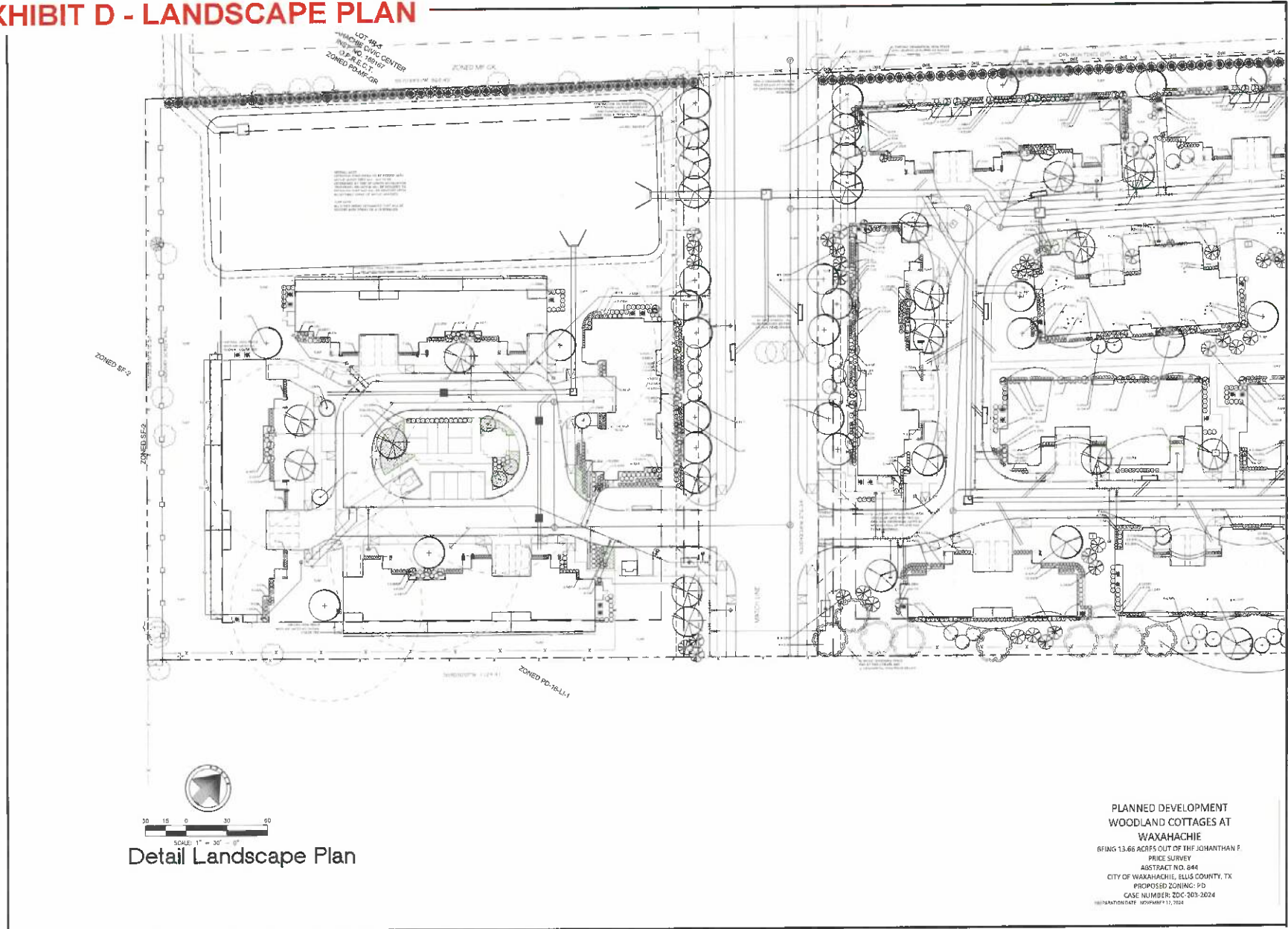
**Crossroads Mgmt. LLC**  
 17120 Dallas Pkwy #101  
 Dallas, TX 75248  
 972-250-9990

Sheet  
**LP1.3**  
 LANDSCAPE PLAN

**PLANNED DEVELOPMENT  
 WOODLAND COTTAGES AT  
 WAXAHACHE**  
 BEING 13.66 ACRES OUT OF THE JOHNSON &  
 PRICE SURVEY  
 ABSTRACT NO. 844  
 CITY OF WAXAHACHE, ELLIS COUNTY, TX  
 PROPOSED ZONING: PD  
 CASE NUMBER: ZDC-203-2024  
 PREPARATION DATE: NOVEMBER 12, 2024

(19)

# EXHIBIT D - LANDSCAPE PLAN



Date: 05-29-2024  
Job: 2024-WC-WAXAHACHIE, TX

Revisions	
Date	Description
04-01-24	City Comments



electronically affixed/signed 11-12-24  
Waxahachie, TX

A Landscape Development of Carbon/Landmark Construction  
**Woodland Cottages**

John Arden, Inc.

Date Completed: 05-29/24  
Designed by: DMF  
Checked by: DMF  
Phase: Site Plan

**Crossroads Mgmt. LLC**  
17120 Dallas Pkwy #101  
Dallas, TX 75248  
972-250-2990

Sheet  
**LP1.4**  
LANDSCAPE PLAN

(b1)

# EXHIBIT E - ELEVATION/FACADE PLAN

## WOODLAND COTTAGES WAXAHACHIE PD SUBMITTAL

WAXAHACHIE, TEXAS

PROJECT SUMMARY DATA	
CASE NUMBER	
TOTAL LOT AREA	594,830 sqft = 13.66 acres
TOTAL BUILDING AREA	144,770 sqft
LOT COVERAGE	20.6%
MAX PROPOSED BUILDING HEIGHT	18'
TOTAL PARKING PROVIDED	167 SPACES
TOTAL PARKING BY TYPE	
UNCOVERED PARKING - SURFACE	99 SPACES
COVERED PARKING - ENCLOSED GARAGE	62 SPACES
ACCESSIBLE SPACES TOTAL	6 SPACES

Kimley»Horn

CARBON  
COMPANIES

gsr | andrade  
ARCHITECTS

PROJECT # 3180 - 5/29/2024

# EXHIBIT E - ELEVATION/FACADE PLAN



SITE CONTEXT



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WOODLAND COTTAGES WAXAHACHIE

WAXAHACHIE, TEXAS

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# EXHIBIT E - ELEVATION/FACADE PLAN

PROJECT SITE AND BASE ZONING OVERVIEW	
ADDRESS	JOHN ADREN DRIVE, WAXAHACHIE TX 75165
PARCEL SIZE GROSS	594,830 sqft = 13.66 acres
CURRENT PROPERTY LAND USE	VACANT
CURRENT ZONING OF PROPERTY	PD-MF-2
PROPOSED ZONING	MULTI-FAMILY RESIDENTIAL
PROPOSED LAND USE	SENIOR LIVING (55+) MULTI-FAMILY RESIDENTIAL
PROPOSED DENSITY - GROSS SITE AREA	5.49 UNITS/ACRE

PROJECT AMENITY SPACES	
SPACE / USE	SQFT
LEASING, MAINTANCE	1,331 SQFT
CLUB, LOUNGE, FITNESS	6,605 SQFT
TOTAL AMENITY	7,936 SQFT

UNIT MIX											
UNIT TYPES	# OF BEDS	# OF BATHS	GROSS S.F.	BALCONY S.F.	GROSS S.F. w/ BALCONY	TOTAL UNITS	UNIT TYPE %	TOTAL # BEDS	TOTAL # BATHS	TOTAL BALCONY S.F.	TOTAL GROSS S.F.
A1	1	1	910	309	1219	7	9.33%	7	7	2781	6370
A2	1	1	950	0	950	8	10.67%	8	8	1600	7600
A2 HC	1	1	910	309	1219	1	1.3%	1	1	309	910
B1	2	2	1420	309	1709	29	38.7%	58	58	2312	41180
B2	2	2	1437	309	1712	26	34.7%	52	52	12925	37362
B2 HC	2	2	1437	309	1759	2	2.7%	4	4	550	2874
B3	2	2	1836	187	2003	2	2.7%	4	4	334	3872
<b>TOTALS</b>						<b>75</b>	<b>100%</b>	<b>134</b>	<b>134</b>	<b>18002</b>	<b>99,968</b>
<b>AVERAGE UNIT S.F. = 1285.88</b>											

UNIT MIX	TYPE I			TYPE II			TYPE III			TYPE IV			TYPE V			TYPE VI			TYPE VII			TYPE VIII		
	1ST FLOOR	# OF BLDG	OVERALL	1ST FLOOR	# OF BLDG	OVERALL	1ST FLOOR	# OF BLDG	OVERALL	1ST FLOOR	# OF BLDG	OVERALL	1ST FLOOR	# OF BLDG	OVERALL	1ST FLOOR	# OF BLDG	OVERALL	1ST FLOOR	# OF BLDG	OVERALL	1ST FLOOR	# OF BLDG	OVERALL
A1	0	0	0	0	0	0	0	0	0	0	0	4	4	2	2	1	1	0	0	0	0	0	0	0
A2	0	0	0	0	0	0	0	0	0	0	0	4	4	4	4	0	0	0	0	0	0	0	0	0
A2 HC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0
B1	0	0	0	0	0	4	8	3	21	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
B2	1	2	3	24	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
B2 HC	1	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
B3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	0	0	0
<b>TOTALS</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>3</b>	<b>8</b>	<b>24</b>	<b>4</b>	<b>2</b>	<b>8</b>	<b>3</b>	<b>7</b>	<b>21</b>	<b>8</b>	<b>1</b>	<b>8</b>	<b>6</b>	<b>1</b>	<b>6</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>2</b>

TOTAL UNITS : 75

PROJECT DATA



Kimley»Horn

WOODLAND COTTAGES WAXAHACHIE

WAXAHACHIE, TEXAS



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## EXHIBIT E - ELEVATION/FACADE PLAN



### STYLISTIC FEATURES:

**MATERIALS** - LIGHTLY COLORED STONE, BRICK AND STUCCO WITH DARK COLORED TRIM AROUND WINDOWS AND DOORS. DARK PAINTED WOODEN DOORS TO CONTRAST THE WHITE MASONRY/ STUCCO.

**ACCENTS** - DARK PAINTED WOODEN ROOF BEAMS AND CORBELS. DARK PAINTED WOODEN SHUTTERS TO ACCENT WHITE STUCCO WALLS.

**ROOFING** - COMPOSITE SHINGLE ROOF WITH GABLES AND STEEP PITCHES TO ALLOW FOR HIGH CEILINGS AND ADEQUATE DRAINAGE. STANDING SEAM METAL ROOFS AS SHADING FEATURES TO SELECT ENTRIES AND WINDOWS.

**LANDSCAPING** - NATIVE SHRUBS AND TREES PLACED TO HIGHLIGHT VARIOUS WALKWAYS AND POINTS OF ENTRY.



INSPIRATION IMAGERY - FARMHOUSE DESIGN

**CARBON**  
COMPANIES

Kimley»Horn

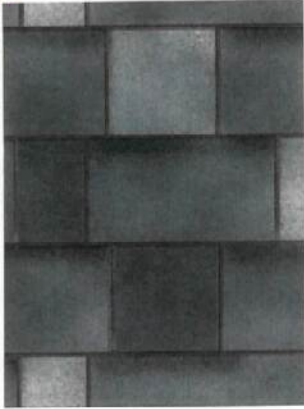
WOODLAND COTTAGES WAXAHACHIE

WAXAHACHIE, TEXAS

gsr | andrade  
ARCHITECTS, P.C.

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## EXHIBIT E - ELEVATION/FACADE PLAN



COMPOSITION ROOF SHINGLES  
GRAY COLOR



S-1 (EXTERIOR STONE)



PT-1 (EXTERIOR PAINT)  
SW 7543 AVENUE TAN



PT-2 (EXTERIOR PAINT)  
SW 7048 URBAN BRONZE



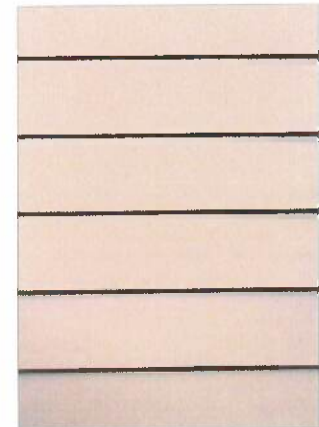
ST-1 (3 COAT STUCCO)  
PAINTED - SW 6385 DOVER WHITE



BR-1 (DIMENSIONAL BRICK) RUNNING BOND  
PAINTED - SW 6385 DOVER WHITE



WOOD (ACCENT) PT-1 OR PT-2

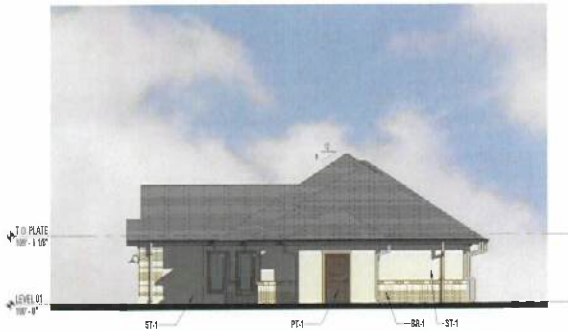


FC-1 (FIBER CEMENT SIDING)  
PAINTED - SW 6385 DOVER WHITE

COLOR AND MATERIAL SELECTION

# EXHIBIT E - ELEVATION/FACADE PLAN

TOTAL MATERIAL SQUARE FOOTAGE	
BR-1 BRICK MASONRY: SW 635 DOVER WHITE	14 sqft 22%
ST-1 STUCCO: SW 635 DOVER WHITE	281 sqft 77%
PT-1 DOORS AND WINDOWS: SW 7343 AVENUE TAN	
PT-1 TRIM: SW 7343 AVENUE TAN	8 sqft
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS	
	304 sqft



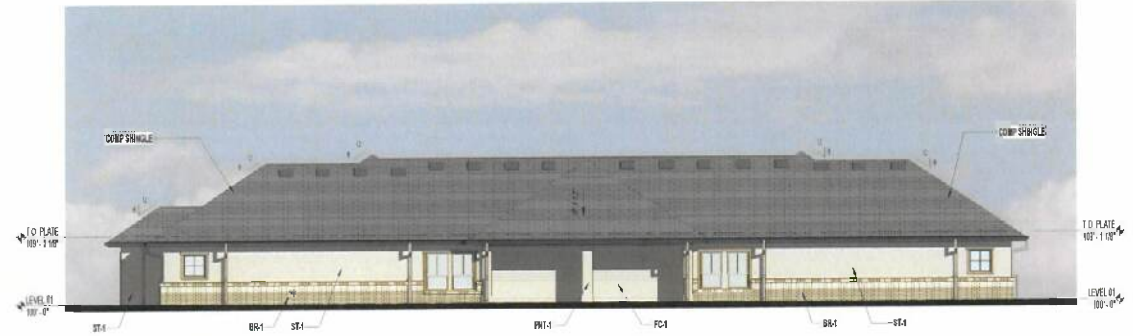
3 TYPE I SIDE RIGHT  
1/8" = 1'-0"

VERTICAL SQUARE FOOTAGE	
TOTAL MATERIAL SQUARE FOOTAGE	
BR-1 BRICK MASONRY: SW 635 DOVER WHITE	191 sqft 28%
ST-1 STUCCO: SW 635 DOVER WHITE	254 sqft 71%
PT-1 DOORS AND WINDOWS: SW 7343 AVENUE TAN	
PT-1 TRIM: SW 7343 AVENUE TAN	19 sqft
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS	
	304 sqft



4 TYPE I SIDE LEFT  
1/8" = 1'-0"

VERTICAL SQUARE FOOTAGE	
TOTAL MATERIAL SQUARE FOOTAGE	
BR-1 BRICK MASONRY: SW 635 DOVER WHITE	212 sqft 21%
ST-1 STUCCO: SW 635 DOVER WHITE	239 sqft 59%
PT-1 DOORS AND WINDOWS: SW 7343 AVENUE TAN	
PT-1 TRIM: SW 7343 AVENUE TAN	15 sqft
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS	
	1,075 sqft



2 TYPE I BACK  
1/8" = 1'-0"

VERTICAL SQUARE FOOTAGE	
TOTAL MATERIAL SQUARE FOOTAGE	
BR-1 BRICK MASONRY: SW 635 DOVER WHITE	427 sqft 84%
ST-1 STUCCO: SW 635 DOVER WHITE	254 sqft 44%
PT-1 DOORS AND WINDOWS: SW 7343 AVENUE TAN	
PT-1 TRIM: SW 7343 AVENUE TAN	37 sqft
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS	
	1,063 sqft



1 TYPE I FRONT  
1/8" = 1'-0"

TYPE I ELEVATIONS

# EXHIBIT E - ELEVATION/FACADE PLAN

TOTAL MATERIAL SQUARE FOOTAGE	
BR4 BRICK MASONRY	SW 6385 COVER WHITE 244 sqft 81%
ST4 STUCCO	SW 6385 COVER WHITE 42 sqft 13%
PT2 DOORS AND WINDOWS	SW 7408 LUSH BRONZE 44 sqft
PT2 TRIM	SW 7408 LUSH BRONZE 31 sqft
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS 361 sqft	

VERTICAL SQUARE FOOTAGE	
TOTAL MATERIAL SQUARE FOOTAGE 1,432 sqft	
BR4 BRICK MASONRY	SW 6385 COVER WHITE 1,341 sqft 93%
ST4 STUCCO	SW 6385 COVER WHITE 89 sqft 6%
PT2 DOORS AND WINDOWS	SW 7408 LUSH BRONZE 242 sqft 17%
PT2 TRIM	SW 7408 LUSH BRONZE 33 sqft 2%
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS 1,988 sqft	



3 TYPE II SIDE LEFT  
1/8" = 1'-0"



2 TYPE II REAR  
1/8" = 1'-0"

VERTICAL SQUARE FOOTAGE	
TOTAL MATERIAL SQUARE FOOTAGE 400 sqft	
BR4 BRICK MASONRY	SW 6385 COVER WHITE 400 sqft 100%
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS 400 sqft	

VERTICAL SQUARE FOOTAGE	
TOTAL MATERIAL SQUARE FOOTAGE 1,197 sqft	
BR4 BRICK MASONRY	SW 6385 COVER WHITE 574 sqft 48%
ST4 STUCCO	SW 6385 COVER WHITE 115 sqft 10%
PT2 DOORS AND WINDOWS	SW 7408 LUSH BRONZE 487 sqft 41%
PT2 TRIM	SW 7408 LUSH BRONZE 77 sqft 6%
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS 1,770 sqft	



4 TYPE II SIDE RIGHT  
1/8" = 1'-0"



1 TYPE II FRONT  
1/8" = 1'-0"

TYPE II ELEVATIONS



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WOODLAND COTTAGES WAXAHACHIE

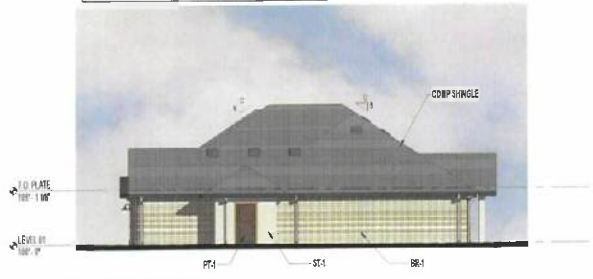


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WAXAHACHIE, TEXAS

# EXHIBIT E - ELEVATION/FACADE PLAN

VERTICAL SQUARE FOOTAGE			
TOTAL MATERIAL SQUARE FOOTAGE	425 sqft		
BR-1, BRICK MASONRY:	SW 6385 COVER WHITE	338 sqft	84%
ST-1, STUCCO:	SW 6385 COVER WHITE	71 sqft	14%
PT-1, DOORS AND WINDOWS:	SW 7540 AVENUE TAN	21 sqft	
P1-1, TRIM:	SW 7540 AVENUE TAN	61 sqft	
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS		519 sqft	



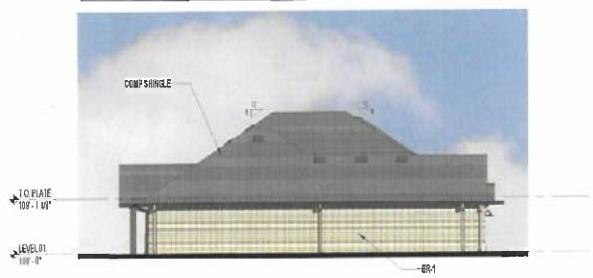
3 TYPE III - SIDE RIGHT  
1" = 16'-0"

VERTICAL SQUARE FOOTAGE			
TOTAL MATERIAL SQUARE FOOTAGE	1,355 sqft		
BR-1, BRICK MASONRY:	SW 6385 COVER WHITE	494 sqft	27%
ST-1, STUCCO:	SW 6385 COVER WHITE	448 sqft	42%
FG-1, SIDING:	SW 6385 COVER WHITE	402 sqft	31%
PT-1, DOORS AND WINDOWS:	SW 7540 AVENUE TAN	205 sqft	
PT-1, TRIM:	SW 7540 AVENUE TAN	2 sqft	
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS		1,772 sqft	



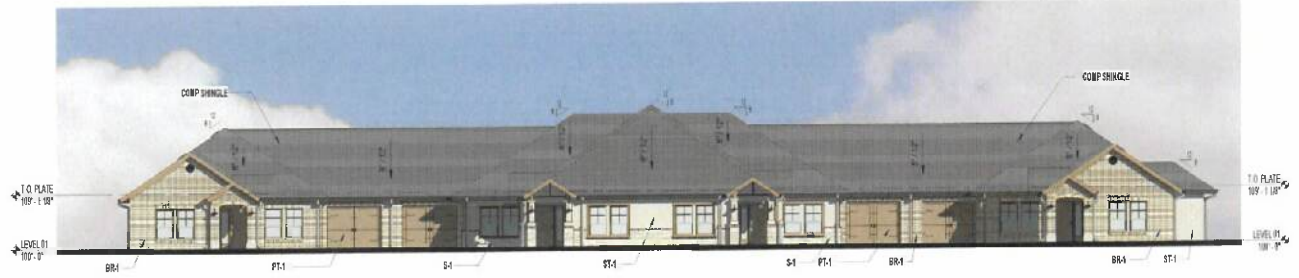
4 TYPE III - BACK OVERALL  
1" = 16'-0"

VERTICAL SQUARE FOOTAGE			
TOTAL MATERIAL SQUARE FOOTAGE	518 sqft		
BR-1, BRICK MASONRY:	SW 6385 COVER WHITE	398 sqft	79%
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS		518 sqft	



2 TYPE III - SIDE LEFT  
1" = 16'-0"

VERTICAL SQUARE FOOTAGE			
TOTAL MATERIAL SQUARE FOOTAGE	1,176 sqft		
BR-1, BRICK MASONRY:	SW 6385 COVER WHITE	448 sqft	38%
ST-1, STUCCO:	SW 6385 COVER WHITE	211 sqft	28%
S-1, SIDING:	SW 6385 COVER WHITE	318 sqft	31%
PT-1, DOORS AND WINDOWS:	SW 7540 AVENUE TAN	85 sqft	
PT-1, TRIM:	SW 7540 AVENUE TAN	17 sqft	
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS		1,247 sqft	



1 TYPE III - FRONT OVERALL  
1" = 16'-0"

TYPE III ELEVATIONS



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WOODLAND COTTAGES WAXAHACHIE

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WAXAHACHIE, TEXAS

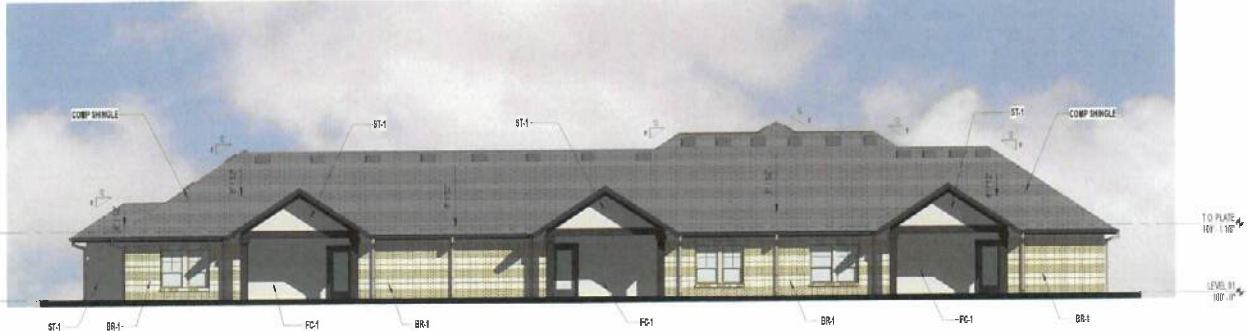
# EXHIBIT E - ELEVATION/FACADE PLAN

VERTICAL SQUARE FOOTAGE	
TOTAL MATERIAL SQUARE FOOTAGE	1,316 sqft
BR4, BRICK MASONRY	SW 4355 DOCKER WHITE 404 sqft 31%
ST4, STUCCO	SW 4355 DOCKER WHITE 489 sqft 37%
PT2, STUCCO	SW 4355 DOCKER WHITE 423 sqft 32%
PT2, DOORS AND WINDOWS	SW 1048 URBAN BRONZE 164 sqft 12%
PT2, TRIM	SW 1048 URBAN BRONZE 37 sqft 3%
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS	1,332 sqft

TOTAL MATERIAL SQUARE FOOTAGE	
TOTAL MATERIAL SQUARE FOOTAGE	894 sqft
BR4, BRICK MASONRY	SW 4355 DOCKER WHITE 224 sqft 25%
ST4, STUCCO	SW 4355 DOCKER WHITE 160 sqft 18%
PT2, DOORS AND WINDOWS	SW 1048 URBAN BRONZE 15 sqft 2%
PT2, TRIM	SW 1048 URBAN BRONZE 17 sqft 2%
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS	918 sqft



4 TYPE IV SIDE RIGHT  
1/8" = 1'-0"



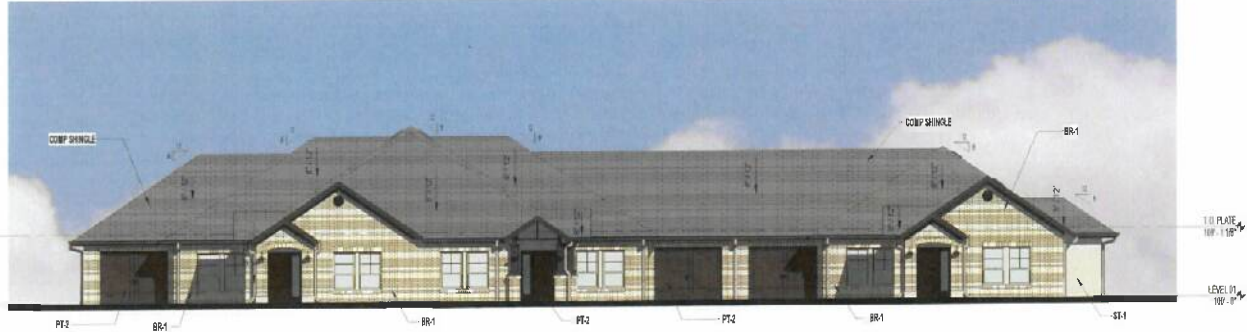
1 TYPE IV REAR  
1/8" = 1'-0"

VERTICAL SQUARE FOOTAGE	
TOTAL MATERIAL SQUARE FOOTAGE	430 sqft
BR4, BRICK MASONRY	SW 4355 DOCKER WHITE 254 sqft 59%
ST4, STUCCO	SW 4355 DOCKER WHITE 74 sqft 17%
PT2, DOORS AND WINDOWS	SW 1048 URBAN BRONZE 27 sqft 6%
PT2, TRIM	SW 1048 URBAN BRONZE 61 sqft 14%
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS	510 sqft



3 TYPE IV SIDE LEFT  
1/8" = 1'-0"

VERTICAL SQUARE FOOTAGE	
TOTAL MATERIAL SQUARE FOOTAGE	263 sqft
BR4, BRICK MASONRY	SW 4355 DOCKER WHITE 88 sqft 34%
ST4, STUCCO	SW 4355 DOCKER WHITE 54 sqft 21%
PT2, DOORS AND WINDOWS	SW 1048 URBAN BRONZE 40 sqft 15%
PT2, TRIM	SW 1048 URBAN BRONZE 13 sqft 5%
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS	320 sqft



2 TYPE IV FRONT  
1/8" = 1'-0"

TYPE IV ELEVATIONS



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WOODLAND COTTAGES WAXAHACHIE

WAXAHACHIE, TEXAS



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# EXHIBIT E - ELEVATION/FACADE PLAN

TOTAL MATERIAL SQUARE FOOTAGE		
BR-1, BRICK MASONRY	SW 6385 COVER WHITE	126 sqft
ST-1, STUCCO	SW 6385 COVER WHITE	247 sqft
PT-1, DOORS AND WINDOWS	SW 7543 AERULE TAN	171 sqft
PT-1, TRIM	SW 7543 AERULE TAN	43 sqft
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS		387 sqft

VERTICAL SQUARE FOOTAGE		
TOTAL MATERIAL SQUARE FOOTAGE		
BR-1, BRICK MASONRY	SW 6385 COVER WHITE	531 sqft
ST-1, STUCCO	SW 6385 COVER WHITE	881 sqft
PT-1, DOORS AND WINDOWS	SW 7543 AERULE TAN	412 sqft
PT-1, TRIM	SW 7543 AERULE TAN	17 sqft
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS		1,562 sqft



VERTICAL SQUARE FOOTAGE		
TOTAL MATERIAL SQUARE FOOTAGE		
BR-1, BRICK MASONRY	SW 6385 COVER WHITE	126 sqft
ST-1, STUCCO	SW 6385 COVER WHITE	247 sqft
PT-1, DOORS AND WINDOWS	SW 7543 AERULE TAN	170 sqft
PT-1, TRIM	SW 7543 AERULE TAN	43 sqft
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS		386 sqft

VERTICAL SQUARE FOOTAGE		
TOTAL MATERIAL SQUARE FOOTAGE		
BR-1, BRICK MASONRY	SW 6385 COVER WHITE	531 sqft
ST-1, STUCCO	SW 6385 COVER WHITE	881 sqft
PT-1, DOORS AND WINDOWS	SW 7543 AERULE TAN	412 sqft
PT-1, TRIM	SW 7543 AERULE TAN	17 sqft
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS		1,562 sqft



**GENERAL NOTE - BLDG TYPE V**  
 THE PITCH OF THE MAIN ROOF HAS BEEN SET AT 5:12 TO PRESERVE THE DESIGN IDENTITY OF THE ELEVATION. THE PLACEMENT OF UNITS BACK-TO-BACK IN THIS BUILDING CONFIGURATION ALLOWS FOR A BUILDING DEPTH THAT CREATES AN EXCEPTIONALLY LARGE AND ARCHITECTURALLY COMPROMISING ROOF AT AN 8:12 PITCH.

TYPE V ELEVATIONS



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WOODLAND COTTAGES WAXAHACHIE



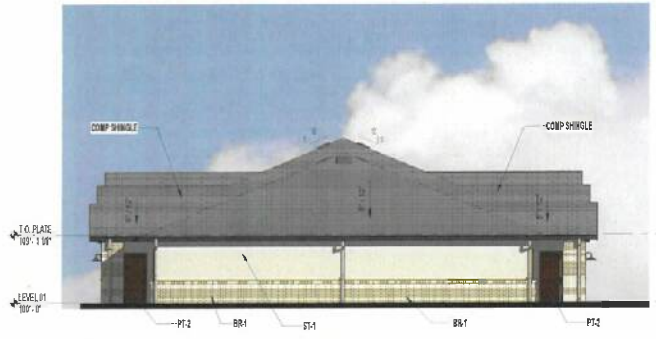
WAXAHACHIE, TEXAS

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# EXHIBIT E - ELEVATION/FACADE PLAN

VERTICAL SQUARE FOOTAGE	
TOTAL MATERIAL SQUARE FOOTAGE	987 sqft
BR-1 BRICK MANSIONRY	245 sqft 25%
ST-1 STUCCO	642 sqft 65%
PT-2 DOORS AND WINDOWS	57 sqft
PT-2 TRIM	75 sqft
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS	1,169 sqft

VERTICAL SQUARE FOOTAGE	
TOTAL MATERIAL SQUARE FOOTAGE	971 sqft
BR-1 BRICK MANSIONRY	185 sqft 19%
ST-1 STUCCO	586 sqft 60%
PT-2 DOORS AND WINDOWS	42 sqft
PT-2 TRIM	58 sqft
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS	581 sqft



3 TYPE VI SIDE LEFT  
1/8" = 1'-0"

VERTICAL SQUARE FOOTAGE	
TOTAL MATERIAL SQUARE FOOTAGE	434 sqft
BR-1 BRICK MANSIONRY	103 sqft 23%
ST-1 STUCCO	225 sqft 52%
PT-2 DOORS AND WINDOWS	103 sqft
PT-2 TRIM	75 sqft
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS	615 sqft



2 TYPE VI BACK  
1/8" = 1'-0"

VERTICAL SQUARE FOOTAGE	
TOTAL MATERIAL SQUARE FOOTAGE	987 sqft
BR-1 BRICK MANSIONRY	245 sqft 25%
ST-1 STUCCO	642 sqft 65%
PT-2 DOORS AND WINDOWS	57 sqft
PT-2 TRIM	75 sqft
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS	1,169 sqft



4 TYPE VI SIDE RIGHT  
1/8" = 1'-0"



1 TYPE VI FRONT  
1/8" = 1'-0"

GENERAL NOTE - BLDG TYPE VII  
THE PITCH OF THE MAIN ROOF HAS BEEN SET AT 5:12 TO PRESERVE THE DESIGN IDENTITY OF THE ELEVATION. THE PLACEMENT OF UNITS BACK-TO-BACK IN THIS BUILDING CONFIGURATION ALLOWS FOR A BUILDING DEPTH THAT CREATES AN EXCEPTIONALLY LARGE AND ARCHITECTURALLY COMPROMISING ROOF AT AN 8:12 PITCH.

TYPE VI ELEVATIONS



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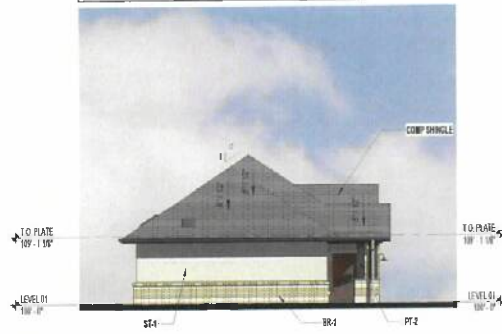
WOODLAND COTTAGES WAXAHACHIE  
WAXAHACHIE, TEXAS



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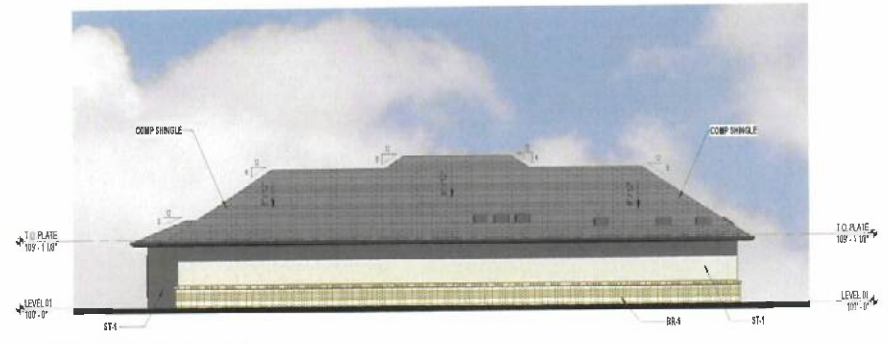
# EXHIBIT E - ELEVATION/FACADE PLAN

TOTAL MATERIAL SQUARE FOOTAGE	
BR-1, BRICK BASINRY: SW 635 DOVER WHITE	38 sqft 35%
ST-1, STUCCO: SW 635 DOVER WHITE	165 sqft 45%
PF-2, DOORS AND WINDOWS: SW 704 URBAN BRONZE	20 sqft
PF-2, TRIM: SW 704 URBAN BRONZE	21 sqft
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS	229 sqft



4 TYPE VII - LEFT ELEVATION  
1/8" = 1'-0"

VERTICAL SQUARE FOOTAGE	
TOTAL MATERIAL SQUARE FOOTAGE	167 sqft
BR-1, BRICK BASINRY: SW 635 DOVER WHITE	93 sqft 28%
ST-1, STUCCO: SW 635 DOVER WHITE	68 sqft 21%
PF-1, DOORS AND WINDOWS: SW 704 URBAN BRONZE	8 sqft
PF-2, TRIM: SW 704 URBAN BRONZE	25 sqft
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS	712 sqft



2 TYPE VII - BACK ELEVATION  
1/8" = 1'-0"

VERTICAL SQUARE FOOTAGE	
TOTAL MATERIAL SQUARE FOOTAGE	224 sqft
BR-1, BRICK BASINRY: SW 635 DOVER WHITE	75 sqft 33%
ST-1, STUCCO: SW 635 DOVER WHITE	129 sqft 57%
PF-2, DOORS AND WINDOWS: SW 704 URBAN BRONZE	85 sqft
PF-2, TRIM: SW 704 URBAN BRONZE	4 sqft
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS	294 sqft



3 TYPE VII - RIGHT ELEVATION  
1/8" = 1'-0"

VERTICAL SQUARE FOOTAGE	
TOTAL MATERIAL SQUARE FOOTAGE	547 sqft
BR-1, BRICK BASINRY: SW 635 DOVER WHITE	136 sqft 25%
ST-1, STUCCO: SW 635 DOVER WHITE	411 sqft 75%
PF-2, DOORS AND WINDOWS: SW 704 URBAN BRONZE	198 sqft
PF-2, TRIM: SW 704 URBAN BRONZE	53 sqft
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS	105 sqft

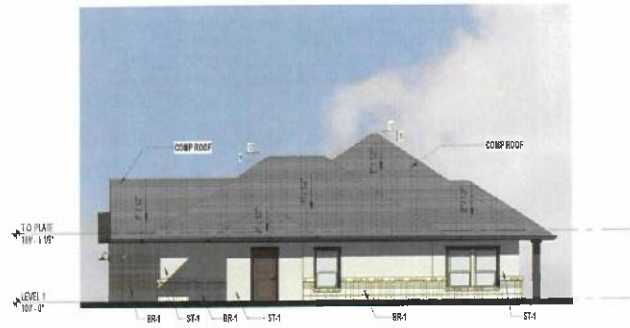


1 TYPE VII - FRONT ELEVATION  
1/8" = 1'-0"

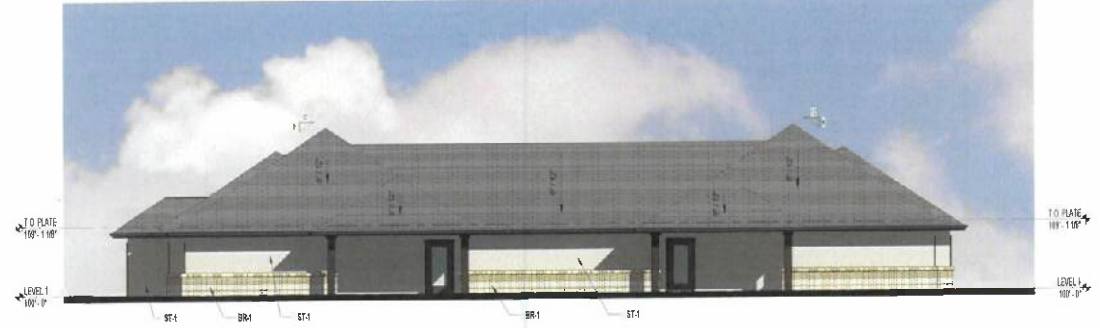
TYPE VII ELEVATIONS

# EXHIBIT E - ELEVATION/FACADE PLAN

TOTAL MATERIAL SQUARE FOOTAGE			
BR-1, BRICK MASONRY:	SN EGGS COVER WHITE	428 sqft	
ST-4, STUCCO:	SN EGGS COVER WHITE	324 sqft	85%
	SN EGGS COVER WHITE	168 sqft	35%
PT-1, DOORS AND WINDOWS: SN ZAND LEBAN BRONZE			
PT-2, TRIM:	SN TUMB LEBAN BRONZE	15 sqft	
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS			
514 sqft			



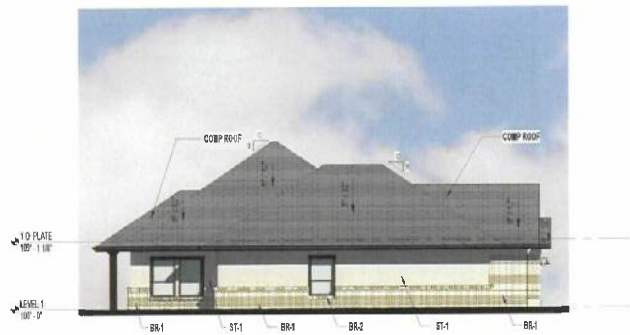
3 TYPE VIII SIDE RIGHT  
1/8" = 1'-0"



2 TYPE VIII REAR  
1/8" = 1'-0"

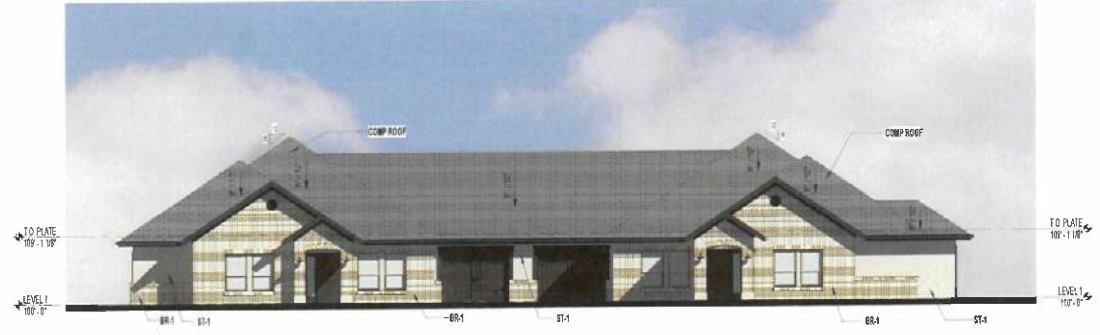
VERTICAL SQUARE FOOTAGE			
TOTAL MATERIAL SQUARE FOOTAGE			
BR-1, BRICK MASONRY:	SN EGGS COVER WHITE	875 sqft	
ST-1, STUCCO:	SN EGGS COVER WHITE	521 sqft	85%
	SN EGGS COVER WHITE	285 sqft	31%
PT-1, DOORS AND WINDOWS: SN ZAND LEBAN BRONZE			
PT-2, TRIM:	SN TUMB LEBAN BRONZE	194 sqft	
	SN TUMB LEBAN BRONZE	7 sqft	
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS			
846 sqft			

VERTICAL SQUARE FOOTAGE			
TOTAL MATERIAL SQUARE FOOTAGE			
BR-1, BRICK MASONRY:	SN EGGS COVER WHITE	428 sqft	
ST-4, STUCCO:	SN EGGS COVER WHITE	338 sqft	84%
	SN EGGS COVER WHITE	71 sqft	16%
PT-1, DOORS AND WINDOWS: SN ZAND LEBAN BRONZE			
PT-2, TRIM:	SN TUMB LEBAN BRONZE	21 sqft	
	SN TUMB LEBAN BRONZE	51 sqft	
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS			
519 sqft			



4 TYPE VIII SIDE LEFT  
1/8" = 1'-0"

VERTICAL SQUARE FOOTAGE			
TOTAL MATERIAL SQUARE FOOTAGE			
BR-1, BRICK MASONRY:	SN EGGS COVER WHITE	748 sqft	
ST-4, STUCCO:	SN EGGS COVER WHITE	301 sqft	89%
	SN EGGS COVER WHITE	257 sqft	10%
PT-1, DOORS AND WINDOWS: SN ZAND LEBAN BRONZE			
PT-2, TRIM:	SN TUMB LEBAN BRONZE	480 sqft	
	SN TUMB LEBAN BRONZE	15 sqft	
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS			
1,018 sqft			



1 TYPE VIII FRONT  
1/8" = 1'-0"

TYPE VIII ELEVATIONS



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WAXAHACHIE, TEXAS

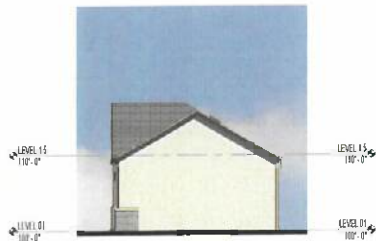


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# EXHIBIT E - ELEVATION/FACADE PLAN

**VERTICAL SQUARE FOOTAGE**

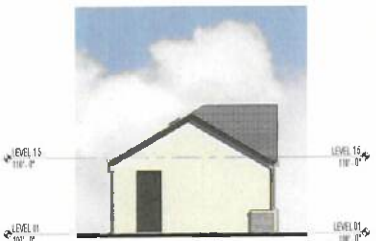
TOTAL MATERIAL SQUARE FOOTAGE	771 sqft	
SF4, STUCCO:	719 sqft	93%
S1, STONE:	5 sqft	0%
OPENINGS:	0 sqft	0%
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS	281 sqft	



**9 GARAGE BUILDING - RIGHT**  
1/8" = 1'-0"

**VERTICAL SQUARE FOOTAGE**

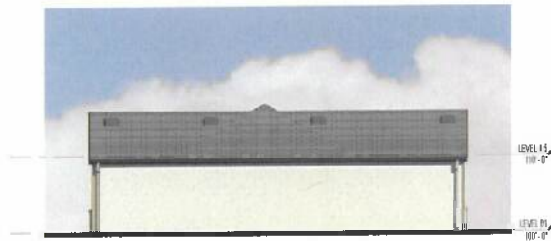
TOTAL MATERIAL SQUARE FOOTAGE	771 sqft	
SF4, STUCCO:	719 sqft	93%
S1, STONE:	5 sqft	0%
OPENINGS:	0 sqft	0%
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS	282 sqft	



**8 GARAGE BUILDING - LEFT**  
1/8" = 1'-0"

**VERTICAL SQUARE FOOTAGE**

TOTAL MATERIAL SQUARE FOOTAGE	434 sqft	
SF4, STUCCO:	393 sqft	91%
S1, STONE:	0 sqft	0%
OPENINGS:	41 sqft	9%
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS	434 sqft	



**7 GARAGE BUILDING - BACK**  
1/8" = 1'-0"

**VERTICAL SQUARE FOOTAGE**

TOTAL MATERIAL SQUARE FOOTAGE	221 sqft	
SF4, STUCCO:	183 sqft	83%
S1, STONE:	38 sqft	17%
OPENINGS:	0 sqft	0%
TOTAL SQUARE FOOTAGE INCLUDING OPENINGS	434 sqft	



**6 GARAGE BUILDING - FRONT**  
1/8" = 1'-0"



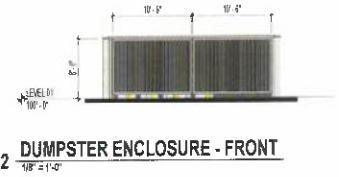
**5 DUMPSTER ENCLOSURE - RIGHT**  
1/8" = 1'-0"



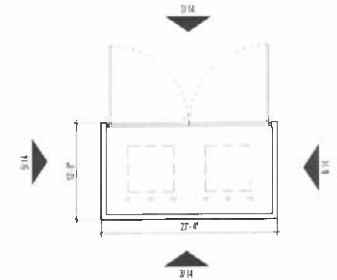
**3 DUMPSTER ENCLOSURE - BACK**  
1/8" = 1'-0"



**4 DUMPSTER ENCLOSURE - LEFT**  
1/8" = 1'-0"



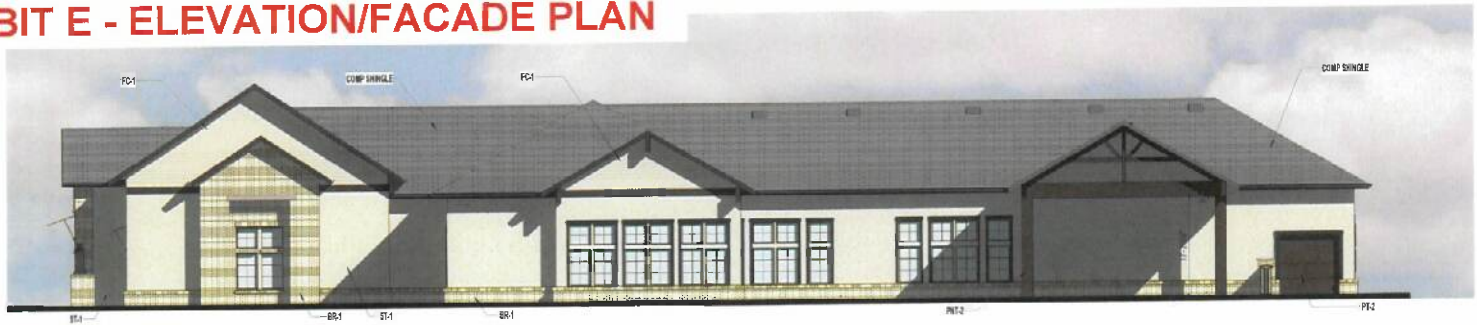
**2 DUMPSTER ENCLOSURE - FRONT**  
1/8" = 1'-0"



**1 DUMPSTER ENCLOSURE PLAN**  
1/8" = 1'-0"

GARAGE BUILDING & DUMPSTER ENCLOSURE

# EXHIBIT E - ELEVATION/FACADE PLAN



**VERTICAL SQUARE FOOTAGE**

TOTAL MATERIAL SQUARE FOOTAGE		
BR-1 BRICK MANSARDY	SW 625 DOVER WHITE	2,070 sqft
ST-1 STUCCO	SW 625 DOVER WHITE	530 sqft
PC-1 SIDING	SW 625 DOVER WHITE	1,581 sqft
PT-2 DOORS AND WINDOWS	SW 704 URBAN BRONZE	277 sqft
PT-2 TRIM	SW 704 URBAN BRONZE	132 sqft
<b>TOTAL SQUARE FOOTAGE INCLUDING OPENINGS</b>		<b>2,988 sqft</b>

4 CLUBHOUSE - SIDE RIGHT  
1/8" = 1'-0"



**VERTICAL SQUARE FOOTAGE**

TOTAL MATERIAL SQUARE FOOTAGE		
BR-1 BRICK MANSARDY	SW 625 DOVER WHITE	1,951 sqft
ST-1 STUCCO	SW 625 DOVER WHITE	881 sqft
PC-1 SIDING	SW 625 DOVER WHITE	416 sqft
PT-2 DOORS AND WINDOWS	SW 704 URBAN BRONZE	749 sqft
PT-2 TRIM	SW 704 URBAN BRONZE	217 sqft
<b>TOTAL SQUARE FOOTAGE INCLUDING OPENINGS</b>		<b>2,804 sqft</b>

3 CLUBHOUSE - SIDE LEFT  
1/8" = 1'-0"



**VERTICAL SQUARE FOOTAGE**

TOTAL MATERIAL SQUARE FOOTAGE		
BR-1 BRICK MANSARDY	SW 625 DOVER WHITE	880 sqft
ST-1 STUCCO	SW 625 DOVER WHITE	254 sqft
PC-1 SIDING	SW 625 DOVER WHITE	456 sqft
PT-2 DOORS AND WINDOWS	SW 704 URBAN BRONZE	0 sqft
PT-2 TRIM	SW 704 URBAN BRONZE	113 sqft
<b>TOTAL SQUARE FOOTAGE INCLUDING OPENINGS</b>		<b>1,303 sqft</b>

2 CLUBHOUSE - BACK  
1/8" = 1'-0"



1 CLUBHOUSE - FRONT  
1/8" = 1'-0"

CLUBHOUSE



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WAXAHACHIE, TEXAS



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## EXHIBIT E - ELEVATION/FACADE PLAN



CLUBHOUSE FRONT ENTRANCE



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WAXAHACHIE, TEXAS

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## EXHIBIT E - ELEVATION/FACADE PLAN



CLUBHOUSE SIDE VIEW



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WAXAHACHIE, TEXAS

g s r | a n d r a d e  
ARCHITECTS, P.C.

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## EXHIBIT E - ELEVATION/FACADE PLAN



CLUBHOUSE SIDE VIEW 2

**CARBON**  
COMPANIES

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WAXAHACHIE, TEXAS

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## EXHIBIT E - ELEVATION/FACADE PLAN



CLUBHOUSE REAR VIEW

**CARBON**  
COMPANIES

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WAXAHACHIE, TEXAS

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## EXHIBIT E - ELEVATION/FACADE PLAN



BUILDING TYPE I

**CARBON**  
COMPANIES

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## EXHIBIT E - ELEVATION/FACADE PLAN



BUILDING TYPE I

**CARBON**  
COMPANIES

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WAXAHACHIE, TEXAS

## EXHIBIT E - ELEVATION/FACADE PLAN



BUILDING TYPE III

**CARBON**  
COMPANIES

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WOODLAND COTTAGES WAXAHACHIE

WAXAHACHIE, TEXAS

g s r | a n d r a d e  
ARCHITECTS

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**EXHIBIT E - ELEVATION/FACADE PLAN**



BUILDING TYPE IV



**Kimley»Horn**

**WOODLAND COTTAGES WAXAHACHIE**  
WAXAHACHIE, TEXAS



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STATE OF TEXAS            §            DEVELOPMENT AGREEMENT  
    §            FOR WOODLAND COTTAGES AT  
    §            WAXAHACHIE  
 COUNTY OF ELLIS         §

This Development Agreement for Woodland Cottages at Waxahachie (“**Agreement**”) is entered into between Carbon Shepherd Development LLC (“CSD”) and the City of Waxahachie, Texas (“**City**”). CSD and the City are sometimes referred herein together as the “**Parties**” and individually as a “**Party**.”

**Recitals:**

1. CSD is the developer of approximately 13.66 acres of real property generally located southeast of 411 Alliance Boulevard, Parcel Number 275165, 189265, and 189266 in the City of Waxahachie, Texas (the “**Property**”), for which the applicant has requested a change in the Property’s Planned Development-Multi-Family-2 (PD-MF-2) zoning to a Planned Development-Multi-Family-2 (“**PD-MF-2**”) zoning district, revising specific development standards. The Property is currently zoned PD-MF-2 by the City, and is anticipated to have the PD reviewed on December 16, 2024.

2. The planned use of the Property is to create a Planned Development to allow for the use of single-story age restricted (55+) multi-family residential 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 CSD 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 CSD 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 “Woodland Cottages at Waxahachie”), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for Woodland Cottages at Waxahachie.

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

**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 Woodland Cottages at Waxahachie 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-203-2024
- (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) 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).
- (E) 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.
- (F) The property owner shall establish a deed restriction on the subject property that requires residents to be fifty-five (55) years of age or older.
- (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, Zoning Ordinance No. (TBD), or Development Standards, shall conform to those requirements and/or standards prescribed in Exhibit B – Development Standards, Exhibit 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 Multi-Family-2 (MF-2) 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 CSD's agreement in this regard, the City of Waxahachie agrees that CSD has reasonable investment-backed expectations in the Woodland Cottages at Waxahachie PD Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the Woodland Cottages at Waxahachie PD Ordinance without impacting CSD'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 CSD 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 120<sup>th</sup> 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, 87<sup>th</sup> 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 2274, (as added by Texas Senate Bill 13, 87<sup>th</sup> 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.

(20)

**{Signature Pages Follow}**

(20)

**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: \_\_\_\_\_

(20)

: CARBON SHEPHERD DEVELOPMENT LLC (Developer)

By: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF TEXAS           §  
  §  
COUNTY OF ELLIS       §

Before me, the undersigned authority, on this \_\_\_\_\_ day of \_\_\_\_\_, personally appeared \_\_\_\_\_, representative of Carbon Shepherd Development LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: \_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires: \_\_\_\_\_

(20)

: ARDEN GROUP LLC (Owner)

By: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF TEXAS           §  
  §  
COUNTY OF ELLIS       §

Before me, the undersigned authority, on this \_\_\_\_ day of \_\_\_\_\_, personally appeared \_\_\_\_\_, representative of Arden Group LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

By: \_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires: \_\_\_\_\_

(20)

: CONNECT4LIFE CHURCH (Owner)

By: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF TEXAS           §  
  §  
COUNTY OF ELLIS       §

Before me, the undersigned authority, on this \_\_\_\_ day of \_\_\_\_\_, personally appeared \_\_\_\_\_, representative of Connect4Life Church, 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: \_\_\_\_\_

(21)

# Planning & Zoning Department

## Zoning Staff Report

Case: ZDC-165-2024



### MEETING DATE(S)

Planning & Zoning Commission: December 9, 2024  
City Council: December 16, 2024

### CAPTION

**Public Hearing** on a request by Caleb Jones, Kimley-Horn, for a **Zoning Change** from a General Retail (GR) zoning district to a Planned Development-General Retail (PD-GR) zoning district, for BJ's Wholesale Club, located north of 2130 N US Highway 77 (Property ID 191272 & 298186) - Owner: Waxahachie Hedgewood 1 LLC & Adam Arredondo (ZDC-165-2024) Staff: Zack King

### RECOMMENDED MOTION

"I move to approve ZDC-165-2024, a Zoning Change request from a General Retail zoning district to a Planned Development-General Retail zoning district (BJ's Wholesale Club), subject to the conditions of the staff report, authorizing the Mayor and/or City Manager to execute all documents accordingly."

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting held on December 9, 2024, the Commission voted 6-0 to recommend approval of case number ZDC-165-2024, 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 Planned Development-General Retail zoning district to allow for the development of wholesale club grocery store (BJ's Wholesale Club).

### CASE INFORMATION

**Applicant:** Caleb Jones, Kimley-Horn  
**Property Owner(s):** Waxahachie Hedgewood 1 LLC & Adam Arredondo  
**Site Acreage:** 11.91 acres  
**Current Zoning:** General Retail (GR)  
**Requested Zoning:** Planned Development-General Retail (PD-GR)

### SUBJECT PROPERTY

**General Location:** The northeast corner of US Highway 77 and Hedgewood Drive  
**Parcel ID Number(s):** 191272 & 298186  
**Existing Use:** The subject property is currently undeveloped.  
**Development History:** The subject property is not currently platted.

*Adjoining Zoning & Uses:*

Direction	Zoning	Current Use
North	General Retail (GR) with SUP	Roland's Nursery
East	Single Family-2 (SF-2)	Single Family Residences
South	Planned Development-General Retail (PD-GR)	North Grove Center
West	Light Industrial-1 (LI-1) and PD-GR	Mixed Retail & Office uses

*Future Land Use Plan:* Local Commercial and Residential Neighborhood

*Comprehensive Plan:* Local Commercial: The local commercial placetype includes areas for restaurants, shops, grocery stores, offices, and personal service establishments. This placetype was incorporated to preserve the City's commercial corridors. Where appropriate, local commercial uses should be located at the intersection or frontage of major thoroughfares (60 feet or greater). The intensity of this placetype falls between neighborhood scale commercial and regional commercial. Local commercial will consist of a single or cluster of standalone office, retail or commercial buildings with an anchor. Local commercial uses should be interconnected with sidewalks to increase walkability. In addition, a shared open space comprised of a plaza or park is encouraged for multi-pad site developments.

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 Hedgewood Drive and N US Highway 77.

Site Image:



**PLANNING ANALYSIS**

The applicant proposes a Planned Development (PD) to allow for development of a BJ’s Wholesale Club on approximately 12-acres at the northeast corner of Hedgewood Drive and Highway 77. The subject property is currently situated in a General Retail (GR) zoning district. The GR zoning district allows for a “Retail Stores & Shops” Land Use. However, with this application, the applicant is proposing specific development standards and accessory uses on the subject property that are not allowed by right within the existing GR zoning district. Due to this, the applicant has opted to proceed with a PD application to establish specific development standards appropriate for BJ’s Wholesale Club and the surrounding area. On July 9<sup>th</sup>, 2024, prior to submitting the Planned Development request, the applicant conducted a well-attended neighborhood meeting to provide the community with information on the development and to ensure feedback from local residents was incorporated into the site design.

**Proposed Use:**

The Planned Development is proposed to include BJ’s Wholesale Club as the primary use, along with a Fuel Station, a Propane Refill Station, a Tire Center, and an Outdoor Display area as accessory uses. BJ’s Wholesale Club is a membership- only retailer that offers grocery, apparel, appliances, and household goods along with tire, propane, and fuel services at each location. Typical operating hours are 8:00am to 10:00pm for the grocery store and 6:30am to 10:00pm for the fuel station. The applicant anticipates up to 120 people to be employed by the proposed BJ’s Wholesale Club.

**Accessory Uses:**

In addition to the primary retail land use of BJ’s Wholesale Club, the applicant proposes development standards that allow for the following accessory uses on the subject property. It is important to note that the following uses are only permitted as accessories, meaning they are not permitted to operate as stand-alone land uses without affiliation with BJ’s Wholesale Club.

- Gasoline Sales as an accessory use to the Retail Store [Wholesale Club]
- Outside Sales and Display, limited to seasonal floral sales and as shown on the Detailed Site Plan, as an accessory use to the Retail Store [Wholesale Club]
- Outside Storage, limited to a tire trailer adjacent to the Tire Center area and screened accordingly, as shown on the Detailed Site Plan, as an accessory use to the Retail Store [Wholesale Club]
- Propane Refill Station, as an accessory use to the Retail Store [Wholesale Club]
- Tire Installation or Repair (fully indoor) as an accessory use to the Retail Store [Wholesale Club]

Site Design:

The applicant has provided a Detailed Site Plan for the subject property, which is designed around a 107,000 square-foot structure that will house BJ's Wholesale Club. The Detailed Site Plan also includes a detached, self-service fuel center with seven (7) fuel pumps and a propane refill station that is accessible to employees only. The development is proposed to be situated on a single lot. The primary 107,000 square foot structure will house the fully indoor Tire Center in the northwest corner of the building. The Outdoor Display area is proposed along the western face of the primary building. An online pick-up area has also been designated on the southern side of the primary building.

The proposed Site Plan includes a total of 542 parking spaces; which exceeds the minimum requirement of 539 parking spaces. The site is designed to adhere to the minimum setback requirements of the General Retail (GR) zoning district. However, it is important to note that the primary building is situated approximately 150' from the nearest adjacent single-family residential lot at its closest point to the east. The product loading area and trash compactor for the site are situated at the northeast corner of the primary building, which is setback approximately 200' from the nearest adjacent single-family residential lot. The trash compactor and product loading area are proposed to be screened by a 10' wall.

Screening:

The subject property backs up to the existing 100' overhead electric easement and single-family residences in the Arbors neighborhood to the east. To properly screen the existing residences from the proposed development, the applicant has proposed to construct an 8-foot-tall masonry screening wall. The screening wall will be constructed of prefabricated concrete panels designed to mimic a stone wall. The height and design of the wall is similar to the wall utilized to screen the Tom Thumb site to the south of the subject property. Additionally, the applicant is proposing to install an 8' concrete screening wall around the Propane Refill Station in order to screen the station from view and secure the station. Screening details can be referenced in Exhibit C below.

Landscaping:

The applicant has provided a Landscape Plan (Exhibit D) that identifies the proposed landscaping for the site. The proposed landscaping does meet the minimum requirements of the Waxahachie Zoning Ordinance. However, it is important to note that the applicant has clustered required canopy and ornamental trees along the eastern property line, parallel to the proposed 8' screening wall, to provide an enhanced buffer for adjacent residences. The proposed landscape design for the site is similar to that used for the North Grove Center development to the south and is intended to provide enhanced sound and light mitigation for activity along the rear of the primary structure.

Elevation/Façade:

The applicant has provided an Elevation/Façade Plan for all structures proposed with this PD. The primary wholesale club structure is proposed to feature concrete tilt wall, concrete masonry units (CMUs), and EIFS as the primary exterior construction materials. All exterior construction materials are proposed to be painted with the standard BJ's Wholesale Club palette; which features a combination of complimentary gray and red color scheme. The primary structure meets the typical articulation requirements of the Waxahachie Zoning Ordinance. Enhanced articulation is proposed at several key locations that are accessible to customers. All roof-mounted equipment is fully screened from view by the proposed building articulation. The fuel station canopy utilizes the same color scheme as the primary structure. Exhibit E can be referenced for additional detail regarding the proposed elevations.

Access & Traffic:

The subject property is proposed to have a total of three (3) points of entry and four (4) exits. Two (2) entrances and three (3) exits are proposed along Hedgewood Drive, as shown on the Detailed Site Plan. Notably, an exit-only drive is proposed adjacent to the fuel station to mitigate traffic conflicts along Hedgewood Drive. The remaining entry/exit for the site is proposed as a right-in-right-out access point along Highway 77. All major drive-aisles identified on the Detailed Site Plan are proposed to be covered by a mutual access easement at the time of platting to ensure connectivity between adjacent properties.

The applicant has submitted a Traffic Impact Analysis (TIA) with this PD Application. The TIA evaluated the expected traffic demands of the proposed development and recommended several off-site improvements to mitigate traffic concerns for the property. These off-site improvements include the construction of an additional left-turn lane into the site from Hedgewood Drive and a right-turn/deceleration lane into the site from Highway 77. In addition to these improvements, the TIA recommends that the Highway 77 access point be restricted to a right-in-right-out only access point in order to limit the potential for vehicle stacking. The TIA is actively under review by City and TxDOT staff and is required to be approved prior to the development of the site. The developer has committed to installing the off-site improvements recommended by the TIA and the Detailed Site Plan reflects these off-site improvements at this time.

Signage:

The applicant has proposed a dedicated Signage Plan with this PD application that includes wall signage and a monument sign. The proposed monument sign is a total 80 square feet and adheres to the typical height and size requirements of the Waxahachie Zoning Ordinance. The monument sign is proposed to feature dual gas pricers for the fuel station. The proposed wall signs for the development exceed the total maximum square footage allowed by the Waxahachie Zoning Ordinance; but are consistent with recently approved signage for the Tom Thumb to the south. Due to this, staff is supportive of the proposed signage for the site. The Signage Plan can be referenced in Exhibit F below.

Photometric Plan:

The applicant has provided a Photometric Plan with this Planned Development application to demonstrate compliance with the Waxahachie Zoning Ordinance. The Photometric Plan does adhere to the requirements of the Waxahachie Lighting and Glare standards. Staff has verified that all wall-mounted and pole-mounted light fixtures are designed to be directed downward towards the site and will be equipped with shields to further mitigate light trespass on adjacent properties.

Detention & Utilities:

The applicant has designed the Site Plan for the property to accommodate underground detention. The underground detention area is proposed to be located under the primary parking lot for the development and is designed to tie into existing stormwater infrastructure in the area. As part of this development, the applicant is required to extend public water and sanitary sewer lines across the subject property. The applicant has accounted for these extensions on the proposed Detailed Site Plan. Detention and Utility improvements are required to be finalized with a future Civil Construction Permit.

Phasing:

The applicant proposes to develop the subject property as a single lot and in a single phase. Once development commences, the applicant anticipates construction to be completed between 8 and 18-months.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 27 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 four (4) letters of support and zero (0) letters of opposition for the PD 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. The applicant shall receive all necessary building permits from the Building & Community Services Department prior to construction.
5. All exterior lighting, including accent and security lighting, shall maintain compliance with the Lighting & Glare Standards of Section 6.03 of the Waxahachie Zoning Ordinance.

**ATTACHED EXHIBITS**

1. Public Notification Responses
2. Development Agreement
3. Planned Development Ordinance
4. Location Map – Exhibit A
5. Planned Development Standards – Exhibit B
6. Detailed Site Plan - Exhibit C
7. Landscape Plan – Exhibit D
8. Elevation/Façade Plan – Exhibit E
9. Signage Plan – Exhibit F
10. Photometric Plan – Exhibit G
11. Site Renderings

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*

Zack King, AICP  
Planning Manager  
[zking@waxahachie.com](mailto:zking@waxahachie.com)

*Reviewed by:*

Jennifer Pruitt, AICP, LEED-AP, CNU-A  
Senior Director of Planning  
[jennifer.pruitt@waxahachie.com](mailto:jennifer.pruitt@waxahachie.com)

(21)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-165-2024



**CRAPE MYRTLE CREEK LLC**  
**PO Box 122808**  
**Fort Worth, TX 76121-2808**

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Monday, December 9, 2024 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, December 16, 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 Caleb Jones, Kimley-Horn, for a Zoning Change from a General Retail (GR) zoning district to Planned Development-General Retail (PD-GR) zoning district, for BJ's Wholesale Club, located north of 2130 N US Highway 77 (Property ID 191272 & 298186) - Owner: Waxahachie Hedgewood 1 LLC & Adam Arredondo (ZDC-165-2024) 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](mailto:Planning@Waxahachie.com) for additional information on this request.

Case Number: ZDC-165-2024

City Reference: 304790

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on December 4, 2024 to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Signature

11-26-2024  
Date

DAVID POTTER CFO  
Printed Name and Title

PO Box 122808 FW TX  
Address

(21)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-165-2024



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City Reference: 304789

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SUPPORT

OPPOSE

Comments:

David Potter  
Signature  
DAVID POTTER CFO  
Printed Name and Title

11-26-2024  
Date  
PO Box 122808 FW, TX  
Address

(21)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-165-2024



**CRAPE MYRTLE CREEK LLC**  
**PO Box 122808**  
**Fort Worth, TX 76121-2808**

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Case Number: ZDC-165-2024

City Reference: 304791

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SUPPORT

OPPOSE

Comments:

David Potter  
Signature

11-26-2024  
Date

DAVID POTTER CFO  
Printed Name and Title

PO Box 122808 FW TX  
Address

Case Number: ZDC-165-2024

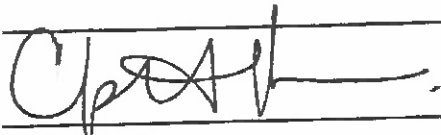
City Reference: 298186

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on December 4, 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.

Comments:

SUPPORT

OPPOSE



Signature

CHRISTOPHER DONOHOE.

Printed Name and Title

12-3-24

Date

5629 SMM BLVD. DALLAS TX  
75206

Address

(21)

(21)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-165-2024

RECEIVED DEC 06 2024

ARREDONDO ADAM  
2517 Hundred Knights Dr  
Lewisville, TX 75056-5418

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Case Number: ZDC-165-2024

City Reference: 191272

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SUPPORT

OPPOSE

Comments:

\_\_\_\_\_

Signature

Adam Arredondo  
Printed Name and Title

Date

12/01/2024  
2517 Hundred Knights Dr  
Address

(22)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM GENERAL RETAIL (GR) TO PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR), WITH A DETAILED SITE PLAN, LOCATED AT THE NORTHEAST CORNER OF HEDGEWOOD DRIVE AND N US HIGHWAY 77 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 11.91 ACRES KNOWN AS PROPERTY ID 191272 & 298186, 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 Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-165-2024. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change 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 BJ's Wholesale Club on the following property: Property ID 191272 & 298186, which is shown on Exhibit A, in accordance with the Planned Development Standards attached as Exhibit B, the Detailed Site Plan attached as Exhibit C, the Landscape Plan attached as Exhibit D, the Elevation/Façade Plan attached as Exhibit E, the Signage Plan attached as Exhibit F, and the Photometric Plan attached as Exhibit G.

### **PLANNED DEVELOPMENT**

#### **Purpose and Intent**

The purpose of this planned development is to allow for the development of BJ's Wholesale Club 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.

(22)

### 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-165-2024.
3. The development shall adhere to the City Council approved in Exhibit A- Location Map, Exhibit B – Planned Development Standards, Exhibit C – Detailed Site Plan, Exhibit D – Landscape Plan, and Exhibit E – Elevation/Façade Plan, Exhibit F – Signage Plan, and Exhibit G – Photometric Plan.
4. 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.
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. All exterior lighting, including accent and security lighting, shall maintain compliance with the Lighting & Glare Standards of Section 6.03 of the Waxahachie Zoning Ordinance.
7. All improvements within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
8. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
9. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance or the BJ's Wholesale Club Development Agreement, shall conform to those requirements and/or standards prescribed in Exhibit A – Location Map, Exhibit B – Planned Development Standards, Exhibit C – Detailed Site Plan, Exhibit D – Landscape Plan, and Exhibit E – Elevation/Façade Plan, Exhibit F – Signage Plan, and Exhibit G – Photometric Plan. Where regulations are not specified in Exhibits A, B, C, D, E, F, & G in this Ordinance, or the BJ's Wholesale Club Development Agreement, the regulations of the General Retail (GR) zoning district and the City of Waxahachie Zoning Ordinance shall apply to this development.

(22)

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 16<sup>th</sup> day of December, 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary

# EXHIBIT A - LOCATION MAP



(cc)



BJ's Wholesale Club – Waxahachie, Texas site  
PD Standards/Amendment Requests

Purpose and Intent

The purpose of this Planned Development is to allow General Retail uses with a membership-only wholesale club with accessory member-only fuel pumps, a propane filling station, and tire center. The Planned Development establishes appropriate restrictions and development controls necessary to predict the development of land, safe and efficient vehicular and pedestrian traffic, and appropriate design standards.

Development Standards

All development on land located within the boundaries of this Planned Development shall adhere to the rules set forth in this ordinance. The locations of the building, fuel canopy, propane filling station, tire center, driveways, parking, and screening shall substantially conform to the locations shown on the approved Exhibit B, “Detailed Site Plan”, Exhibit C, “Landscape Plan”, Exhibit D, “Building Elevations”, and Exhibit E, “Signage Plan”.

Development Regulations

1. The development shall conform as approved by the City Council under case number ZDC-165-2024.
2. All materials, location of materials, and percentage of materials for the building shall be generally consistent with the Building Elevations (Exhibit E).
3. 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.
4. The development shall maintain compliance with all Federal, State, and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie and City of Waxahachie Zoning Ordinance.
5. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance shall generally conform to those requirements and/or standards prescribed in the Detailed Site Plan, Building Elevations, and Landscape Plan. Where regulations are not specified in the Detailed Site Plan, Building Elevations, and Landscape Plan, in this Ordinance, the regulations of the General Retail zoning district of the City of Waxahachie zoning ordinance shall apply to this development.

Planned Development Standards

*Section I. Purpose and Intent*

The development plan is for General Retail uses with accessory member-only fuel pumps, a propane filling station, and tire center accessory to a membership-only wholesale club. The development is designed to facilitate a quality store while respecting nearby residential uses. The development has been designed to be properly screened from adjacent residences, provide robust landscaping throughout the site, and provide efficient vehicular and pedestrian mobility to and from the site.

*Section II. Land Uses*

The following uses shall be allowed by right:

- Uses permitted in the General Retail District
- Retail Stores and Shops (including the approximate 107,000-square-foot Wholesale Club as shown in the supporting Exhibits)
- Gasoline Sales as an accessory use to the Retail Store [Wholesale Club]
- Outside Sales and Display, limited to seasonal floral sales and as shown on the Detailed Site Plan, as an accessory use to the Retail Store [Wholesale Club]
- Outside Storage, limited to a tire trailer adjacent to the Tire Center area and screened accordingly, as shown on the Detailed Site Plan, as an accessory use to the Retail Store [Wholesale Club]
- Propane Refill Station, as an accessory use to the Retail Store [Wholesale Club]
- Tire Installation or Repair as an accessory use to the Retail Store [Wholesale Club]

Unless otherwise outlined in these development standards, use requirements and design guidelines shall default to the General Retail District base zoning. The permitted uses on the property shall include the uses of its respective General Retail base zoning uses in addition to the above itemized uses. This Planned Development shall be limited to the Detailed Site Plan and subsequent regulations for gasoline sales accessory to the Retail (Wholesale Club) use.

**Retail Store and Shops**

Retail Stores and Shops, as defined in the Waxahachie Zoning Ordinance, are allowed on the Property per the base General Retail District zoning. This includes the approximate 107,000 square-foot membership-only wholesale club as shown in the supporting Exhibits and accessory uses including gasoline sales, tire installation or repair, and propane filling station. The club provides services including, but not limited to, fresh foods, produce, a full-service deli, fresh bakery, apparel, small appliances, and household essentials.

**Gasoline Sales**

Gasoline sales is a permitted accessory use to the Retail (Wholesale Club) use, but not required

for a Retail (Wholesale Club) use. The fuel pumps, as shown on the Detailed Site Plan, will be self-service and are intended for club members only. The Detailed Site Plan shows seven (7) fuel pumps, with each being double-sided. A staffed convenience kiosk is included.

**Propane Refill Station**

The propane refill station, as shown on the Detailed Site Plan, is an allowed accessory use to the Retail (Wholesale Club) use. Customers may refill portable propane tanks, with the assistance of trained employees on-site. Payment transactions for the Propane Refill Station shall be indoors, within the Retail Store [Wholesale Club] and/or the Tire Center. The propane refill station shall be in accordance with the 2021 IFC, NFPA 58, and International Fuel Gas Code.

A six (6’)-foot solid screening fence will be provided surrounding the propane refill station.

**Tire Center**

Tire Installation or Repair is a permitted accessory use to the Retail Store and located as shown on the Detailed Site Plan. The tire center includes tire sales and tire installations on automobiles and pick-up trucks. No other automotive repairs or services as described in the Waxahachie Zoning Ordinance definition for Auto Repair, minor or Automotive Care Center are allowed.

*Section III. Area and Height Regulations (density, lot area, width, depth, coverage, yard depths and widths, height)*

Maximum Lot Coverage, Minimum Lot Width, Minimum Lot Area, Minimum Lot Depth, Yard Depths (Setbacks), and Building Height shall follow the General Retail zoning district standards in the Waxahachie Zoning Ordinance.

*Section IV. Building Elevations*

Building Elevations are provided in Exhibit E to illustrate the type of building façade that shall be constructed as well as building materials and color palettes. The building shall conform to the materials and design, including architecture and building articulation, as shown in Exhibit E, and the building material percentages on the primary building for the Retail Store (Wholesale Club) shall comply with the following percentages:

Building Material Percentages				
	West	East	South	North
Glazing	6.1%	0%	1.2%	5.1%
CMU	5.1%	3.8%	4.1%	4.6%
EIFS	30.5%	6.0%	6.4%	22.0%
Concrete	56.8%	85.8%	87.7%	66.7%
Miscellaneous	1.7%	4.4%	0.6%	1.6%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

# EXHIBIT B - PLANNED DEVELOPMENT STANDARDS (22)

Articulation requirements shall be as follows and as shown in Exhibit E (Building Elevations):

## West (front) elevation:

### Horizontal Articulation:

Maximum length between articulations: 87'0"

Minimum depth and length of offset: 7'3"

Total offset distance: 21'0"

### Vertical Articulation:

Minimum articulation: 7'3"

Total offset height: 8'3"

## East (rear) elevation:

### Horizontal Articulation:

Maximum length between articulations: 87'0"

Minimum depth and length of offset: 7'3"

Total offset distance: 7'4"

### Vertical Articulation:

Minimum articulation: 7'3"

Total offset height: 22'0"

## South Elevation:

### Horizontal Articulation:

Maximum length between articulations: 87'0"

Minimum depth and length of offset: 7'3"

Total offset distance: 4'0"

### Vertical Articulation:

Minimum articulation: 7'3"

Total offset height: 14'0"

## North Elevation:

### Horizontal Articulation:

Maximum length between articulations: 87'0"

Minimum depth and length of offset: 7'3"

Total offset distance: 3'4"

### Vertical Articulation:

Minimum articulation: 7'3"

Total offset height: 10'0"

## EXHIBIT B - PLANNED DEVELOPMENT STANDARDS (22)

### *Section V. Parking and Loading*

In accordance with the Waxahachie Zoning Ordinance, 1 parking space per 200 square feet is required for the Retail Store (wholesale club), and 1 parking space per 3 gas pumps, up to 8 nozzles on 2 sides, is required for the Gasoline Sales.

The loading area for heavy load vehicles is limited to the general location as shown in the Detailed Site Plan.

No parking or loading within any fire lane is permitted at any time.

### *Section VI. Access*

Driveways shall be provided as generally shown in the Detailed Site Plan.

Sidewalks of a minimum width of six (6) feet shall be constructed along the perimeter of the property along US Highway 77 and Hedgewood Drive.

### *Section VII. Landscaping and Screening*

Landscaping shall be generally provided as shown in the Landscape Plan (Exhibit D). A minimum of 248 canopy trees and 214 ornamental trees are provided throughout the site. In addition, a minimum of 1,099 shrubs are provided throughout the site.

An eight (8)-foot pre-cast masonry screening wall shall be provided along the eastern boundary of the property, west of the 100' electrical easement, as shown on the Landscape Plan. However, the height of the screening wall shall be (10) feet at the northern portion, as shown on the Landscape Plan, in order to screen the truck loading area. An example of the screening wall is below.

## EXHIBIT B - PLANNED DEVELOPMENT STANDARDS (22)



All dumpsters shall be screened from public view with a masonry enclosure and gates. Masonry enclosures shall complement the style of overall development. The color of the dumpster shall be consistent with the colors of the principal building on the lot. All freestanding dumpster enclosures shall also be screened by evergreen shrubs at least three (3) feet in height. Rooftop mechanical equipment visible from right-of-way shall also be screened from public view.

### *VIII. Signage*

Signage shall comply with the following standards. Where the following standards and the included signage elevations in Exhibit F are silent, signage shall otherwise comply with the standards in the Waxahachie Zoning Ordinance.

#### **Freestanding Signs:**

The design of the freestanding monument sign, as shown on Exhibit F, shall conform to the following standards:

Maximum size: 80 square feet

Maximum height: 8 feet measured from grade

Setbacks: 10 feet from street right-of-way

#### **Wall Signs:**

A maximum of seven (7) wall signs, with a combined total of 630 square feet, is allowed. The wall signs shall generally conform to the signage elevations as shown in Exhibit F.

# EXHIBIT B - PLANNED DEVELOPMENT STANDARDS (22)

## Canopy Signs:

The square footage for signage on the canopy structure shall not exceed 10% of the area of the face of the canopy elevation.

Two (2) fuel canopy pricing signs (approximately 28.1 square feet each) are allowed on the north and south elevations (with a total of 4 fuel canopy pricing signs), as shown on the Signage Elevations (Exhibit F).

Total allowed (including canopy pricing signs): 155 square feet

## *IX. Lighting*

All building and site lighting shall be shielded down, away from adjacent residential lots. All lighting shall meet Section 6.03 of the Waxahachie Zoning Code requirements for intensity and glare.

## *X. Detention*

The underground detention system provided is designed to mitigate for stormwater runoff from the development. Maintenance and upkeep of the underground detention system and this lot shall be dictated through a private declaration of easements, conditions, covenants, and restrictions.

## *XI. Maintenance*

The property owner is responsible for all maintenance on the Property including the building(s), screening walls, landscaping, irrigation, private water and private sewer lines, parking areas, detention areas, and signage.

## *XII. Project Phasing & Schedule*

The development shall occur in one phase. Construction will include all public and private improvements shown on the approved construction plans. It is anticipated that construction will take an estimated 8 – 18 months to complete.

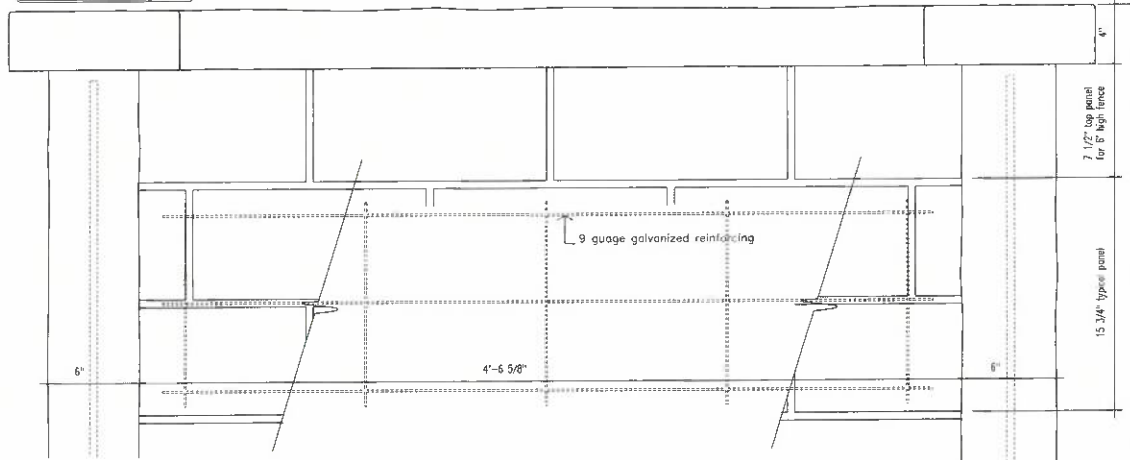


# EXHIBIT C - SITE PLAN



## FENCECRETE AMERICA, INC.

manufacturers of precast concrete fencing and masonry wall systems  
 15089 tradesmen drive san antonio, texas 78249 210-492-7911 800-229-7811 www.fencecrete.com



Partial Fence Elevation

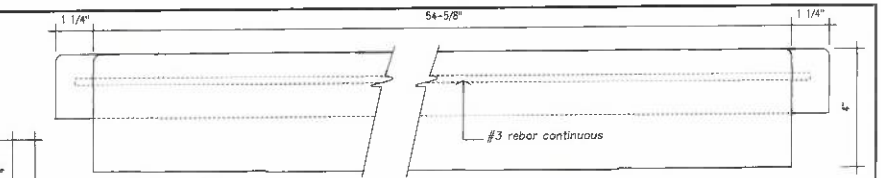
scale: 1-1/2" = 1'-0"



Split-Face CMU Style Concrete Fence

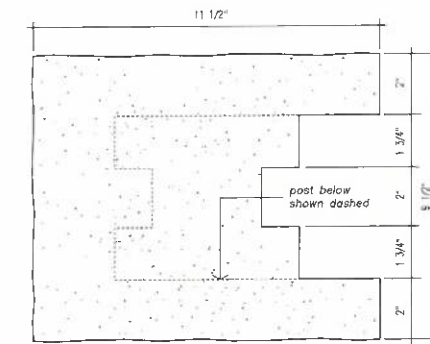
footing: 18" diameter, 24" deep (min.)  
 3000 p.s.i. concrete, varies according to local soil conditions

Post Reinforcing:  
 6' high fence:  
 2 each #4 rebars  
 8' high fence:  
 4 each #4 rebars



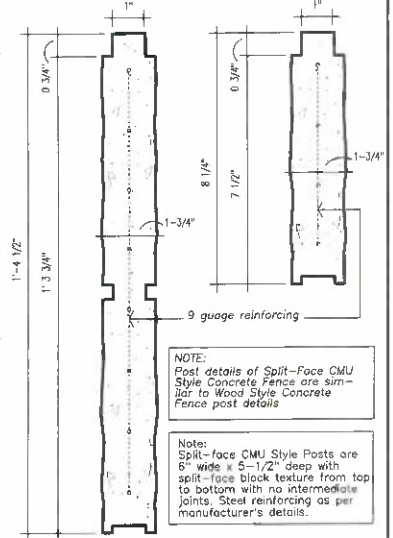
Caprail Elevation

scale: 3" = 1'-0"



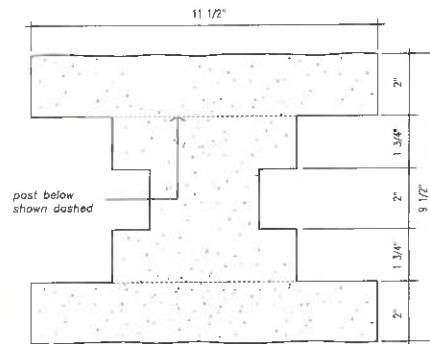
Stop Post Cap

scale: 3" = 1'-0"



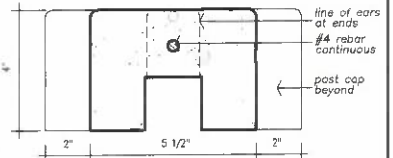
Typical Panel Sections

scale: 3" = 1'-0"



Running Post Cap

scale: 3" = 1'-0"



Caprail Section

scale: 3" = 1'-0"

notes:

1. The column height can be from 0 to a maximum of 10'-0". Additional heights are available upon special order.
2. All fence concrete shall be 5000 p.s.i.
3. All reinforcement shall be A.S.T.M. 615 grade 60. Special reinforcement is available upon special order.
4. Concrete footing: 12" - 18" diameter, 24" deep (min.), 3,000 p.s.i. concrete, depth varies according to local soil conditions.
5. Split-face CMU Style panels can be provided in a variety of colors.
6. Texture: All exposed sides have split-face block-like texture.
7. Gates: Shall have additional steel supports adjacent to concrete columns.
8. All steel reinforcement is prewired with steel spacers so as to allow for maximum concrete coverage.
9. A special silicone sealant is used to lock the caprail and post caps in place. This sealant requires special tools for removal.

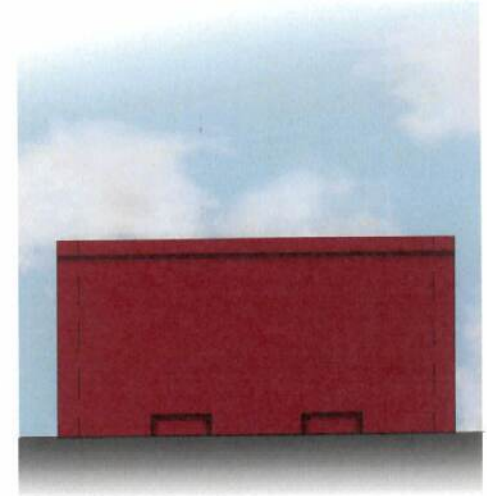
We reserve the right to alter the design or specifications without incurring any obligation, all rights reserved.  
 Fencecrete America, Inc.

(122)

# EXHIBIT C - SITE PLAN



1 PROPANE ENCLOSURE FRONT ELEVATION  
SCALE: 1/4" = 1'-0"



2 PROPANE ENCLOSURE SIDE ELEVATION  
SCALE: 1/4" = 1'-0"

## MATERIAL SCHEDULE

FABCON PRECAST CONCRETE PANELS  
INTEGRAL COLOR TO MATCH BENJAMIN  
MOORE "RED ROCK"



WHOLESALE CLUB

CASCO

WAXAHACHIE, TX

10/25/2024

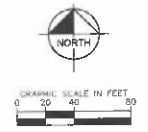
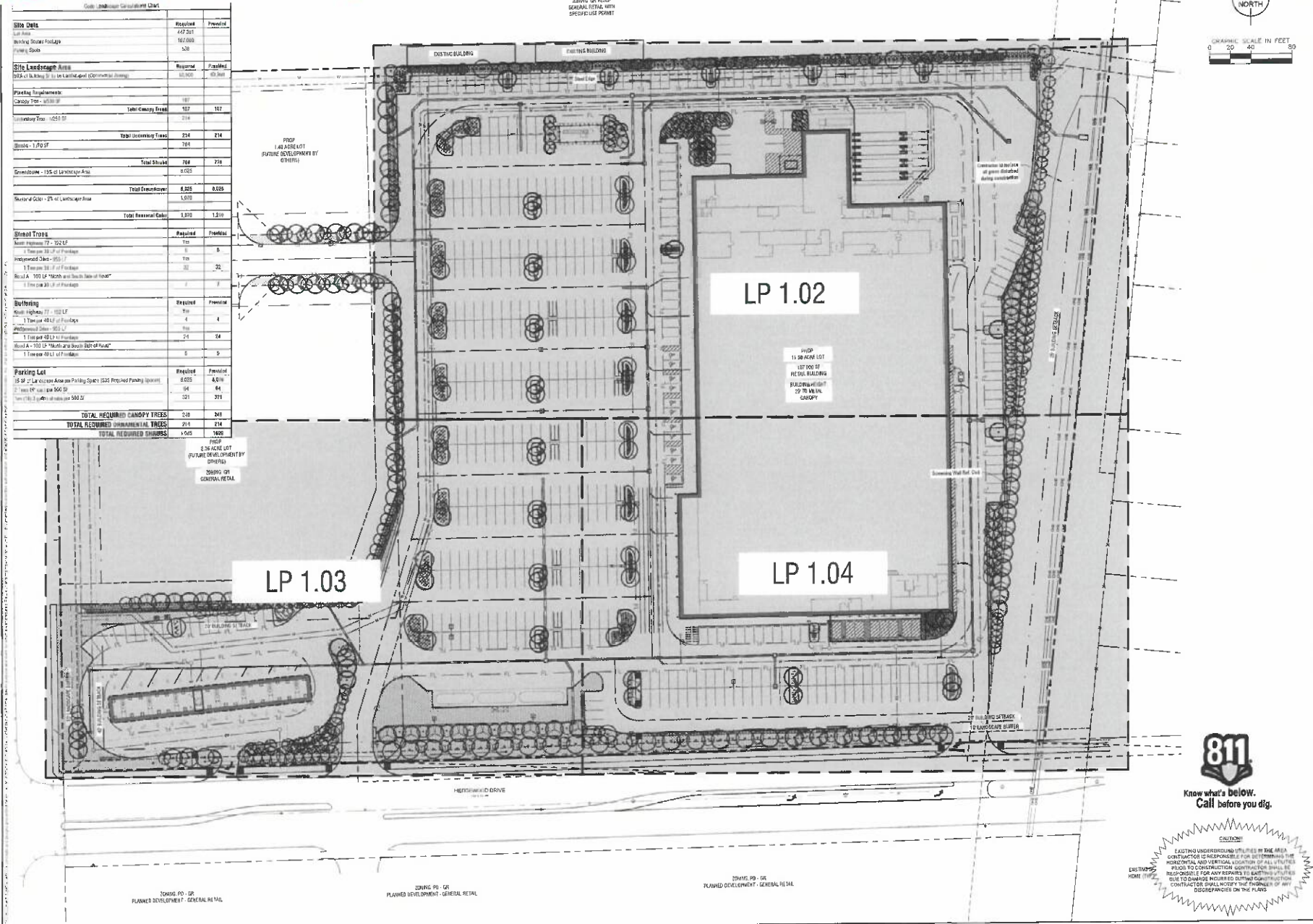
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# EXHIBIT D - LANDSCAPE PLAN

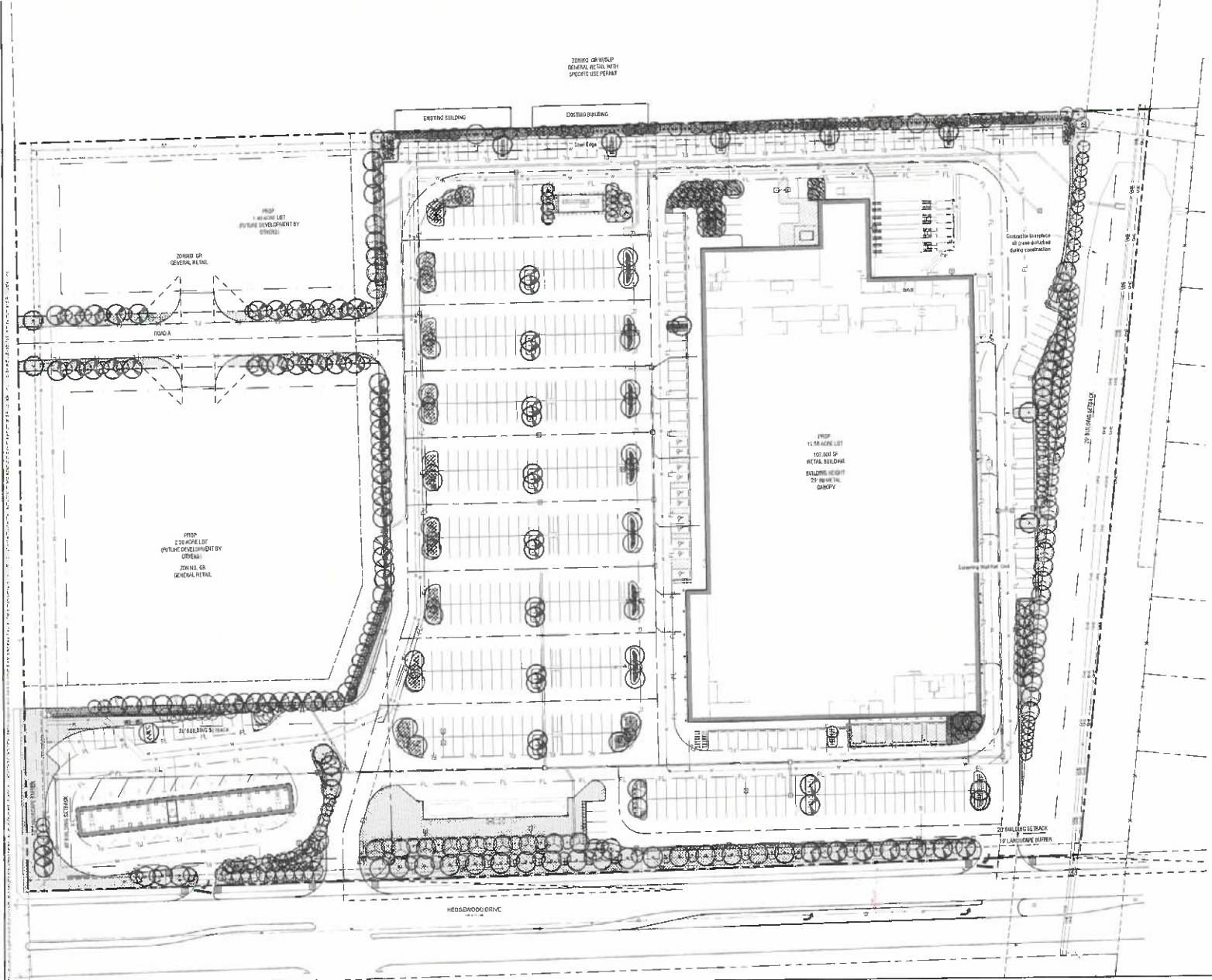
Code: Ordinance 2014-01-01


Site Data	Required	Provided
Lot Area	437,507	
Building Footprint	107,000	
Parking Spaces	528	
Site Landscape Area	Required	Provided
25% of Building Ft. (in Landscaped Area)	10,938	10,300
Planting Requirements		
2000 Tr - 1000 SF	107	107
Canopy Tr - 1000 SF	214	
<b>Total Canopy Trees</b>	<b>214</b>	<b>214</b>
<b>Total Canopy Area</b>	<b>784</b>	<b>784</b>
<b>Total Shade</b>	<b>784</b>	<b>784</b>
<b>Total Greenhouse</b>	<b>6,025</b>	<b>6,025</b>
<b>Total Annual Cost</b>	<b>5,010</b>	<b>5,010</b>
Street Trees	Required	Provided
Street Right-of-Way - 100 LF	Yes	0
1 Tree per 50 LF of Footprint	Yes	0
1 Tree per 100 LF of Footprint	Yes	0
Street A - 100 LF (1000) and Street B (1000)	2	2
1 Tree per 20 LF of Footprint	0	0
1 Tree per 40 LF of Footprint	0	0
Buffering	Required	Provided
Street Right-of-Way - 100 LF	Yes	4
1 Tree per 40 LF of Footprint	Yes	0
1 Tree per 80 LF of Footprint	Yes	0
Street A - 100 LF (1000) and Street B (1000)	2	2
1 Tree per 40 LF of Footprint	0	0
1 Tree per 80 LF of Footprint	0	0
Parking Lot	Required	Provided
15 SF of Landscaped Area per Parking Space (250 Proposed Parking Spaces)	6,025	6,018
1 Tree per 40 LF of Footprint	94	94
1 Tree per 80 LF of Footprint	321	321
<b>TOTAL REQUIRED CANOPY TREES</b>	<b>518</b>	<b>343</b>
<b>TOTAL REQUIRED SHADERS</b>	<b>214</b>	<b>214</b>
<b>TOTAL REQUIRED SHRUBS</b>	<b>1408</b>	<b>1408</b>



811 Know what's below. Call before you dig.	
PROJECT: WHOLESALE MEMBERSHIP CLUB CITY OF WAKARUSA, TEXAS	DATE: 04/15/2024
SCALE: AS SHOWN	DRAWN BY: NCB
CHECKED BY: NCB	PROJECTED BY: NCB
SHEET NUMBER: LP1.00	

# EXHIBIT D - LANDSCAPE PLAN



  
 GRAPHIC SCALE IN FEET  
 0 25 50  
 REFERENCE FULL PLANT SCHEDULE ON LP 3.02

NO.	REVISIONS	DATE

**Kimley»Horn**  
 200 WEST CENTRAL EXPRESSWAY, SUITE 200  
 RICHARDSON, TEXAS 75081  
 WWW.KIMLEY-HORN.COM  
 TEXAS REGISTERED ENGINEERING FIRM # 528



NO.	PROJECT	DATE	SCALE	DESIGNED BY	CHECKED BY

**WHOLESALE  
MEMBERSHIP CLUB**  
 CITY OF WAXAHACHE  
 ELLIS COUNTY, TEXAS

LANDSCAPE PLAN

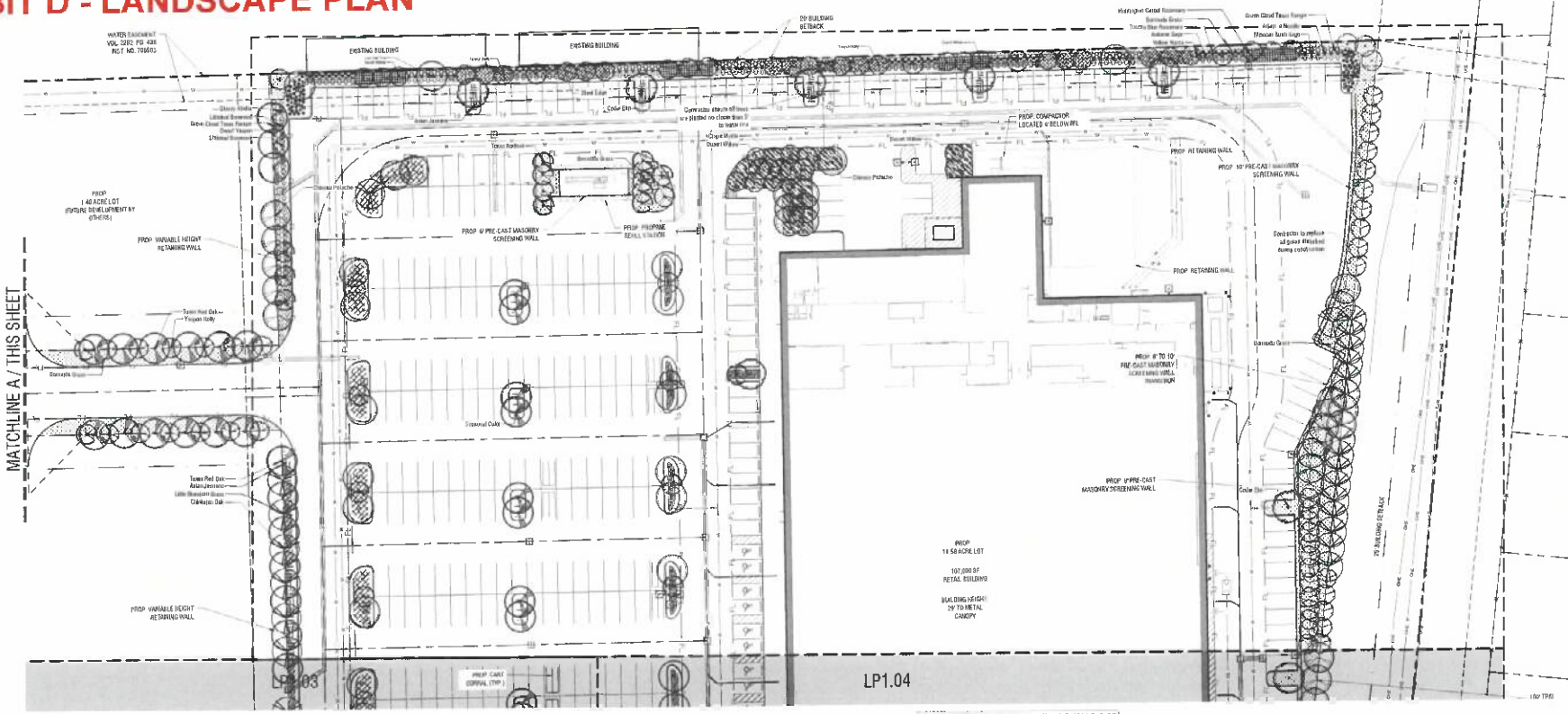
SHEET NUMBER  
LP1.01



**Know what's below.  
Call before you dig.**

**CAUTION:**  
 EXISTING UNDERGROUND UTILITIES IN THIS AREA. CONTRACTOR IS RESPONSIBLE FOR DETERMINING THE HORIZONTAL AND VERTICAL LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY REPAIRS TO EXISTING UTILITIES. DUE TO LIMITED RESOURCES AVAILABLE FOR CONSTRUCTION, CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES ON THE PLANS.

# EXHIBIT D - LANDSCAPE PLAN

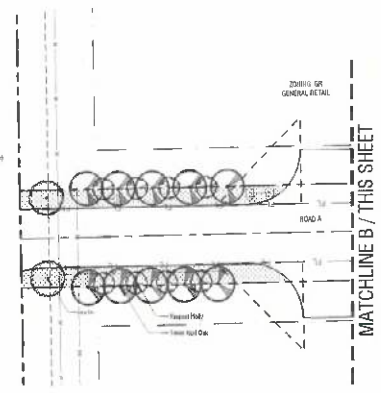


## PLANT SCHEDULE

SYMBOL	COMMON / BOTANICAL NAME
	Color Elm / <i>Ulmus coloratus</i>
	Chinese Pistach / <i>Pistacia chinensis</i>
	Chokeberry / <i>Quercus muhlenbergii</i>
	Live Oak Tree / <i>Quercus virginiana</i>
	Texas Red Oak / <i>Quercus pedunculata</i>
	Crape Myrtle / <i>Lagerflora indica</i>
	Desert Willow / <i>Chilopsis linearis</i>
	Little Green Southern Magnolia / <i>Magnolia grandiflora</i> Little Gem
	Texas Redbud / <i>Cercis canadensis</i> Texas Red
	Yucca Holly / <i>Ilex verticillata</i>

SYMBOL	COMMON / BOTANICAL NAME
	Adam & Eve's / <i>Nyssa floridensis</i> Color Guard
	Arizona Sage / <i>Salvia greggii</i>
	Orange Scented Wax Myrtle / <i>Myrica perfoliata</i>
	David Yucca / <i>Yucca filamentosa</i> Nana
	Redspice Penstemon / <i>Penstemon exaltatus</i>
	Glossy Abelia / <i>Abelia x grandiflora</i>
	Green Cloud Texas Ranger / <i>Leucophyllum keiskei</i> Green Cloud TM
	Lilac Redwood / <i>Banksia speciosa</i> Inkedagreen
	Mexican Bush Sage / <i>Salvia leucantha</i>
	Texan Blue Rosemary / <i>Rosmarinus officinalis</i> Texaco Blue
	White Holly Green / <i>Halesia carolinae</i> White Cloud
	Yellow Yucca / <i>Hesperaloe parviflora</i> Yellow

SYMBOL	COMMON / BOTANICAL NAME
	Seasonal Color
	Asian Jasmine / <i>Trachelium asiaticum</i>
	Bermuda Grass / <i>Cynodon dactylon</i>
	Big Blue Lobelia / <i>Lobelia spicata</i> Big Blue
	Crested Thyme / <i>Thymus serpyllifolius</i>
	Hartwegia Carpet Grass / <i>Syntherisma hartwegii</i> Hartwegia Carpet
	Little Bluestem Grass / <i>Sclerostachyum cespitosum</i>
	Texas Sage / <i>Carya laevigata</i>



REFERENCE FULL PLANT SCHEDULE ON LP 3.02



EXISTING UNDERGROUND UTILITIES IN THE AREA OF THIS PROJECT ARE SHOWN FOR INFORMATION ONLY. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES DUE TO DAMAGE INCURRED DURING CONSTRUCTION. CONTRACTOR SHALL NOTIFY THE OWNER OF ANY DISCREPANCIES OR THE PLANS.

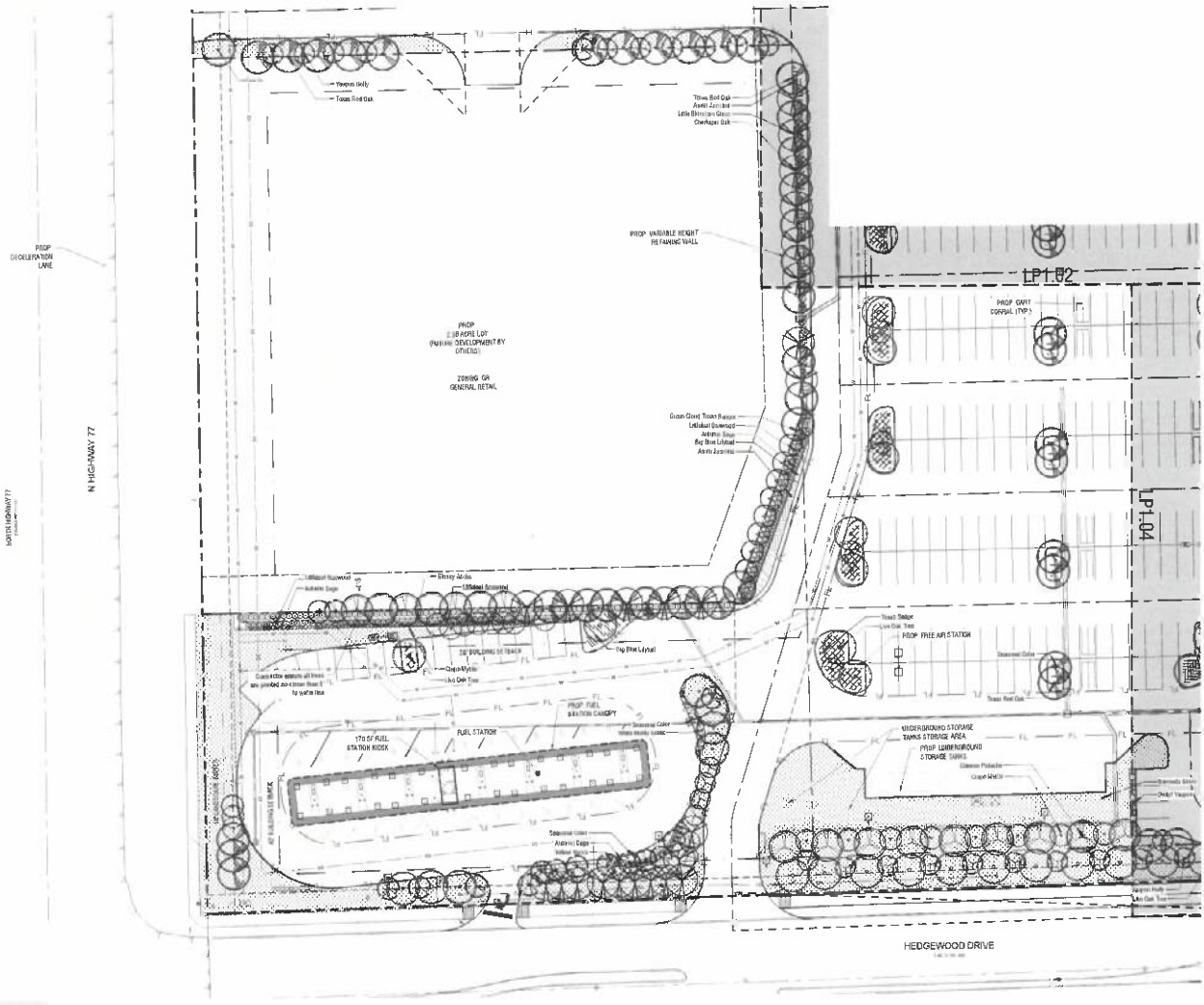
**Kimley»Horn**  
 2800 SOUTH CENTRAL EXPRESSWAY, SUITE 100  
 FORT WORTH, TEXAS 76104  
 WWW.KIMLEY-HORN.COM  
 TEXAS REGISTERED ENGINEERING FIRM #2981

**WHOLESALE CLUB MEMBERSHIP CLUB**  
 CITY OF WAKARUSA  
 COLLIER COUNTY, FLORIDA

LANDSCAPE ENLARGEMENT  
 SHEET NUMBER LP1.02

PROJECT NO.	DATE	SCALE	DESIGNED BY	CHECKED BY
	JUNE 2024	AS SHOWN		

# EXHIBIT D - LANDSCAPE PLAN



## PLANT SCHEDULE



SYMBOL COMMON / BOTANICAL NAME

### TREES

- Cedar Elm / *Liriodendron tulipifera*
- Chinese Elm / *Ulmus parviflorus*
- Chinese Elm / *Ulmus parviflorus*
- Live Oak Tree / *Quercus virginiana*
- Texas Red Oak / *Quercus buckleyi*

### FLOWERING TREES

- Grape Myrtle / *Lagerströmia indica*
- Sweet Willow / *Salix amygdaloides*
- Little Gem Southern Magnolia / *Magnolia grandiflora* Little Gem
- Texas Redbud / *Cercis canadensis* texensis
- Magnolia Holly / for color

### SHRUBS

- Adam & Eve / *Vaccinium floribundum* Color Guard
- Autumn Sage / *Salvia greggii*
- Dwarf Southern Wax Myrtle / *Myrica pauciflora*
- Dwarf Yaupon / *Yucca rostrata* Flare
- Rosecandy / *Penstemon* *sp.*
- Glossy Abelia / *Abelia grandiflora*
- Green Cloud Texas Ranger / *Leucophyllum holosericeum* Green Cloud™
- Littleleaf Scaevola / *Scaevola taccada* 'Watergreen'
- Mexican Bush Sage / *Salvia leucantha*
- Texas Bee Rosemary / *Rosmarinus officinalis* Texas Bee
- White Mule Grass / *Waltheria angustifolia* Rabbit Cloud
- Yellow Yucca / *Yucca elata* Yellow

SYMBOL COMMON / BOTANICAL NAME

### GROUND COVERS

- Seasonal Color
- Adam Jerusalem / *Isotria medeoloides*
- Bermuda Grass / *Cynodon dactylon*
- Big Blue Lobelia / *Lobelia sp.* Big Blue
- Creeping Thyme / *Thymus serpyllium*
- Partridge Cayote Rosemary / *Salvia rosmarinifolia* 'Huntington Cayote'
- Little Blue Grass / *Panicum capillare*
- Texas Sedge / *Carex texensis*

REFERENCE FULL PLANT SCHEDULE ON LP 3.02



**DISCLAIMER**  
 EXISTING UNDERGROUND UTILITIES IN THE AREA CONTRACTOR IS RESPONSIBLE FOR DETERMINING THE HORIZONTAL AND VERTICAL LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES DUE TO DAMAGE INCURRED UNDER CONTRACT. CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES IN THE PLANS.

NO.	DATE	REVISIONS

**Kimley»Horn**  
 200 SOUTH CENTRAL EXPRESSWAY, SUITE 100  
 RICHARDSON, TEXAS 75081  
 WWW.KIMLEYHORN.COM  
 TEXAS REGISTERED ENGINEERING FIRM #144324

**Kimley»Horn**  
 200 SOUTH CENTRAL EXPRESSWAY, SUITE 100  
 RICHARDSON, TEXAS 75081  
 WWW.KIMLEYHORN.COM

PROJECT NO.	DATE	SCALE	DESIGNED BY	INCHES	DATE

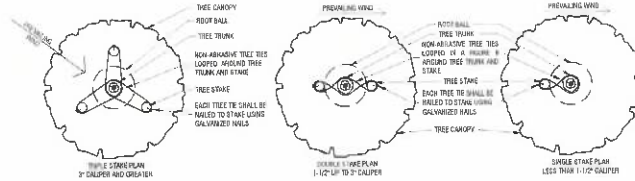
**WHOLESALE MEMBERSHIP CLUB**  
 CITY OF WAXAHACHE  
 ELLIS COUNTY, TEXAS

LANDSCAPE ENLARGEMENT

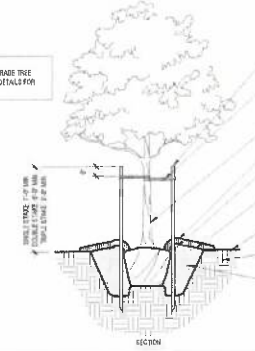
SHEET NUMBER  
 LP1.03



# EXHIBIT D - LANDSCAPE PLAN

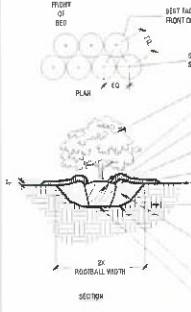


**NOTES**  
THE DETAILS FOR ABOVE GRADE TREE STAKING ONLY. SEE OTHER DETAILS FOR TYPICAL TREE PLANTING.



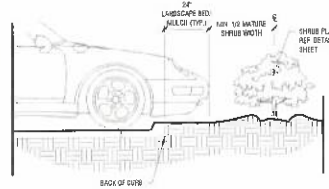
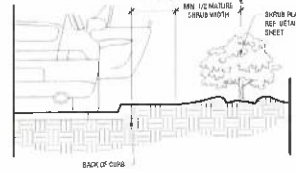
- TREE STAKE STAKE LOCATION SHALL NOT INTERFERE WITH BRANCHES.
- 2 NON-ABRASIVE TREE TIES COUPLED TO A MINIMUM 8" ABOVE BRANCHING POINT OF TRUNK SHALL BE ALLOWED TO PROVIDE TRUNK ADJUSTMENT TIME.
- TRUNK AND ROOTBALL TO BE CENTERED AND PLUMB-LINE IN PLANTING PIT.
- MULCH LAYER
- SOIL BED
- FINISHED GRADE
- ORIGINAL GRADE
- UNDISTURBED NATIVE SOIL
- PLANTING SOIL BACKFILL

**Typical Tree Staking**  
Scale: NTS

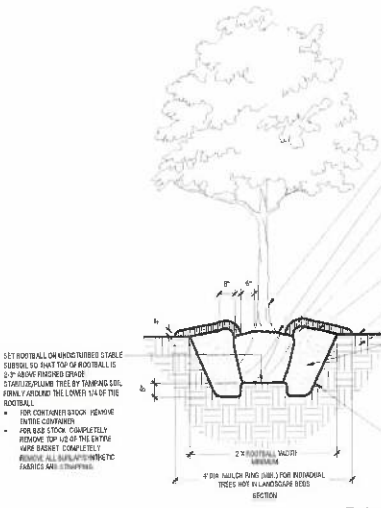


- SHRUBS TO BE UNUSUALLY SPACED UNLESS OTHERWISE SPECIFIED ON PLANTING PLANS
- SHRUB LEAVE ROOTBALL EXPOSED AROUND PERIMETER OF 3" MULCH LAYER
- PLANT ROOTBALL TO BE ACTUALLY CENTERED AND PLUMB-LINE IN PLANTING PIT
- IF HIGH 4" WIDE BEEM SHALL BE CONSTRUCTED AROUND THE ROOT BALL. BEEM SHALL BEGIN AT ROOT BALL PERIMETER, TIGHTLY COMPACTED.
- 2" MULCH LAYER (REF. PLANTING SPECIFICATIONS)
- FINISHED GRADE
- UNDISTURBED NATIVE SOIL
- LOOSEN SOIL 6" AND TURN THE SOIL TO REDUCE THE COMPACTION TO THE AREA AND IMPROVE SOIL. GENTLY COMPACT SOIL AROUND ROOTBALL IN 4" LIFTS TO BRACE SHRUB. DO NOT OVER COMPACT. WHEN PLANTING HOLE HAS BEEN BACKFILLED, POUR WATER AROUND ROOTBALL TO SETTLE THE SOIL. ADD ADDITIONAL SOIL AS NEEDED TO MEET REQUIRED FINISH GRADE.
- SCAFFY BOTTOM AND SIDES OF PLANTING PIT
- SET ROOTBALL OR WOODS TURNED STABLE SIDE UP.

**Typical Shrub Planting**  
Scale: NTS

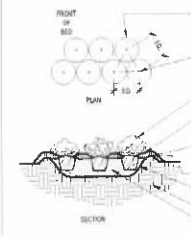


**Shrub Planting at Curb**  
Scale: NTS



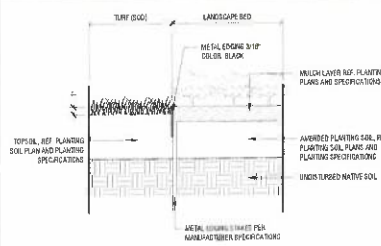
- SET ROOTBALL ON UNDISTURBED STABLE SUBSOIL TO FINISH TOP OF ROOTBALL IS 2" ABOVE FINISHED GRADE
- STAKE/STAKE TREE BY TAMPING SOIL AROUND THE LOWER 1/4 OF THE ROOTBALL
- FOR CONTAINER STOCK: REMOVE NATIVE CONTAINER
- FOR BAG STOCK: COMPLETELY REMOVE TOP 1/2 OF THE EXTERIOR WIRE BASKET. COMPLETELY REMOVE ALL SUPPLANTS/PLANTS AND/OR SOIL WITHIN.

**Typical Tree Planting (Up to 3" Caliper)**  
Scale: NTS



- GROUND COVER PLANTS TO BE THUS UNUSUALLY SPACED UNLESS SHOWN OTHERWISE ON PLANTING PLANS
- 2" MULCH LAYER (REF. PLANTING SPECIFICATIONS)
- IF HIGH 4" WIDE BEEM SHALL BE CONSTRUCTED AROUND EDGE OF BED. TIGHTLY COMPACTED. BEEM ADJACENT TO BEEM AREA IF NEAR EXISTING/PAVEMENT (SHOWN ON PLANS)
- FINISHED GRADE
- SCAFFY BOTTOM AND SIDES OF PLANTING PIT
- UNDISTURBED NATIVE SOIL
- MODIFIED SOIL (BEEM BED) REFINISH (REF. PLANTING AND PLANTING SOIL PLANS AND PLANTING SPECIFICATIONS). LIGHTLY TAMP SOIL AROUND ROOTBALL IN 4" LIFTS TO BRACE PLANT. DO NOT OVER COMPACT. WHEN PLANTING HOLE HAS BEEN BACKFILLED, POUR WATER AROUND ROOTBALL TO SETTLE THE SOIL. ADD ADDITIONAL SOIL AS NEEDED TO MEET REQUIRED FINISH GRADE.

**Typical Groundcover Planting**  
Scale: NTS



**METAL EDGING (AT TURF & LANDSCAPE BED)**  
Scale: 1 1/2" = 1'-0"

NO.	DATE	BY

**Kimley»Horn**  
INCORPORATED  
200 NORTH CENTRAL EXPRESSWAY, SUITE 400  
RICHMOND, TEXAS 75401  
WWW.KIMLEY-HORN.COM  
TEL: 800-875-6888

DATE	DATE	DATE	DATE
DESIGNED	CHECKED	APPROVED	DATE
JUNE 2024	JUNE 2024	JUNE 2024	JUNE 2024
FILED	AS SHOWN	NOTES	DATE

**WHOLESALE CLUB**  
MEMBERSHIP CLUB  
CITY OF WAXAHAMACHE  
ELLIS COUNTY, TEXAS

**LANDSCAPE DETAILS**

# EXHIBIT D - LANDSCAPE PLAN

## PLANT SCHEDULE

SYMBOL	COMMON / BOTANICAL NAME	CONT.	SIZE	SPACING	QTY	REMARKS
<b>TREES</b>						
	Decor Elm / Ulmus americana	4" cal	12'-14'		21	B&B, NURSERY GROWN, MATCHED, FULL, WELL-BRANCHED, STRONG CENTRAL LEADER, 7' CLEAR AT SIDEWALK, 11' CLEAR AT DRIVEWAY
	Chinese Pistache / Pistacia chinensis	1" cal	12'-14" H		58	B&B, NURSERY GROWN, MATCHED, FULL, WELL-BRANCHED, STRONG CENTRAL LEADER, 7' CLEAR AT SIDEWALK
	Chinquapin Oak / Quercus muhlenbergii	4" cal	12'-14" H		48	B&B, NURSERY GROWN, MATCHED, FULL, WELL-BRANCHED, STRONG CENTRAL LEADER, 7' CLEAR AT SIDEWALK
	Live Oak / Quercus virginiana	4" cal	8'-10"		19	B&B, NURSERY GROWN, MATCHED, FULL, WELL-BRANCHED, STRONG CENTRAL LEADER, 7' CLEAR AT SIDEWALK, 11' CLEAR AT DRIVEWAY
	Texas Red Oak / Quercus laevis	4" cal	12'-14" H		70	B&B, NURSERY GROWN, MATCHED, FULL, WELL-BRANCHED, STRONG CENTRAL LEADER, 7' CLEAR AT SIDEWALK
<b>FLOWERING TREES</b>						
	Orchid Myrtle / Lagerstroemia indica	45 gal	8'-10" H		43	CONTAINER, NURSERY GROWN, MATCHED, FULL, WELL-BRANCHED, MULTI-TRUNK (3 MIN.)
	Grand Willow / Chionodoxa glabra	45 gal	8'-10"		31	CONTAINER, NURSERY GROWN, MATCHED, FULL, WELL-BRANCHED, MULTI-TRUNK (3 MIN.)
	Ellen Gentry Magnolia / Magnolia grandiflora 'Little Gentry'	45 gal	8'-10" H		21	CONTAINER, NURSERY GROWN, MATCHED, FULL, WELL-BRANCHED
	Texas Redbud / Cercis canadensis texanensis	45 gal	8'-10"		28	CONTAINER, NURSERY GROWN, MATCHED, FULL, WELL-BRANCHED
	Yucca Lily / Yucca filamentosa	45 gal	8'-10"		61	CONTAINER, NURSERY GROWN, MATCHED, FULL, WELL-BRANCHED, MULTI-TRUNK (3 MIN.), THIS ITEM
<b>SHRUBS</b>						
	Adam & Eve / Fraxinus densata 'Cotton Guard'	3 gal	10" x 10" x 24"		24	CONTAINER, NURSERY GROWN, MATCHED AND WELL ROOTED
	Adonis Sage / Salvia greggii	3 gal	12" x 10" x 24"		50	CONTAINER, NURSERY GROWN, MATCHED AND WELL ROOTED
	Adonis Yucca / Yucca filifera	3 gal	24" x 24" x 24"		132	CONTAINER, NURSERY GROWN, MATCHED AND WELL ROOTED
	David's Gaura / Gaura filifera	5 gal	24" x 24" x 30"		70	CONTAINER, NURSERY GROWN, MATCHED AND WELL ROOTED
	Firecracker Penstemon / Penstemon strictus	3 gal	10" x 10" x 24"		56	CONTAINER, NURSERY GROWN, MATCHED AND WELL ROOTED
	Flamingo Yucca / Yucca filamentosa	5 gal	24" x 24" x 24"		91	CONTAINER, NURSERY GROWN, MATCHED AND WELL ROOTED
	Grand Dixie / Yucca filifera	3 gal	24" x 24" x 24"		154	CONTAINER, NURSERY GROWN, MATCHED AND WELL ROOTED
	Upright Yucca / Yucca filifera	5 gal	24" x 24" x 24"		74	CONTAINER, NURSERY GROWN, MATCHED AND WELL ROOTED
	Manzanita Bush Sage / Yucca filamentosa	3 gal	10" x 10" x 24"		84	CONTAINER, NURSERY GROWN, MATCHED AND WELL ROOTED
	Texas Blue Rosemary / Rosmarina officinalis 'Texas Blue'	3 gal	10" x 10" x 24"		75	CONTAINER, NURSERY GROWN, MATCHED AND WELL ROOTED
	White Mule Grass / Muhlenbergia capillaris 'White Mule'	3 gal	24" x 10" x 30"		24	CONTAINER, NURSERY GROWN, MATCHED AND WELL ROOTED
	Yellow Yucca / Yucca filamentosa 'Yellow'	3 gal	10" x 10" x 24"		92	CONTAINER, NURSERY GROWN, MATCHED AND WELL ROOTED
<b>GROUND COVERS</b>						
	Island Grass	1 sq ft	Varies	8" x 8"	1,550	CONTAINER, NURSERY GROWN, MATCHED AND WELL ROOTED
	Asian Jasmine / Trachelium asiaticum	1 gal	8" x 8"	15" x 15"	1,037	CONTAINER, NURSERY GROWN, MATCHED AND WELL ROOTED
	Banana Grass / Cyrtandra distachya	1 gal	12" x 12"	18" x 18"	4,312	REFER TO SPECIFICATIONS
	Big Blue Lizard / Lycopodium obscurum	1 gal	12" x 12"	18" x 18"	1,150	CONTAINER, NURSERY GROWN, MATCHED AND WELL ROOTED
	Creeper Thyme / Thymus serpyllifolius	1 gal	4" x 4"	18" x 18"	477	CONTAINER, NURSERY GROWN, MATCHED AND WELL ROOTED
	Houstonia Capt. Rosemary / Salvia rosmarinifolia 'Houstonia Capt'	1 gal	12" x 12"	18" x 18"	342	CONTAINER, NURSERY GROWN, MATCHED AND WELL ROOTED
	Live Bluegrass / Zoysia tenuifolia	3 gal	24" x 18"	24" x 24"	117	CONTAINER, NURSERY GROWN, MATCHED AND WELL ROOTED
	Texas Sage / Carex texensis	1 gal	12" x 12"	18" x 18"	1,893	CONTAINER, NURSERY GROWN, MATCHED AND WELL ROOTED
<b>MISCELLANEOUS</b>						
	Shrubbed Mulch				125 LF	MIX 2" DEPTH, DRY MIX IN 50% TO RECEIVE 4" DIA. MULCHING, DARK BROWN IN COLOR
	Steel Edge					3/8" BLACK

## GENERAL LANDSCAPE SPECIFICATIONS AND NOTES

1. ALL PLANTS TO BE SUPPLIED BY THE CONTRACTOR AND SHALL BE OF THE QUALITY AND SPECIFICATIONS LISTED IN THE PLANT SCHEDULE. ALL PLANTS TO BE SUPPLIED BY THE CONTRACTOR SHALL BE OF THE QUALITY AND SPECIFICATIONS LISTED IN THE PLANT SCHEDULE. ALL PLANTS TO BE SUPPLIED BY THE CONTRACTOR SHALL BE OF THE QUALITY AND SPECIFICATIONS LISTED IN THE PLANT SCHEDULE.

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NO.	REVISIONS	DATE

**Kimley»Horn**  
 5000 W. CENTRAL EXPRESSWAY, SUITE 100  
 RICHMOND, TEXAS 77424  
 WWW.KIMLEY-HORN.COM

YOUR RESTRICTED EXCLUSIVE CONTRACTOR

PROJECT NO.	DATE	SCALE	DATE

**WHOLESALE MEMBERSHIP CLUB**  
 CITY OF WAKARUSA  
 ELIX COUNTY, TEXAS

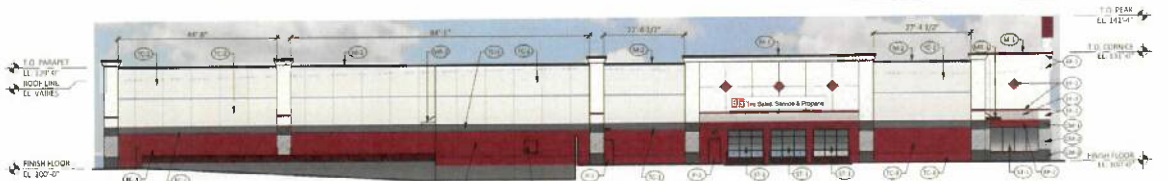
**LANDSCAPE SPECIFICATIONS**

SHEET NUMBER  
 LP3.02

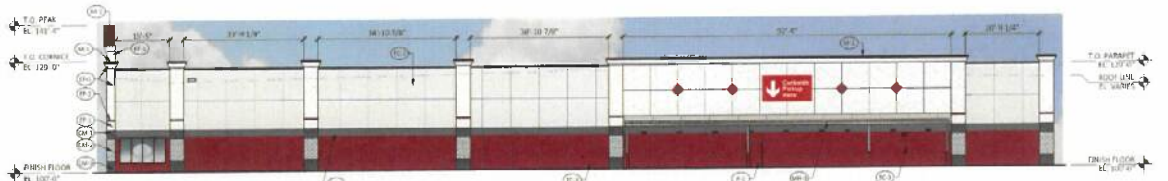
# EXHIBIT E - ELEVATION/FACADE PLAN

MATERIAL PERCENTAGES				
	FRONT	REAR	LEFT SIDE	RIGHT SIDE
GLAZING	6.1%	0%	1.2%	5.3%
CMU	5.1%	3.8%	4.1%	4.6%
EIFS	30.3%	6.0%	6.4%	22.0%
CONC.	56.8%	85.8%	87.7%	66.7%
MISC.	1.7%	4.4%	0.6%	1.6%
TOTAL	100%	100%	100%	100%

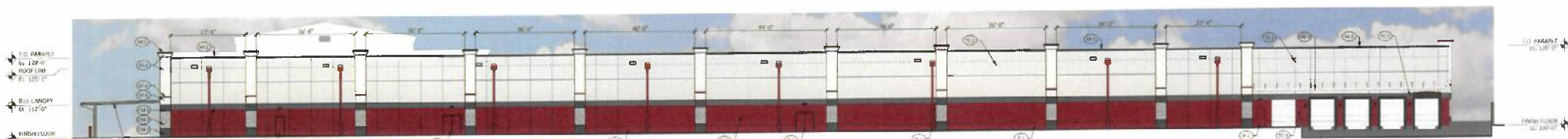
ARTICULATION CALCULATIONS			
<b>FRONT (WEST) ELEVATION</b> ARTICULATION CALCULATIONS: HORIZONTAL: MAXIMUM LENGTH BY ARTICULATION: 29' 0" x 3 = 87' 0" MINIMUM DEPTH & LENGTH OF OFFSET: 29' 0" x 0.25 = 7' 3" PROVIDED: • OFFSETS AT 29' 0" LENGTH, 29' 0" OFFSET EACH • OFFSETS AT 14' 6" LENGTH, 14' 6" OFFSET EACH TOTAL OFFSET DISTANCE = 21' 0" VERTICAL: MINIMUM ARTICULATION: 29' 0" x 0.25 = 7' 3" PROVIDED: • OFFSETS AT 29' 0" HEIGHT EACH • OFFSETS AT 14' 6" HEIGHT EACH TOTAL OFFSET HEIGHT = 14' 6"	<b>REAR (EAST) ELEVATION</b> ARTICULATION CALCULATIONS: HORIZONTAL: MAXIMUM LENGTH BY ARTICULATION: 29' 0" x 3 = 87' 0" MINIMUM DEPTH & LENGTH OF OFFSET: 29' 0" x 0.25 = 7' 3" PROVIDED: • OFFSETS AT 14' 6" LENGTH, 14' 6" OFFSET EACH TOTAL OFFSET DISTANCE = 14' 6" VERTICAL: MINIMUM ARTICULATION: 29' 0" x 0.25 = 7' 3" PROVIDED: • OFFSETS AT 14' 6" HEIGHT EACH TOTAL OFFSET HEIGHT = 14' 6"	<b>RIGHT (SOUTH) ELEVATION</b> ARTICULATION CALCULATIONS: HORIZONTAL: MAXIMUM LENGTH BY ARTICULATION: 29' 0" x 3 = 87' 0" MINIMUM DEPTH & LENGTH OF OFFSET: 29' 0" x 0.25 = 7' 3" PROVIDED: • OFFSETS AT 29' 0" LENGTH, 29' 0" OFFSET EACH • OFFSETS AT 14' 6" LENGTH, 14' 6" OFFSET EACH TOTAL OFFSET DISTANCE = 21' 0" VERTICAL: MINIMUM ARTICULATION: 29' 0" x 0.25 = 7' 3" PROVIDED: • OFFSETS AT 29' 0" HEIGHT EACH TOTAL OFFSET HEIGHT = 14' 6"	<b>LEFT (NORTH) ELEVATION</b> ARTICULATION CALCULATIONS: HORIZONTAL: MAXIMUM LENGTH BY ARTICULATION: 29' 0" x 3 = 87' 0" MINIMUM DEPTH & LENGTH OF OFFSET: 29' 0" x 0.25 = 7' 3" PROVIDED: • OFFSETS AT 14' 6" LENGTH, 14' 6" OFFSET EACH • OFFSETS AT 29' 0" LENGTH, 29' 0" OFFSET EACH TOTAL OFFSET DISTANCE = 14' 6" VERTICAL: MINIMUM ARTICULATION: 29' 0" x 0.25 = 7' 3" PROVIDED: • OFFSETS AT 14' 6" HEIGHT EACH TOTAL OFFSET HEIGHT = 14' 6"



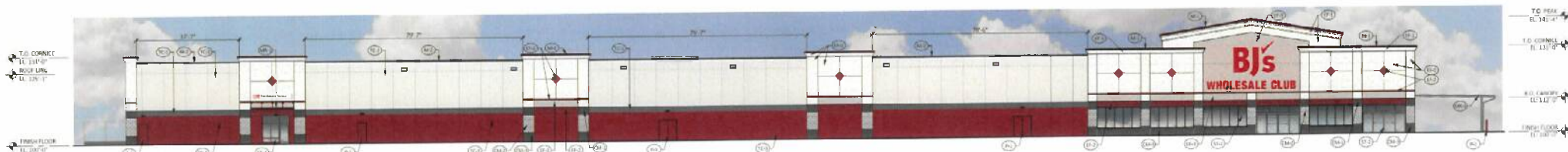
4 LEFT (NORTH) SIDE ELEVATION  
SCALE: 1/8" = 1'-0"



3 RIGHT (SOUTH) SIDE ELEVATION  
SCALE: 1/8" = 1'-0"



2 REAR (EAST) ELEVATION  
SCALE: 1/8" = 1'-0"



1 FRONT (WEST) ELEVATION  
SCALE: 1/8" = 1'-0"

COLOR AND MATERIAL SCHEDULE			
TC-1	BENJAMIN MOORE "TROUT GRAY" #2124-20 ON CONCRETE WALL PANELS	ST-1	ALUMINUM - COLOR TO MATCH PAC-CLAD 'COLONIAL RED'
TC-2	BENJAMIN MOORE "GRAY OWL" #2137-60 ON CONCRETE WALL PANELS	ST-2	AUTOMATIC SLIDING DOOR - COLOR TO MATCH CLEAR ANODIZED
TC-3	BENJAMIN MOORE "RED ROCK" #2005-10 ON CONCRETE WALL PANELS	M-1	COPING - PAINT TO MATCH PAC-CLAD 'COLONIAL RED'
CM-1	CENTER SCORED, GROUND FACE CMU - INTEGRAL COLOR TO MATCH EP HENRY #54N 'DARK GRAY'	M-2	COPING - PAINT TO MATCH PAC-CLAD 'CHARCOAL'
CM-2	SPLIT FACE CMU - INTEGRAL COLOR TO MATCH EP HENRY #509 SP 'SILVER GRAY'	P-1	PAINT TO MATCH BENJAMIN MOORE #2005-10 'RED ROCK'
CM-3	CENTER SCORED, SPLIT FACE CMU - INTEGRAL COLOR TO MATCH EP HENRY #54N 'DARK GRAY'	MR-1	METAL CANOPY - COLOR TO MATCH PAC-CLAD 'COLONIAL RED'
EF-1	EIFS COLOR TO MATCH DRYVIT #310 'LHINA WHITE'	MR-2	METAL CANOPY - COLOR TO MATCH PAC-CLAD 'BONE WHITE'
EF-2	EIFS COLOR TO MATCH BENJAMIN MOORE #2005-10 'RED ROCK'	MR-3	METAL CANOPY - COLOR TO MATCH 'ANODIZED ALUMINUM'
EF-3	EIFS COLOR TO MATCH DRYVIT #104 'DOVER SKY'		



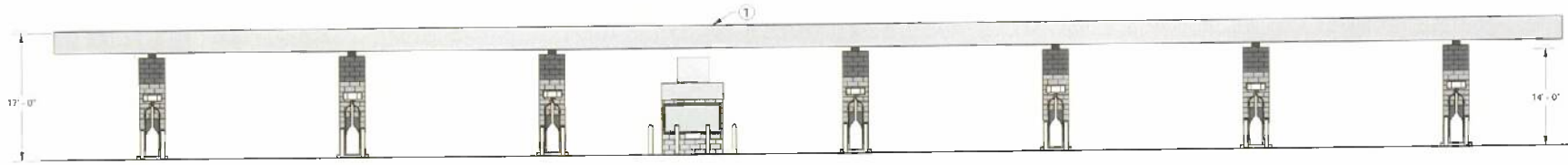
WAXAHACHIE, TX  
10/25/2024



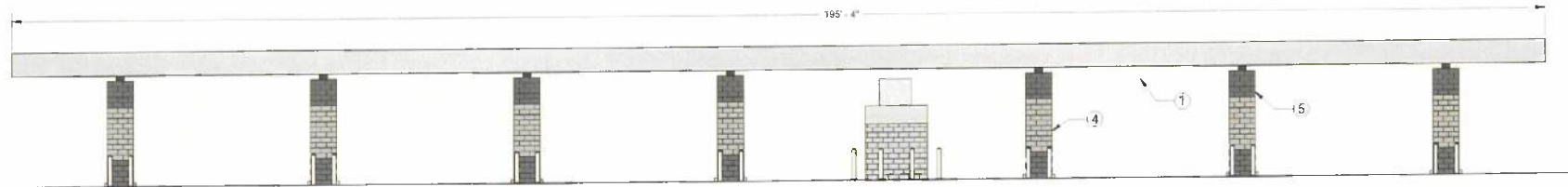
**EXHIBIT E - ELEVATION/FACADE PLAN**



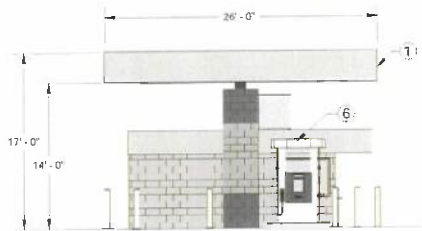
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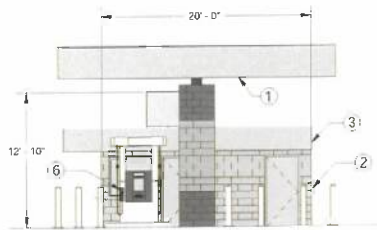
1 CANOPY (FRONT)



2 CANOPY (BACK)



3 CANOPY (LEFT)



4 CANOPY (RIGHT)

LEGEND

- 1 - CANOPY FASCIA - "BRUSHED ALUMINUM" ALUMINUM COMPOSITE MATERIAL
- 2 - KIOSK EXTERIOR - FULLERTON FINISH SYSTEMS "CASTWAL" BLOCK - CAST 8"x16" SPLIT-FACE BLOCK - COLOR TO MATCH EP HENRY #509 SP "SILVER GRAY"
- 3 - KIOSK FASCIA - "BRUSHED ALUMINUM" ALUMINUM COMPOSITE MATERIAL
- 4 - CANOPY COLUMN - FULLERTON FINISH SYSTEMS "CASTWAL" BLOCK - CAST 8"x16" SPLIT-FACE BLOCK - COLOR TO MATCH EP HENRY #509 SP "SILVER GRAY"
- 5 - CANOPY COLUMN - FULLERTON FINISH SYSTEMS "CASTWAL" BLOCK - CAST 8"x16" SPLIT-FACE BLOCK - COLOR TO MATCH EP HENRY #54N "DARK GRAY"
- 6 - DISPENSERS (7 TOTAL)

KIOSK CONSTRUCTION MATERIAL PERCENTAGES

MATERIAL	FRONT	REAR	RIGHT	LEFT
ACM + FASCIA	23.70%	23.80%	26.90%	26.90%
MASONRY	47.30%	76.40%	45.00%	65.90%
GLAZING	32.00%	0.00%	7.20%	7.20%
DOOR	0.00%	0.00%	20.90%	0.00%
OTHRP	2.10%	0.00%	0.00%	0.00%
TOTAL	100.00%	100.00%	100.00%	100.00%

**PROPOSED FUELING FACILITY**  
 WAXAHACHIE, TX



**EXHIBIT F - SIGNAGE PLAN**

**BJ's**

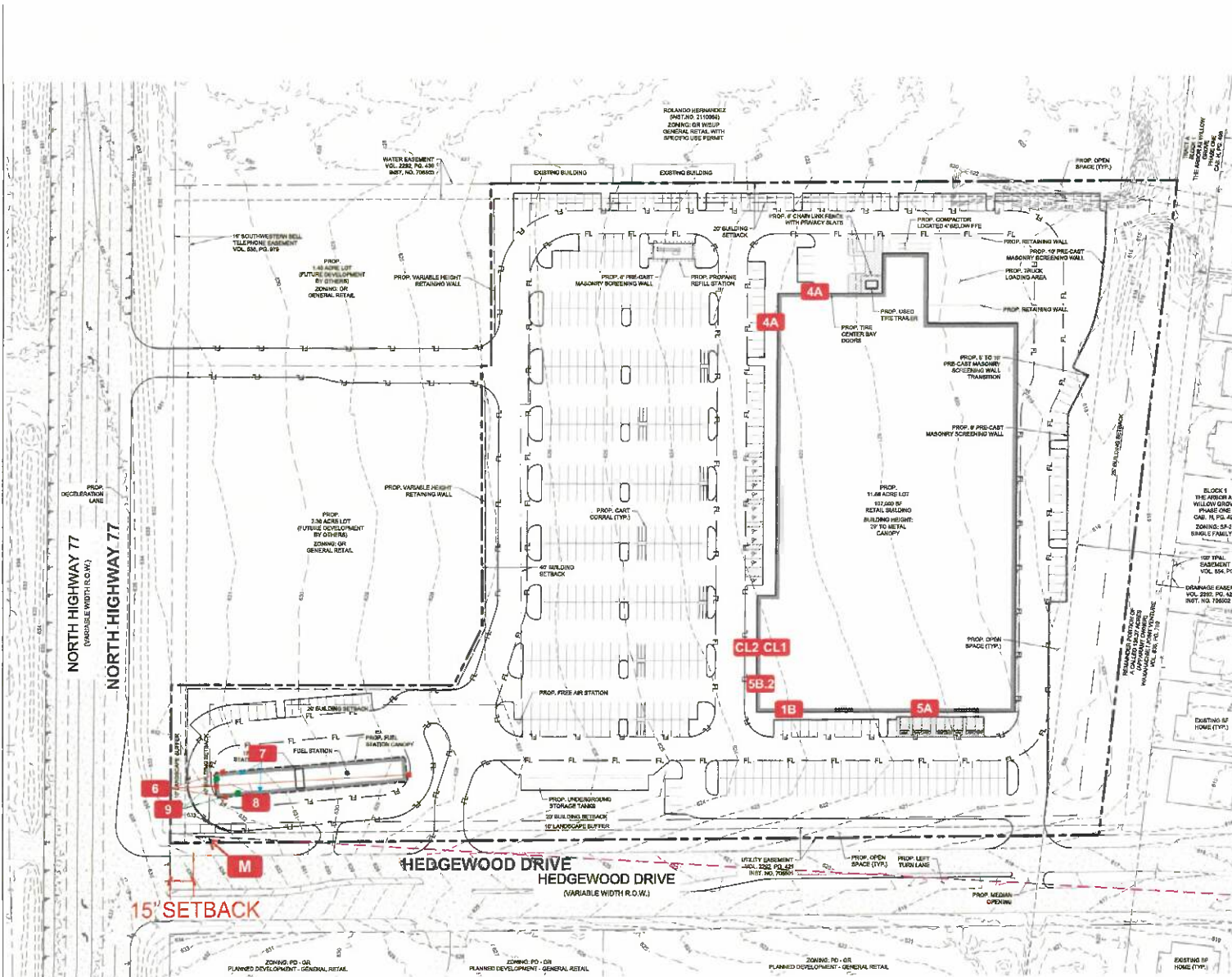
**BJ's Project Signage**

**BJ's 252  
US-77 & Hedgewood Dr,  
Waxahachie, TX 75165**



# EXHIBIT F - SIGNAGE PLAN

## SITEPLAN



	QTY.	WALL SIGNS	SQ. FT.
CL1	1	BJ's MAIN ID - CH. LTRS.	245
CL2	1	Wholesale Club Ch Ltrs	44
1B	1	BJ's MAIN ID - CH. LTRS. BKR	86
4A	2	BJ's Tires, Service & Propane	68
5A	1	Curbside Pickup Here	96.25
5B.2	1	Curbside Pickup Here	19.30
<b>FUEL CENTER</b>			
6	4	GAS CANOPY SIGN	22.2
7	2	CLEARANCE VINYL	1.8
8	2	4-SIDED DIESEL VINYL SIGN	3
9	2	FUEL CANOPY PRICE SIGN	28.1
<b>GRANDY SIGNS</b>			
M	1	MONUMENT	80
<i>*placement to be determined</i>			
<b>TEMP SIGNS</b>			
15	1	POST & PANEL TEMP SIGN	32
16A	1	BANNER	32
16B	1	GAS BANNER	32
16C	1	NOW OPEN BANNER	112



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CUSTOMER APPROVAL:

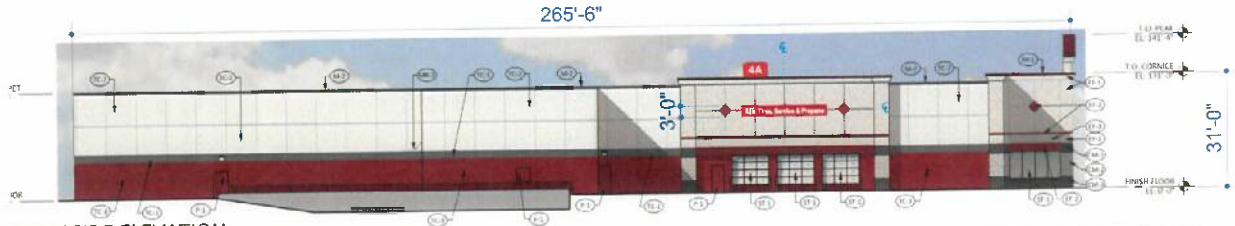
DATE:

DATE	BY	DATE	BY
Rev. #1 07/18/24	aaa	Rev. #4 09/06/24	aaa
Rev. #2 08/15/24	aaa	Rev. #5 09/16/24	aaa
Rev. #3 09/05/24	aaa	Rev. #6	

**BJ's 252**  
**US-77 & Hedgewood Dr,**  
**Waxahachie, TX 75165**

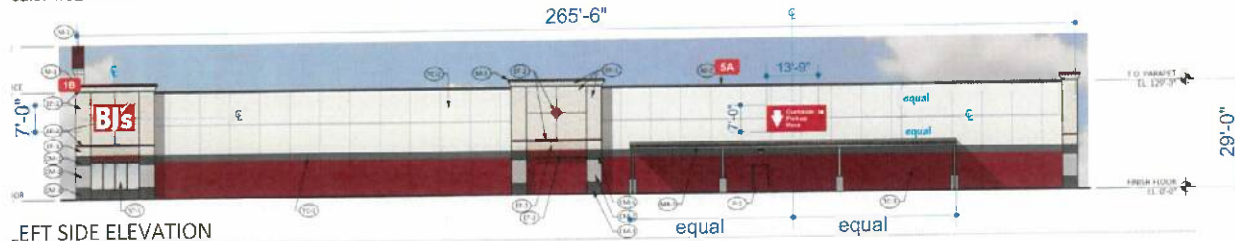
**DRAWING NO:**  
**1379468263.05**  
**ARTIST: AAAJ DATE: 07/10/24**  
**SHEET: 2 OF 19**

# EXHIBIT F - SIGNAGE PLAN



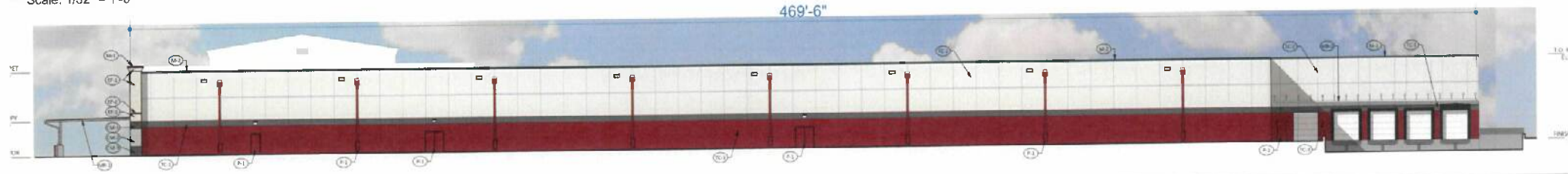
RIGHT SIDE ELEVATION

Scale: 1/32" = 1'-0"



LEFT SIDE ELEVATION

Scale: 1/32" = 1'-0"



REAR ELEVATION

Scale: 1/32" = 1'-0"



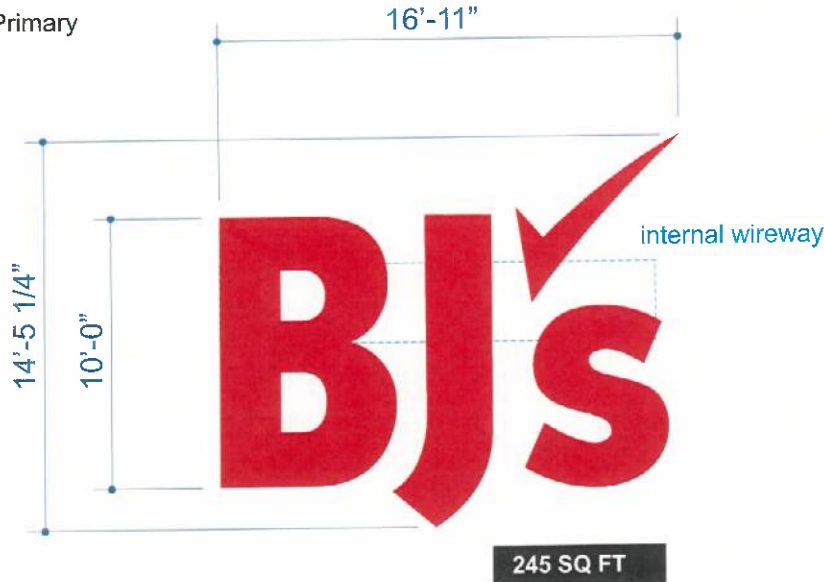
FRONT ELEVATION

Scale: 1/32" = 1'-0"

# EXHIBIT F - SIGNAGE PLAN

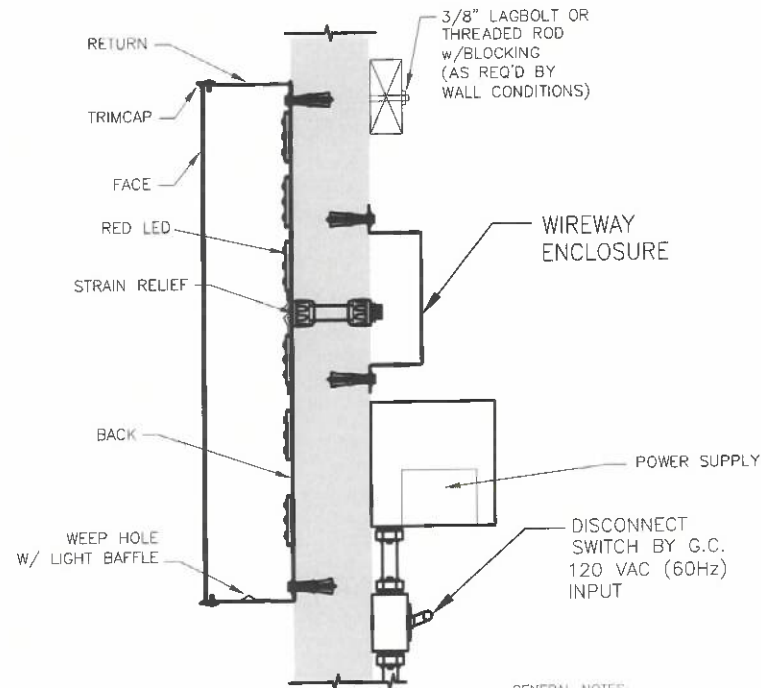
## CHANNEL LETTERS MAIN BRAND SIGN

CL1A Primary



### ILLUMINATED CHANNEL LETTERS

- 3M 3730-53L Cardinal Red Faces
- White Returns
- White Trimcap



SECTION DETAIL  
SCALE: NTS (REFERENCE ONLY)  
EQUIPMENT GROUNDED

- GENERAL NOTES:**
- \*SECURE THE TRIM CAP TO THE LETTER RETURN WITH AT LEAST (4) #8 SCREWS SPACED NO GREATER THAN 12"
  - \*ATTACH TO WALL WITH LAG SCREWS OR THREADED ROD AS REQUIRED BY WALL CONDITIONS

**COLOR NOTES:**  
(PAINT ALL INTERIOR SURFACES W/ LIGHT ENHANCEMENT PAINT)

**LETTERS:**

- FACE - .177" #7328 WHITE POLYCARBONATE W/ 1ST SURFACE 3M 3730-53L RED VINYL
- RETURN - .040" X 5.33" ALUM COIL, WHITE
- TRIMCAP - 1" JEWELITE, WHITE (\*ATTACH W/ SCREWS EVERY 12" MAX\*)
- BACK - .090" ALUMINUM
- ILLUMINATION - FACELIT W/ GEMX24RD-W1 RED LEDS

**ELECTRICAL NOTES:**

- TOTAL AMPS - 2.2A
- TOTAL CIRCUITS - 1 20A REQUIRED
- VOLTS - 120V

THIS SIGN WILL BE UL OR cUL LISTED AND IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN. #1/4" DRAIN @ 4" ON CENTERS OR AS REQUIRED BY UL. MIN 12 MTW. PER UL REQUIREMENT, ALL ELECTRICAL COMPONENTS AND WIRING MUST BE FIXED & SUPPORTED A MINIMUM OF 1/2" ABOVE THE BOTTOM OF SIGN. WARNING LABELS TO BE VISIBLE DURING INSTALL./AVAILABLE AFTER INSTALLATION



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DATE	BY	DATE	BY
Rev. #1 07/19/24	aaa	Rev. #4 09/06/24	aaa
Rev. #2 08/15/24	aaa	Rev. #5 09/16/24	aaa
Rev. #3 09/05/24	aaa	Rev. #6	

**BJ's 252  
US-77 & Hedgewood Dr,  
Waxahachie, TX 75165**

**DRAWING NO:  
1379468263.05**  
ARTIST: AAAJ DATE: 07/10/24  
SHEET: 4 OF 19

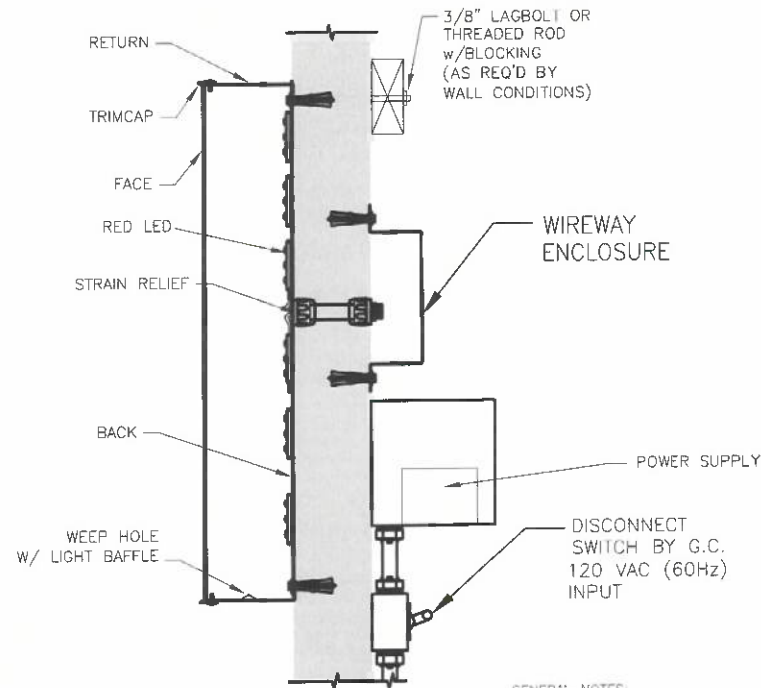
# EXHIBIT F - SIGNAGE PLAN

## CHANNEL LETTERS MAIN BRAND SIGN

### ILLUMINATED CHANNEL LETTERS

- 3M 3730-53L Cardinal Red Faces
- White Returns
- White Trimcap

**CL2A** Primary



SECTION DETAIL  
SCALE: NTS (REFERENCE ONLY)  
EQUIPMENT GROUNDED

**GENERAL NOTES**

- \*SECURE THE TRIM CAP TO THE LETTER RETURN WITH AT LEAST (4) #8 SCREWS SPACED NO GREATER THAN 12"
- \*ATTACH TO WALL WITH LAG SCREWS OR THREADED ROD AS REQUIRED BY WALL CONDITIONS

**COLOR NOTES:**

(PAINT ALL INTERIOR SURFACES W/ LIGHT ENHANCEMENT PAINT)

**LETTERS:**

- FACE - .177" #7328 WHITE POLYCARBONATE W/ 1ST SURFACE 3M 3730-53L RED VINYL
- RETURN - .040" X 5.33" ALUM COIL, WHITE
- TRIMCAP - 1" JEWELITE, WHITE
- (\*ATTACH W/ SCREWS EVERY 12" MAX\*)
- BACK - .090" ALUMINUM
- ILLUMINATION - FACELIT W/ GEMX24RD-W1 RED LEDS

**ELECTRICAL NOTES:**

- TOTAL AMPS - 1.2A
- TOTAL CIRCUITS - 1 20A REQUIRED
- VOLTS - 120V

THIS SIGN WILL BE UL OR CUL LISTED AND IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.  $\phi 1/4"$  DRAIN @ 1' ON CENTERS OR AS REQUIRED BY UL. MIN 12 MTW. PER UL REQUIREMENT, ALL ELECTRICAL COMPONENTS AND WIRING MUST BE FIXED & SUPPORTED A MINIMUM OF 1/2" ABOVE THE BOTTOM OF SIGN. WARNING LABELS TO BE VISIBLE DURING INSTALL/AVAILABLE AFTER INSTALLATION



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CUSTOMER APPROVAL:

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Rev. #3 09/05/24 aaa

DATE

BY

Rev. #4 09/06/24 aaa

Rev. #5 09/16/24 aaa

Rev. #6 \_\_\_\_\_

**BJ's 252  
US-77 & Hedgewood Dr,  
Waxahachie, TX 75165**

DRAWING NO:

**1379468263.05**

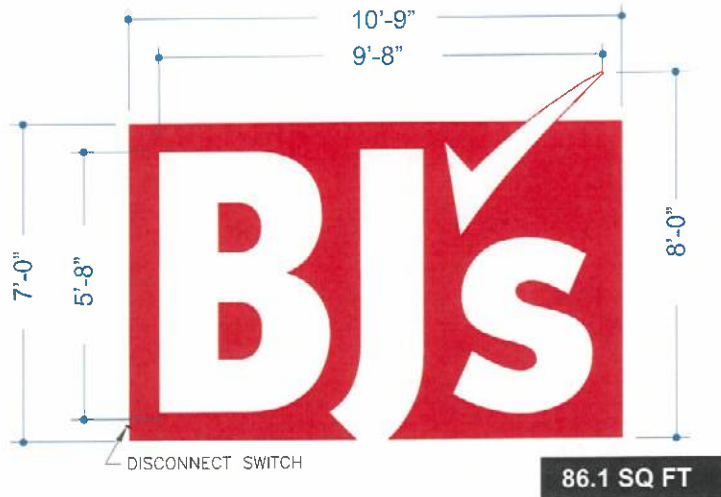
ARTIST: AAAJ DATE: 07/10/24

SHEET: 5 OF 19

# EXHIBIT F - SIGNAGE PLAN

# 7'-0" MAIN BRAND SIGN

1B



ILLUMINATED CHANNEL LETTERS  
ON ILLUMINATED BACKER CABINET

- 3M 3730-53L Cardinal Red
- PANTONE 200 C
- White

**COLOR NOTES:**

(PAINT ALL INTERIOR SURFACES W/ LIGHT ENHANCEMENT PAINT)

**CABINET:**

BODY - ALUM EXTRUSION, PAINT TO MATCH PMS 200 RED  
 RETAINERS - ALUM EXTRUSION, PAINT TO MATCH PMS 200 RED  
 FACE - .177" #7328 WHITE POLYCARBONATE W/  
 1ST SURFACE 3M 3730-53L RED VINYL  
 REGISTRATION MARK - 3M 3635-20B WHITE BLOCKOUT FILM  
 BACK - .090" ALUMINUM  
 ILLUMINATION - FACELIT W/ GEMX24RD-W1 RED LEDS

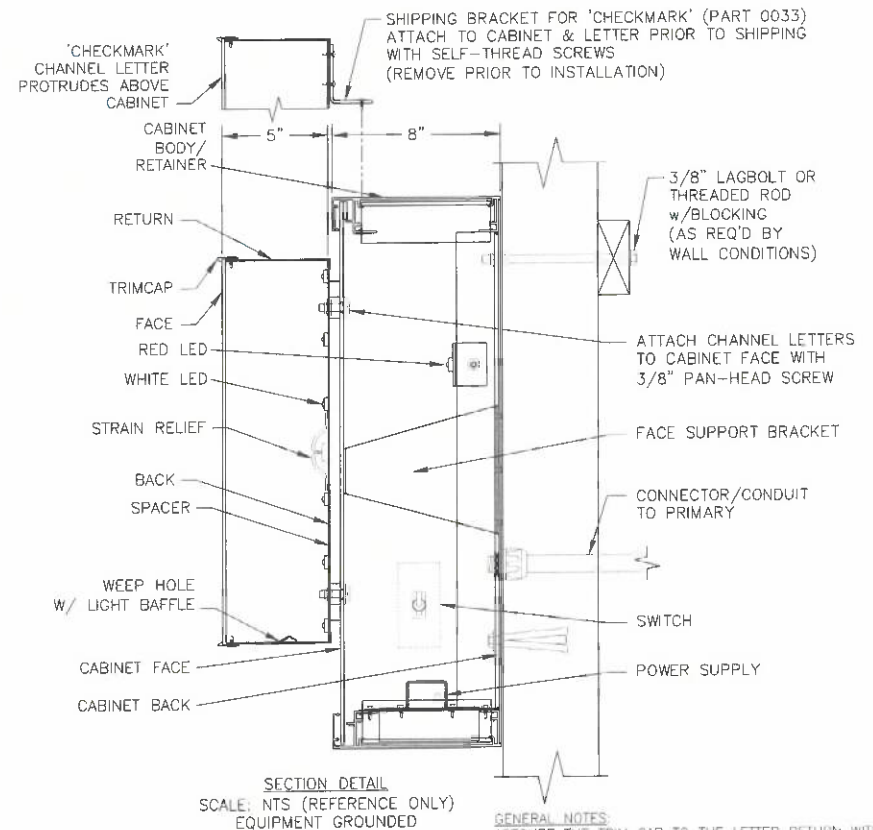
**LETTERS:**

FACE - .177" #7328 WHITE POLYCARBONATE  
 RETURN - .040" X 5.33" ALUM COIL, PAINT WHITE  
 TRIMCAP - 1" JEWELITE, PAINT TO MATCH PMS 200 RED  
 (\*ATTACH W/ SCREWS EVERY 12" MAX\*)  
 BACK - .063" ALUMINUM  
 ILLUMINATION - FACELIT W/ GEMX2471-W1 WHITE LEDS

**ELECTRICAL NOTES:**

TOTAL AMPS - 2.2A  
 TOTAL CIRCUITS - 1 20A REQUIRED  
 VOLTS - 120V

THIS SIGN WILL BE UL OR cUL LISTED AND IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN. #1/4" DRAIN # 4" DN CENTERS OR AS REQUIRED BY UL. MIN 12 MTW. PER UL REQUIREMENT, ALL ELECTRICAL COMPONENTS AND WIRING MUST BE FIXED & SUPPORTED A MINIMUM OF 1/2" ABOVE THE BOTTOM OF SIGN. WARNING LABELS TO BE VISIBLE DURING INSTALL/AVAILABLE AFTER INSTALLATION!



**GENERAL NOTES:**

\*SECURE THE TRIM CAP TO THE LETTER RETURN WITH AT LEAST (4) #8 SCREWS SPACED NO GREATER THAN 12"  
 \*ATTACH TO WALL WITH LAG SCREWS OR THREADED ROD AS REQUIRED BY WALL CONDITIONS



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CUSTOMER APPROVAL:

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Rev. #1 07/18/24	aaaaj	Rev. #4 09/06/24	aaaaj
Rev. #2 08/15/24	aaaaj	Rev. #5 09/16/24	aaaaj
Rev. #3 09/05/24	aaaaj	Rev. #6	

**BJ's 252**  
**US-77 & Hedgewood Dr,**  
**Waxahachie, TX 75165**

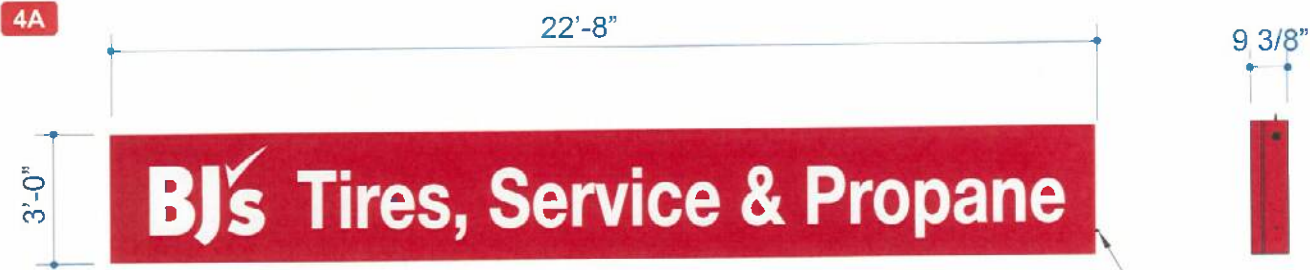
**DRAWING NO:**  
**1379468263.05**  
 ARTIST: AAAJ DATE: 07/10/24  
 SHEET: 6 OF 19

# EXHIBIT F - SIGNAGE PLAN

# FLEX FACE CABINET

SINGLE FACED CABINET  
ILLUMINATED

- 3M 3730-53L Cardinal Red
- PANTONE 200 C
- White



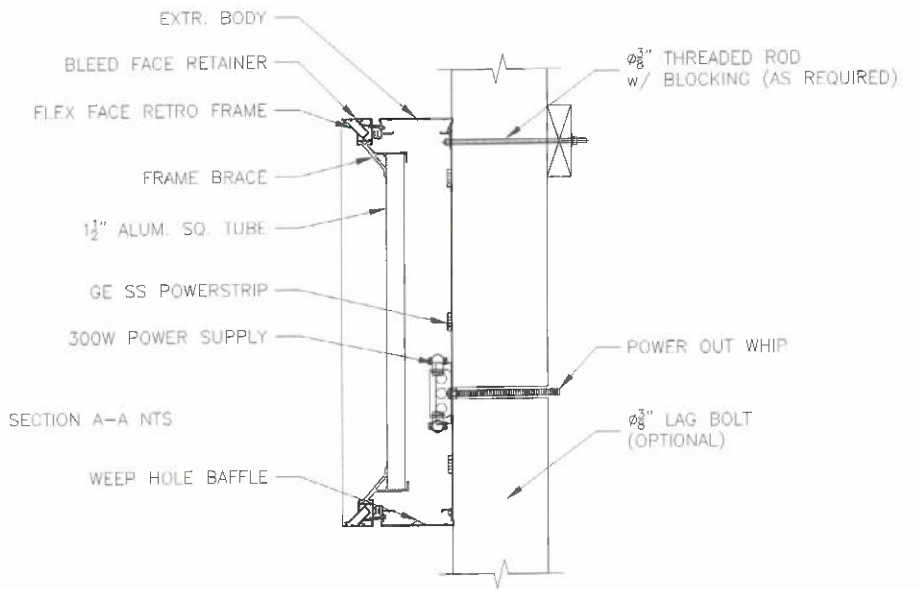
**68 SQ FT**

DISCONNECT SWITCH

**COLOR NOTES:**  
 CABINET/ RETAINER: PAINTED RED  
 (SEMI GLOSS)  
 PAINT INSIDE CAB. LEP WHITE  
 FACE: PANAGRAPHSIII FLEX FACE  
 COPY: WEED OUT WHITE  
 BKG'D: 3M 3730-53L RED VINYL

**ELECTRICAL NOTES:**  
 TOTAL AMPS - 2.50A  
 TOTAL CIRCUITS - 1 20A REQUIRED  
 VOLTS - 120V-277V

THIS SIGN WILL BE UL OR cUL LISTED AND IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.  $\phi 1/4"$  DRAIN @ 4" ON CENTERS OR AS REQUIRED BY UL. MIN 12 MTW. PER UL REQUIREMENT, ALL ELECTRICAL COMPONENTS AND WIRING MUST BE FIXED & SUPPORTED A MINIMUM OF 1/2" ABOVE THE BOTTOM OF SIGN. WARNING LABELS TO BE VISIBLE DURING INSTALL/AVAILABLE AFTER INSTALLATION



SECTION A-A NTS



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CUSTOMER APPROVAL:  
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DATE	BY	DATE	BY
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Rev. #2 08/15/24	aaa	Rev. #5 09/16/24	aaa
Rev. #3 09/05/24	aaa	Rev. #6	

**BJ's 252  
 US-77 & Hedgewood Dr,  
 Waxahachie, TX 75165**

**DRAWING NO:**  
**1379468263.05**  
 ARTIST: AAAJ DATE: 07/10/24  
 SHEET: 7 OF 19

# EXHIBIT F - SIGNAGE PLAN

## FLEX FACE CABINET

5A



96.25 SQ FT

SINGLE FACED CABINET  
ILLUMINATED

- 3M 3730-53L Cardinal Red
- PANTONE 200 C
- White

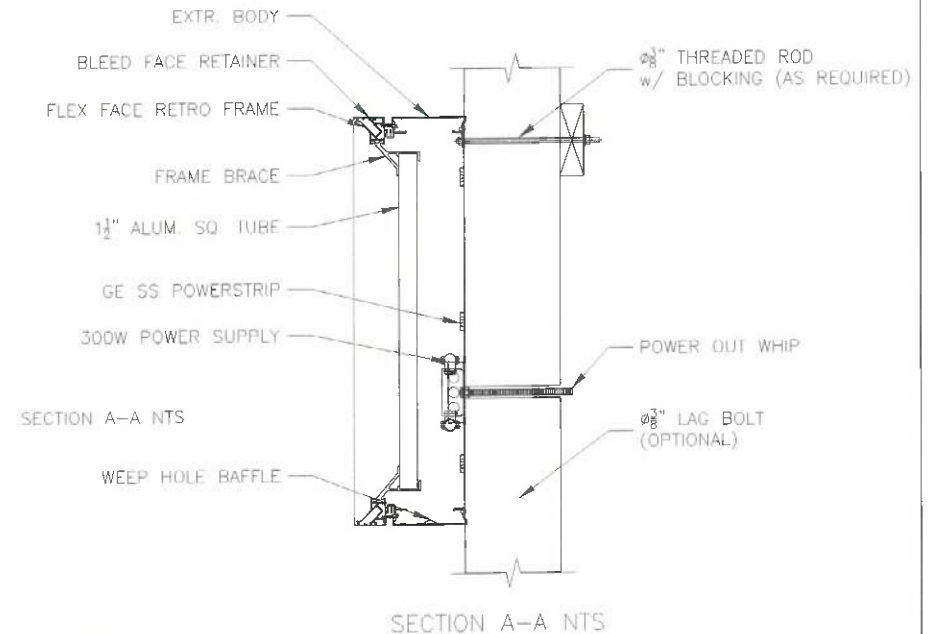
**COLOR NOTES:**

CABINET/ RETAINER: PAINTED RED  
(SEMI GLOSS)  
PAINT INSIDE CAB. LEP WHITE  
FACE: PANAGRAPHICSIII FLEX FACE  
COPY: WEED OUT WHITE  
BKG'D: 3M 3730-53L RED VINYL

**ELECTRICAL NOTES:**

TOTAL AMPS - 2.50A  
TOTAL CIRCUITS - 1 20A REQUIRED  
VOLTS - 120V-277V

THIS SIGN WILL BE UL OR cUL LISTED AND IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.  $\phi 1/4"$  DRAIN @ 4' ON CENTERS OR AS REQUIRED BY UL. MIN 12MTW. PER UL REQUIREMENT, ALL ELECTRICAL COMPONENTS AND WIRING MUST BE FIXED & SUPPORTED A MINIMUM OF 1/2" ABOVE THE BOTTOM OF SIGN. WARNING LABELS TO BE VISIBLE DURING INSTALL/AVAILABLE AFTER INSTALLATION



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\_\_\_\_\_  
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Rev. #2 08/15/24	aaa	Rev. #5 09/16/24	aaa
Rev. #3 09/05/24	aaa	Rev. #6	

**BJ's 252**  
**US-77 & Hedgewood Dr,**  
**Waxahachie, TX 75165**

**DRAWING NO:**  
**1379468263.05**  
ARTIST: AAAJ DATE: 07/10/24  
SHEET: 8 OF 19

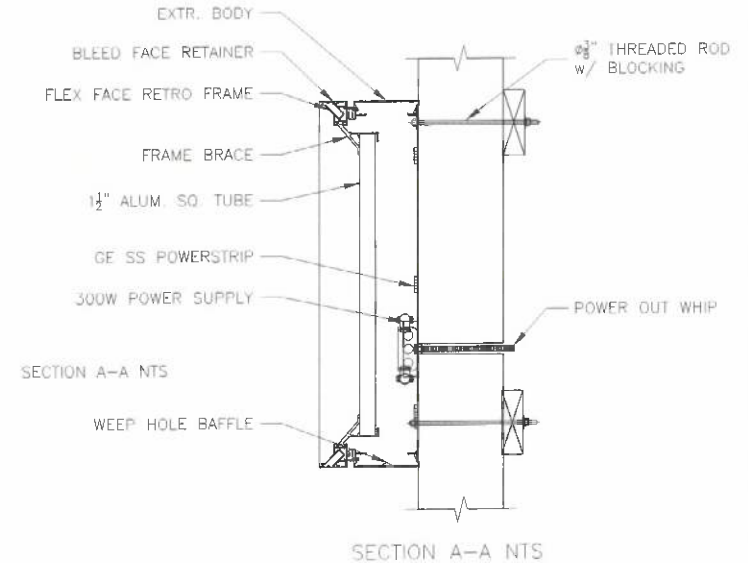
# EXHIBIT F - SIGNAGE PLAN

# FLEX FACE CABINET



SINGLE FACED CABINET  
ILLUMINATED

- 3M 3730-53L Cardinal Red
- PANTONE 200 C
- White



**COLOR NOTES:**

CABINET/ RETAINER: PAINTED RED  
(SEMI GLOSS)  
PAINT INSIDE CAB: LEP WHITE  
FACE: PANAGRAPHICSIII FLEX FACE  
COPY: WEED OUT WHITE  
BKG'D: 3M 3730-53L RED VINYL

**ELECTRICAL NOTES:**

TOTAL AMPS - 2.50A  
TOTAL CIRCUITS - 1 20A REQUIRED  
VOLTS - 120V-277V

THIS SIGN WILL BE UL OR cUL LISTED AND IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.  $\phi 1/4"$  DRAIN  $\phi 1/2"$  DN CENTERS OR AS REQUIRED BY UL. MIN 12MTW. PER UL REQUIREMENT, ALL ELECTRICAL COMPONENTS AND WIRING MUST BE FIXED & SUPPORTED A MINIMUM OF 1/2" ABOVE THE BOTTOM OF SIGN. WARNING LABELS TO BE VISIBLE DURING INSTALL/AVAILABLE AFTER INSTALLATION



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CUSTOMER APPROVAL: \_\_\_\_\_  
DATE: \_\_\_\_\_

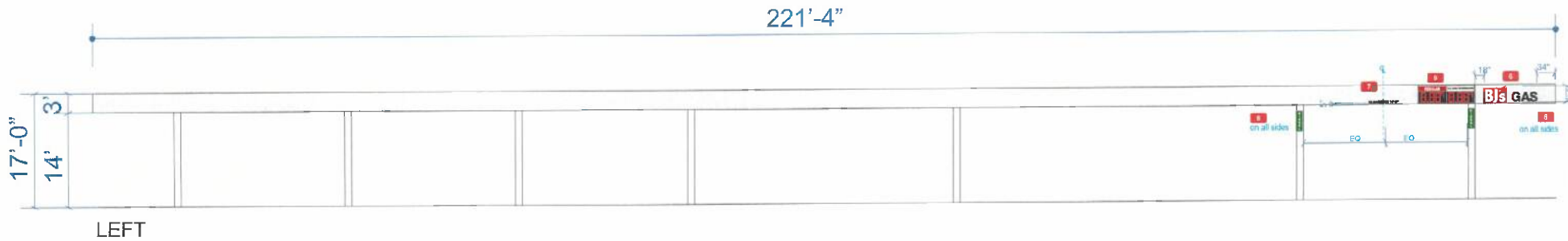
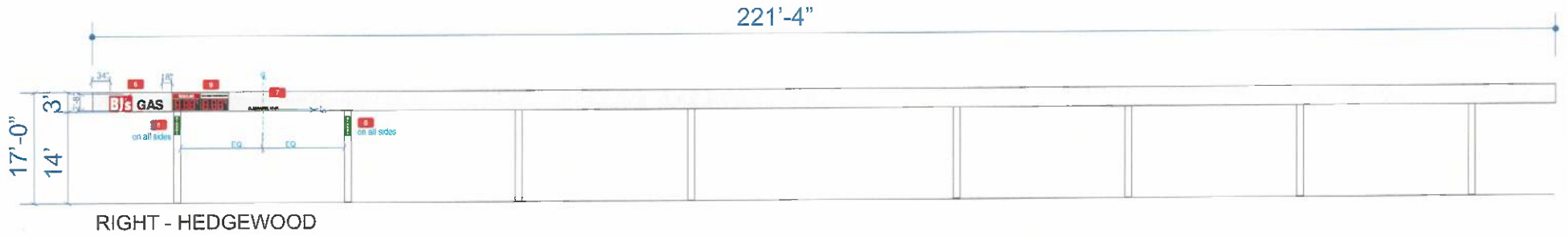
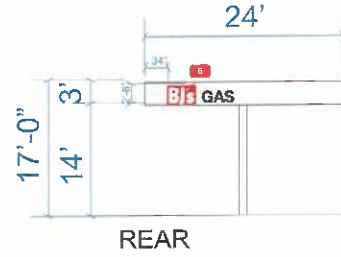
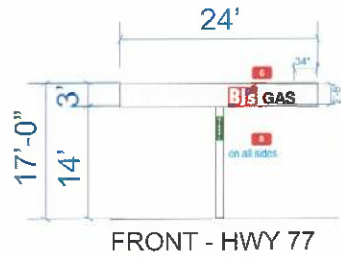
DATE	BY	DATE	BY
Rev. #1 07/18/24	aaa	Rev. #4 09/06/24	aaa
Rev. #2 08/15/24	aaa	Rev. #5 09/16/24	aaa
Rev. #3 09/05/24	aaa	Rev. #6	

**BJ's 252**  
**US-77 & Hedgewood Dr,**  
**Waxahachie, TX 75165**

**DRAWING NO:**  
**1379468263.05**  
ARTIST: AAAJ DATE: 07/10/24  
SHEET: 9 OF 19

# EXHIBIT F - SIGNAGE PLAN

## GAS CANOPY ELEVATIONS



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CUSTOMER APPROVAL:

DATE:

DATE BY

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Rev. #2 08/15/24 aaa

Rev. #3 09/05/24 aaa

DATE BY

Rev. #4 09/06/24 aaaj

Rev. #5 09/16/24 aaaj

Rev. #6 \_\_\_\_\_

BJ's 252  
US-77 & Hedgewood Dr,  
Waxahachie, TX 75165

DRAWING NO:

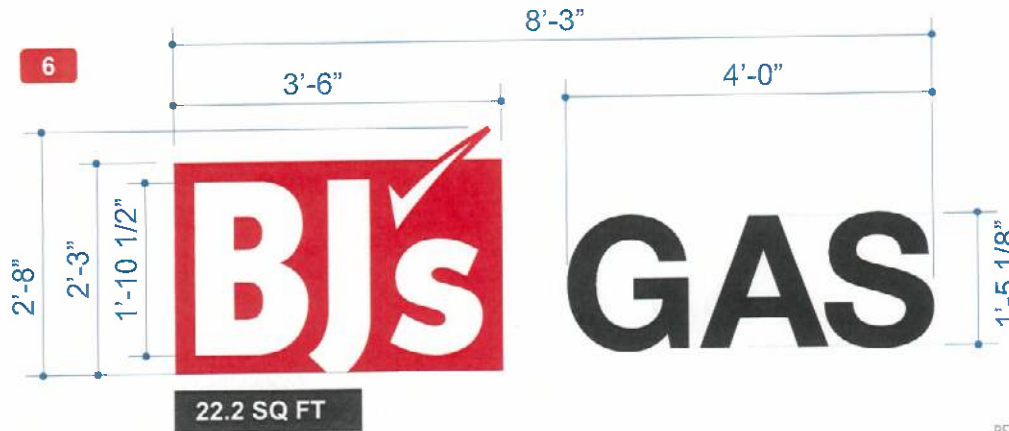
1379468263.05

ARTIST: AAAJ DATE: 07/10/24

SHEET: 10 OF 19

# EXHIBIT F - SIGNAGE PLAN

# CHANNEL LETTERS ON BACKER PANEL - FUEL CANOPY



ILLUMINATED CHANNEL LETTERS ON ILLUMINATED BACKER CABINET GAS CHANNEL LETTERS

- 3M 3730-53L Cardinal Red
- PANTONE 200 C
- White
- 3M Day/Night Film

**COLOR NOTES:**

(PAINT ALL INTERIOR SURFACES W/ LIGHT ENHANCEMENT PAINT)

**CABINET:**

BODY/RETURN - .125" ALUM, PAINT TO MATCH PMS 200 RED  
 RETAINERS - .125" ALUM, PAINT TO MATCH PMS 200 RED  
 FACE - .150" #7328 WHITE POLYCARBONATE W/  
 1ST SURFACE 3M 3730-53L RED VINYL  
 REGISTRATION MARK - 3M 3635-20B WHITE BLOCKOUT FILM  
 ILLUMINATION - FACELIT W/ GEMX24RD-W1 RED LEDS

**LETTERS 'BJ's':**

FACE - .150" #7328 WHITE POLYCARBONATE  
 RETURN - .040" X 5.33" ALUM COIL, PAINT WHITE  
 TRIMCAP - 1" JEWELITE, PAINT TO MATCH PMS 200 RED  
 BACK - 3mm WHITE ACM  
 ILLUMINATION - FACELIT W/ GEMX2471-W1 WHITE LEDS

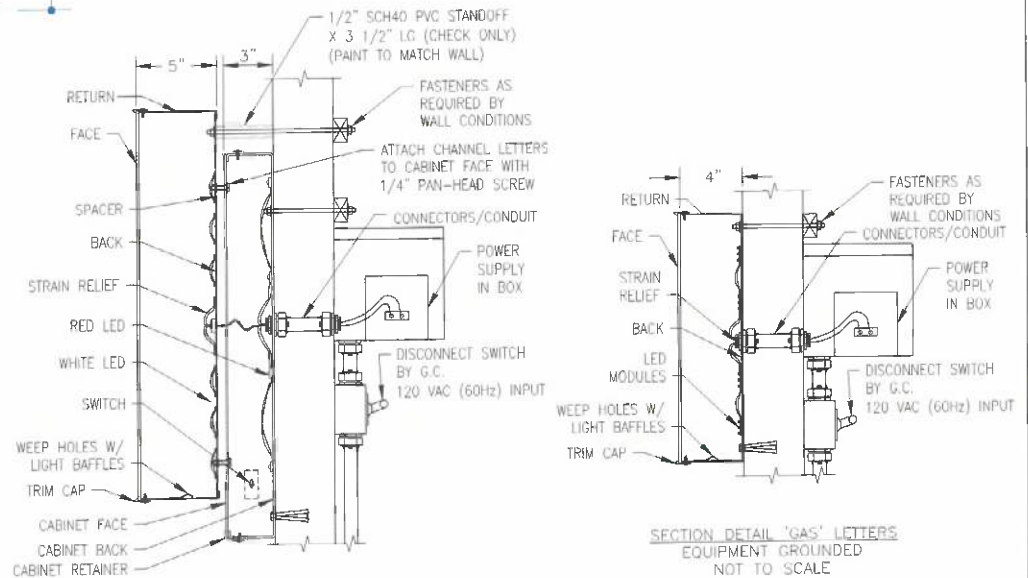
**LETTERS 'GAS':**

FACE - .150" #7328 WHITE POLYCARBONATE W/  
 1ST SURFACE 3M 3635-222 DAY/NIGHT VINYL  
 RETURN - .040" X 4.75" ALUM COIL, PAINT BLACK  
 TRIMCAP - 1" BLACK JEWELITE  
 BACK - 3mm WHITE ACM  
 ILLUMINATION - FACELIT W/ GEMX2471-W1 WHITE LEDS

**ELECTRICAL NOTES:**

TOTAL AMPS - 1.1A  
 TOTAL CIRCUITS - 1 20A REQUIRED  
 VOLTS - 120V

THIS SIGN WILL BE UL OR cUL LISTED AND IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN. @1/4" DRAIN @ 4" CENTERS OR AS REQUIRED BY UL. MIN 12 MTW. PER UL REQUIREMENT, ALL ELECTRICAL COMPONENTS AND WIRING MUST BE FIXED & SUPPORTED A MINIMUM OF 1/2" ABOVE THE BOTTOM OF SIGN. WARNING LABELS TO BE VISIBLE DURING INSTALL/AVAILABLE AFTER INSTALLATION



SECTION DETAIL - 'BJ's' LETTERS/CABINET EQUIPMENT GROUNDED NOT TO SCALE

**GENERAL NOTES:**

SECURE THE TRIM CAP TO THE LETTER RETURN WITH AT LEAST (4) #8 SCREWS SPACED NO GREATER THAN (A) 12" IF RETURN IS AT LEAST .031" THICK & LESS THAN .050" THICK (B) 24" IF RETURN IS EQUAL TO OR GREATER THAN .050" THICK  
 ATTACH TO WALL WITH LAG SCREWS OR THREADED ROD AS REQUIRED BY WALL CONDITIONS

<p>THIS DESIGN REMAINS OUR EXCLUSIVE PROPERTY AND CANNOT BE DUPLICATED WITHOUT WRITTEN CONSENT.</p>	<p>THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT PLANNED FOR YOU BY CUMMINGS. IT IS NOT TO BE SHOWN OUTSIDE YOUR ORGANIZATION NOR USED, REPRODUCED, COPIED OR EXHIBITED IN ANY FASHION UNLESS AUTHORIZED IN WRITING BY AN OFFICER OF CUMMINGS.</p>	CUSTOMER APPROVAL:	DATE	BY	DATE	BY	<p><b>BJ's 252 US-77 &amp; Hedgewood Dr, Waxahachie, TX 75165</b></p>	<p><b>DRAWING NO: 1379468263.05</b></p>		
		DATE: _____	Rev. #1	07/18/24	aaaj	Rev. #4			09/09/24	aaaj
		_____	Rev. #2	08/15/24	aaaj	Rev. #5			09/16/24	aaaj
		_____	Rev. #3	09/05/24	aaaj	Rev. #6				
<p>ARTIST: AAAJ DATE: 07/10/24 SHEET: 11 OF 19</p>										

- 1ST SURFACE VINYL APPLIED TO FUEL CANOPY.
- CANOPY HEIGHT ABOVE GRADE TO BE VERIFIED.

■ 3M BLACK REFLECTIVE VINYL

7

4'-2 3/4"

5" **CLEARANCE 14'-0"**

**0 1 2 3 4 5 6 7 8 9**

1.8 SQ. FT.



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Rev. #3 09/05/24	aaa

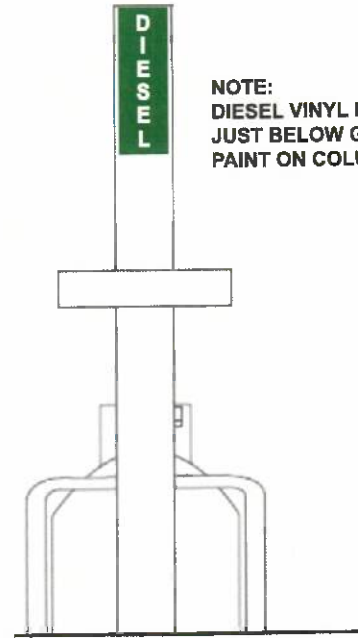
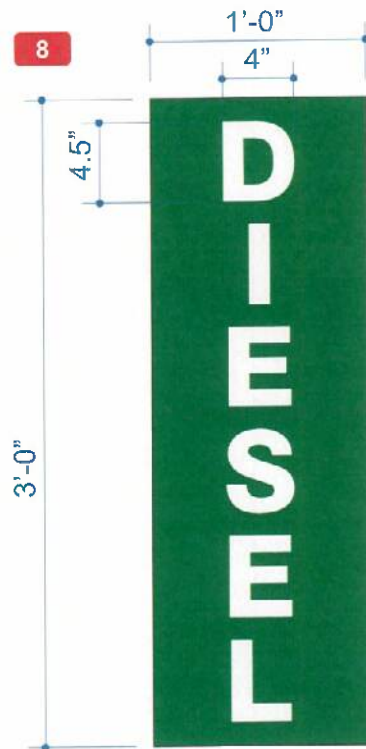
DATE	BY
Rev. #4 09/06/24	aaa
Rev. #5 09/16/24	aaa
Rev. #6	

**BJ's 252  
US-77 & Hedgewood Dr,  
Waxahachie, TX 75165**

**DRAWING NO:  
1379468263.05**  
ARTIST: AAAJ DATE: 07/10/24  
SHEET: 12 OF 19

# EXHIBIT F - SIGNAGE PLAN

## FUEL DISPENSER COLUMN VINYL



NOTE:  
DIESEL VINYL PLACEMENT  
JUST BELOW GRAY  
PAINT ON COLUMN

- VINYL DECAL TO BE PLACED ON EACH COLUMN SIDE.
- MEASUREMENTS TO BE VERIFIED.

 PMS 349C

3.0 SQ. FT.



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Rev. #3	09/05/24	aaa	Rev. #6		

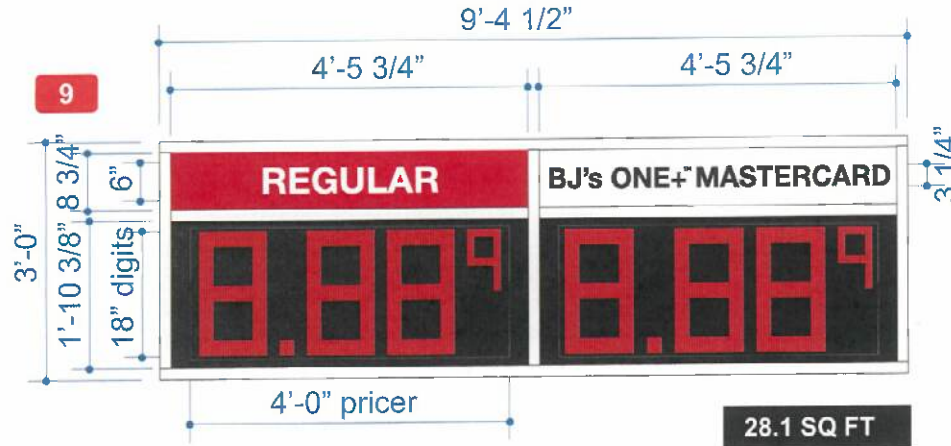
BJ's 252  
US-77 & Hedgewood Dr,  
Waxahachie, TX 75165

DRAWING NO:  
1379468263.05  
ARTIST: AAAJ DATE: 07/10/24  
SHEET: 13 OF 19

# EXHIBIT F - SIGNAGE PLAN

## FUEL CANOPY PRICE SIGN

requires 24/7 dedicated power for proper operation of digital price signs



LED Face Panel  
 Single Face Drop-In Type Cabinets  
 (2) 18" Character Height Red Digital Color  
 120 Volts

Note: canopy price signs are site specific



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Rev.	DATE	BY
Rev. #4	09/06/24	aaa
Rev. #5	09/16/24	aaa
Rev. #6		

**BJ's 252**  
**US-77 & Hedgewood Dr,**  
**Waxahachie, TX 75165**

**DRAWING NO:**  
**1379468263.05**  
 ARTIST: AAAJ DATE: 07/10/24  
 SHEET: 14 OF 19

# EXHIBIT F - SIGNAGE PLAN

# MONUMENT

M

## GENERAL SPECIFICATIONS

Pricers: Pan formed polycarbonate faces decorated With flat, 1st surface graphics.

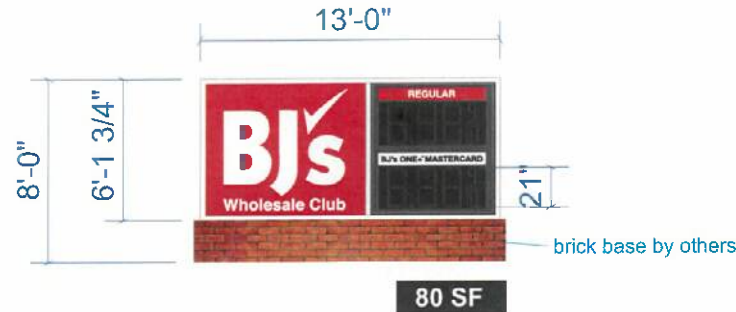
Aluminum Cabinet  
Benjamin Moore Super White  
(#PM-1 or OC-152)

White LED illumination.

LED Face Panel  
(2) Single Face  
Red Digital Color  
Provide 90-265V AC, 15 AMP Circuit for Power

## COLOR SPECIFICATIONS

- 3M 3730-53L Red Vinyl /PMS 200
- 3M 3630-22 Black Vinyl
- White
- Benjamin Moore Super White (#PM-1 or OC-152)
- City Scape SW 7067



## Colors and Materials to match Building

### COLOR AND MATERIAL SCHEDULE

<span style="display: inline-block; width: 20px; height: 10px; background-color: gray; margin-right: 5px;"></span>	TC-1	BENJAMIN MOORE "TROUT GRAY" #2124-20 ON CONCRETE WALL PANELS
<span style="display: inline-block; width: 20px; height: 10px; background-color: white; margin-right: 5px;"></span>	TC-2	BENJAMIN MOORE "GRAY OWL" #2137-60 ON CONCRETE WALL PANELS
<span style="display: inline-block; width: 20px; height: 10px; background-color: red; margin-right: 5px;"></span>	TC-3	BENJAMIN MOORE "RED ROCK" #2005-10 ON CONCRETE WALL PANELS
<span style="display: inline-block; width: 20px; height: 10px; background-color: gray; margin-right: 5px;"></span>	CM-1	CENTER SCORED, GROUND FACE CMU - INTEGRAL COLOR TO MATCH EP HENRY #54N "DARK GRAY"
<span style="display: inline-block; width: 20px; height: 10px; background-color: gray; margin-right: 5px;"></span>	CM-2	SPLIT FACE CMU - INTEGRAL COLOR TO MATCH EP HENRY #509 SP "SILVER GRAY"
<span style="display: inline-block; width: 20px; height: 10px; background-color: gray; margin-right: 5px;"></span>	CM-3	CENTER SCORED, SPLIT FACE CMU - INTEGRAL COLOR TO MATCH EP HENRY #54N "DARK GRAY"



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Rev. #2 08/15/24	aaa	Rev. #5 09/16/24	aaa
Rev. #3 09/05/24	aaa	Rev. #6	

**BJ's 252  
US-77 & Hedgewood Dr,  
Waxahachie, TX 75165**

**DRAWING NO:  
1379468263.05**  
ARTIST: AAAJ DATE: 07/10/24  
SHEET: 15 OF 19

# EXHIBIT F - SIGNAGE PLAN

## TEMPORARY POST & PANEL ROAD SIGN

- 1/4" white Dibond panel with vinyl graphics applied to 1st surface.
- Mounting screws with fender washers to attach panel to wood posts.
- 4" x 4" wood posts painted SW flat, white exterior acrylic latex paint.

- 3M 3730-53L RED
- BLACK
- WHITE

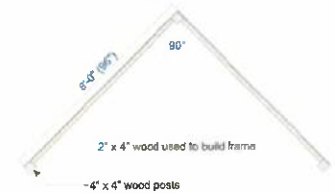
Note: verify placement prior to install.



SIDE ELEVATION



TOP VIEW



32 SQ. FT.

White vinyl background block with black copy to cover existing copy, as required



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BJ's 252  
US-77 & Hedgewood Dr,  
Waxahachie, TX 75165

DRAWING NO:  
1379468263.05

ARTIST: AAAJ DATE: 07/10/24  
SHEET: 16 OF 19

# EXHIBIT F - SIGNAGE PLAN

## 4X8 TEMPORARY BANNER -BJ'S WHOLESALE CLUB



BANNER MATERIAL WITH VINYL OVERLAY  
GROMMETS AS REQUIRED

- 3M 3730-53L Cardinal Red
- PANTONE 200 C
- White
- Black



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Rev. #3	09/05/24	aaa	Rev. #6		

**BJ's 252**  
**US-77 & Hedgewood Dr,**  
**Waxahachie, TX 75165**

DRAWING NO:  
**1379468263.05**

ARTIST: AAAJ DATE: 07/10/24

SHEET: 17 OF 19

# EXHIBIT F - SIGNAGE PLAN

# 4X8 TEMPORARY BANNER -BJ'S GAS



BANNER MATERIAL WITH VINYL OVERLAY  
GROMMETS AS REQUIRED

- 3M 3730-53L Cardinal Red
- PANTONE 200 C
- White
- Black
- Dark Gray to match SW7067



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CUSTOMER APPROVAL:

DATE: \_\_\_\_\_

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Rev. #3 09/05/24 aaaj

DATE BY

Rev. #4 09/06/24 aaaj

Rev. #5 09/16/24 aaaj

Rev. #6 \_\_\_\_\_

**BJ's 252  
US-77 & Hedgewood Dr,  
Waxahachie, TX 75165**

DRAWING NO:

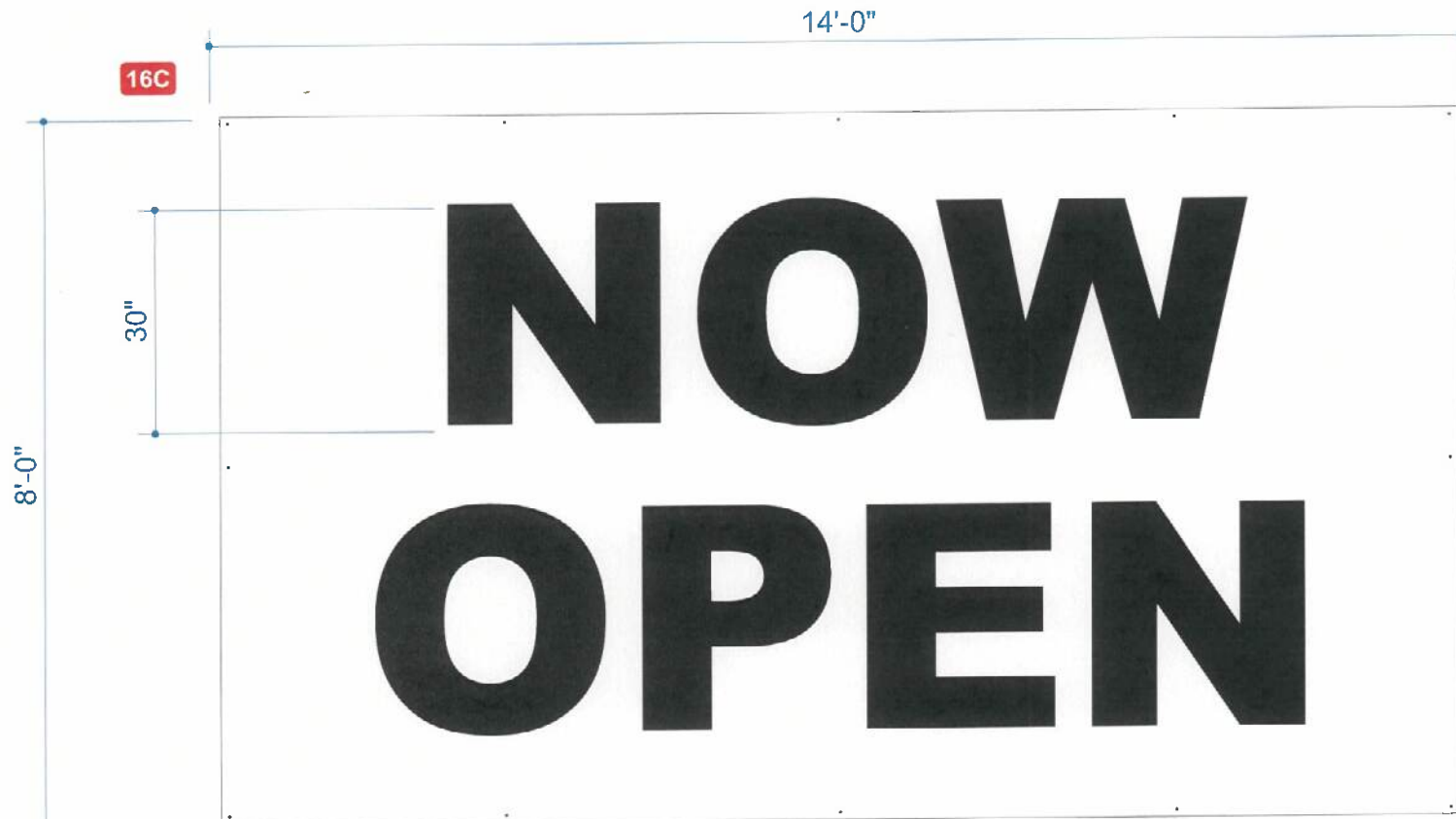
**1379468263.05**

ARTIST: AAAJ DATE: 07/10/24

SHEET: 18 OF 19

# EXHIBIT F - SIGNAGE PLAN

4X8 TEMPORARY BANNER - NOW OPEN



Scale: 1/2" = 1'-0"

112 SQ FT

BANNER MATERIAL WITH VINYL OVERLAY  
GROMMETS AS REQUIRED

- White
- Black



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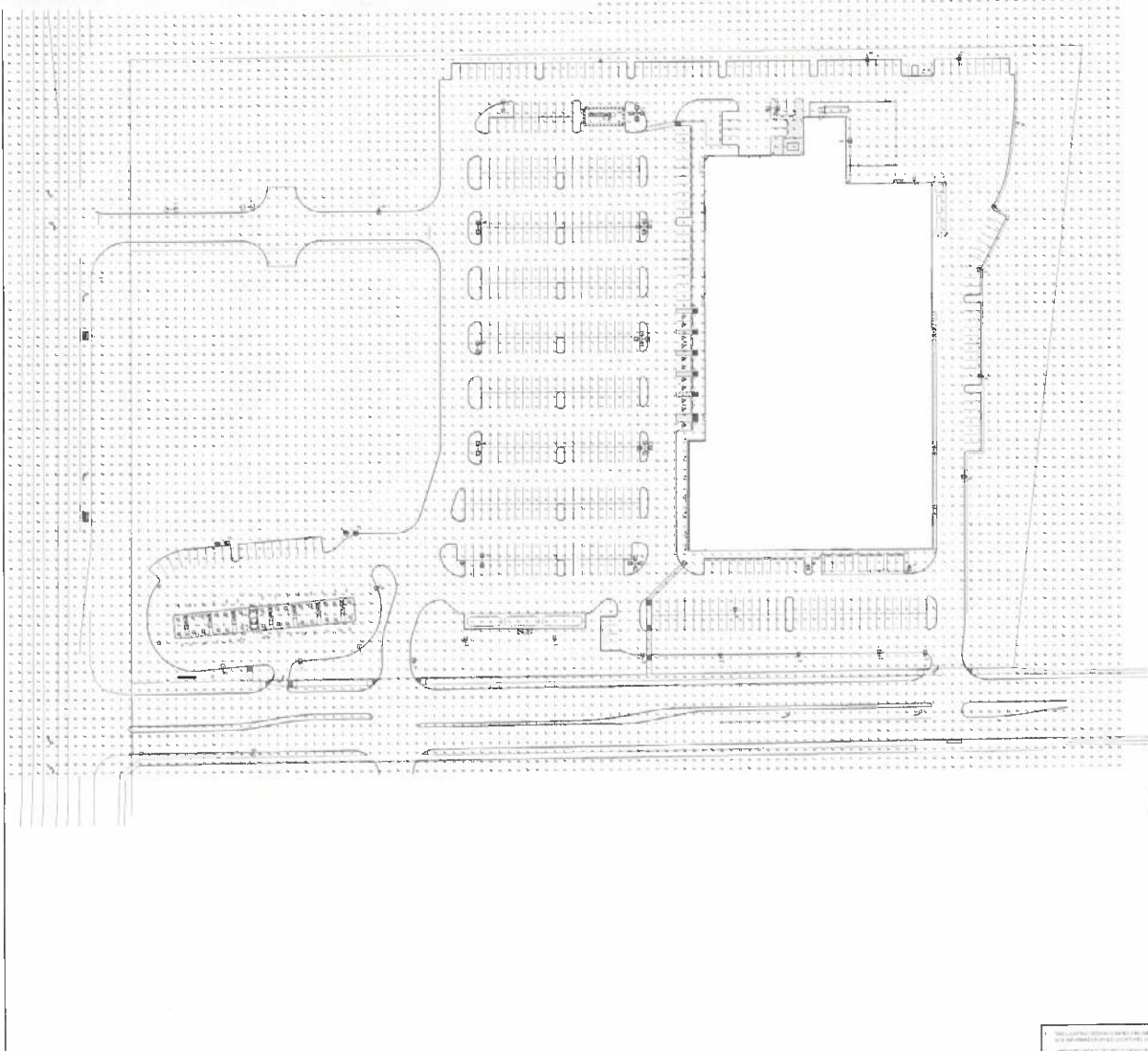
DATE	BY	DATE	BY
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Rev. #3 09/05/24	aaa	Rev. #6	

**BJ's 252  
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Waxahachie, TX 75165**

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1379468263.05**  
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SHEET: 19 OF 19

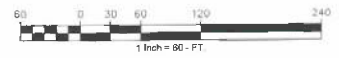
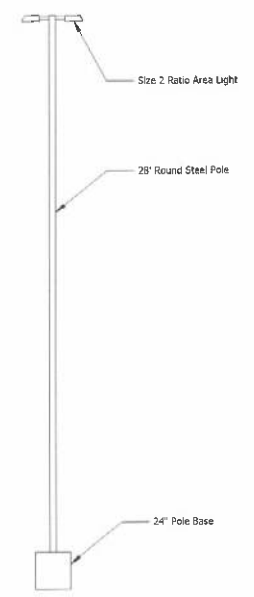
THIS DESIGN REMAINS OUR EXCLUSIVE PROPERTY AND CANNOT BE REPLICATED WITHOUT WRITTEN CONSENT

# EXHIBIT G - PHOTOMETRIC PLAN



Symbol	Qty	Label	Mounting Height	LUF	Low Lumens	Lum. Watts	Description	BUS Rating
A3	4	30' - 0" AFG	0.900	22283	240	VP-ST-2-72L-240-SK7-3-BC	B2-U0-G4	
A4	4	30' - 0" AFG	0.900	15693	240	VP-ST-2-72L-240-SK7-4W-HSS-B55	B1-U2-G3	
A5	3	30' - 0" AFG	0.900	31104	280	VP-ST-3-108L-250-SK7-SQW	B3-U0-G5	
B3	2	30' - 0" AFG	0.900	29944	250	VP-ST-3-108L-250-SK7-3	B3-U0-G4	
B4	2	30' - 0" AFG	0.900	32462	280	VP-ST-3-108L-280-SK7-4W	B3-U0-G5	
B5	6	30' - 0" AFG	0.900	25451	240	VP-ST-3-72L-240-SK7-SQW	B3-U0-G4	
CL	28	12' - 0" AFG	0.900	22657	132	By Others	B4-U0-G2	
H4	8	25' - 0" AFG	0.900	10413	120	VP-ST-1-36L-120-SK7-4W-BC	B1-U0-G2	
H3	1	25' - 0" AFG	0.900	27332	280	VP-ST-3-108L-280-SK7-3-BC	B2-U0-G4	
S3	2	30' - 0" AFG	0.900	27332	280	VP-ST-3-108L-280-SK7-3-BC	B2-U0-G4	
S4	1	30' - 0" AFG	0.900	23510	250	VP-ST-3-108L-250-SK7-4W-BC	B1-U0-G4	
T3	5	30' - 0" AFG	0.900	31104	280	VP-ST-3-108L-280-SK7-SQW	B3-U0-G5	
W4	2	30' - 0" AFG	0.900	30002	250	VP-ST-3-108L-250-SK7-4W	B3-U0-G5	

Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Under Fuel Canopy	Illuminance	Fc	73.96	94.5	46.1	1.60	2.05
The Center Parking	Illuminance	Fc	2.78	5.7	1.6	1.74	3.56
Residential Property Line	Illuminance	Fc	0.44	1.1	0.1	4.40	11.00
Receiving Area	Illuminance	Fc	5.44	8.2	1.8	3.02	4.56
Rear Parking	Illuminance	Fc	2.73	4.3	0.4	6.83	10.75
Rear Entry Drive	Illuminance	Fc	0.93	1.8	0.2	4.65	9.00
Rear Drive Lane	Illuminance	Fc	2.38	6.2	0.9	2.87	6.89
Property Line	Illuminance	Fc	0.48	4.6	0.0	N/A	N/A
Pavinging Perimeter	Illuminance	Fc	2.98	7.5	1.2	2.48	6.25
Parking Pile	Illuminance	Fc	3.30	15.1	1.2	2.75	12.58
Overall Area	Illuminance	Fc	1.62	65.6	0.0	N/A	N/A
Member Entrance Area	Illuminance	Fc	5.07	15.2	2.1	2.41	7.24
Fueling Area	Illuminance	Fc	12.22	81.3	1.8	6.79	34.06
Fuel Entry Drive	Illuminance	Fc	4.00	9.4	0.6	7.67	15.67
Entry Drive 2	Illuminance	Fc	5.46	11.3	2.0	2.74	5.65
Entry Drive 1	Illuminance	Fc	4.33	6.7	0.7	6.19	9.57
Employee Parking	Illuminance	Fc	2.07	3.6	0.4	5.18	9.00



**BJ'S WHOLESALE**  
**WAXAHACHIE, TX**  
**SITE PHOTOMETRIC PLANS**

R1: 07/17/24	R8: 10/18/24	Rev:	07/12/24	N/A
R2: 09/03/24	R7: 10/29/24	Current	10/25/24	AS NOTED
R3: 09/14/24				
R4: 09/15/24				A241482AR7

**EXHIBIT G - PHOTOMETRIC PLAN**



**SITE RENDERINGS**



WAXAHACHIE, TX  
09/11/2024



**SITE RENDERINGS**



WAXAHACHIE, TX  
09/11/2024



**SITE RENDERINGS**



WAXAHACHIE, TX  
09/11/2024



**SITE RENDERINGS**



WAXAHACHIE, TX  
09/11/2024



(23)

STATE OF TEXAS           §           DEVELOPMENT AGREEMENT FOR  
  §           BJ'S WHOLESALE CLUB  
COUNTY OF ELLIS       §

THIS DEVELOPMENT AGREEMENT ("Agreement") is entered into by and between the City of Waxahachie, Texas ("City"), and BJ's Wholesale Club, Inc. ("Developer") (individually, a "Party" and collectively, the "Parties") to be effective (the "Effective Date") on the latest date executed by a Party.

WHEREAS, the City is a home-rule municipal corporation, located in Ellis County, Texas, organized and existing under the laws of the State of Texas; and

WHEREAS, Developer is developing in the City retail stores and shops on approximately 11.91 acres of land generally located at the northeast intersection of Hedgewood Drive and North US Highway 77, Parcel Numbers 191272 and 298186 in the City (the "Property"), and a legal description and depiction of the Property is attached hereto as Exhibit A and incorporated by reference; and

WHEREAS, the foregoing Property was rezoned by the City Council on or about December 16, 2024, when the City Council approved a Planned Development-General Retail for the Property, contained in Ordinance No. \_\_\_\_\_, and this Agreement seeks to incorporate, in part, the negotiated and agreed upon development standards contained in the underlying zoning ordinance, as may be amended, and/or this Development Agreement, to recognize Developer's reasonable investment-backed expectations in the Development, as may be amended, and as more fully described herein.

NOW, THEREFORE, in consideration of the foregoing premises, and for other good and valuable consideration the receipt and adequacy of which are hereby acknowledged, the Parties to this Agreement agree as follows:

1. Development Standards. For any structure built on the Property following the Effective Date, it shall comply with the elevations and building materials requirements contained in Exhibit B, attached hereto and incorporated herein. The Parties agree and acknowledge that the provisions of this Paragraph shall apply to any structure constructed subsequent to the execution of this Agreement. Nothing in this Agreement shall be deemed to modify or otherwise amend any zoning regulation duly adopted by the City, previously or in the future.

2. Covenant Running with the Land. The terms, conditions, rights, obligations, benefits, covenants and restrictions of the provisions of this Agreement shall be deemed covenants running with the land, and shall be binding upon and inure to the benefit of the Developer and its heirs, representatives, successors and assigns. This Agreement shall be deemed to be incorporated into each deed and conveyance of the Property or any portion thereof hereafter made by any other Developers of the Property, regardless of whether this Agreement is expressly referenced therein.

(23)

3. **Applicability of City Ordinances.** Developer shall develop the Property, and construct all structures on the Property, in accordance with all applicable City ordinances and building/construction codes.

4. **Rough Proportionality.** Developer hereby agrees that any land or property donated and/or dedicated to the City pursuant to this Agreement, including but not limited to any dedication of right-of-way along either Hedgewood Drive and/or US Highway 77, whether in fee simple or otherwise, including any easements (as may be reflected in any Final Plat), including any utility and/or access easements, relative to any development on the Property is roughly proportional to the need for such land and Developer hereby waives any claim therefor that it may have. Developer further acknowledges and agrees that all prerequisites to such a determination of rough proportionality have been met, and that any costs incurred relative to said donation are related both in nature and extent to the impact of the development referenced herein. Both Developer and the City further agree to waive and release all claims one may have against the other related to any and all rough proportionality and individual determination requirements mandated by the United States Supreme Court in *Dolan v. City of Tigard*, 512 U.S. 374 (1994), and its progeny, as well as any other requirements of a nexus between development conditions and the provision of roadway services to the Property.

5. **Exactions/Infrastructure Costs.** Both the City and Developer have been represented by legal counsel in the negotiation of this Agreement and been advised or each has had the opportunity to have legal counsel review this Agreement and advise them, regarding Developer's and the City's rights under Texas and federal law. Developer and the City hereby waive any requirement that the other retain a professional engineer, licensed pursuant to Chapter 1001 of the Texas Occupations Code, to review and determine that the exactions are roughly proportional or roughly proportionate to the proposed development's anticipated impact. Developer specifically reserves its right to appeal the apportionment of municipal infrastructure costs in accordance with § 212.904 of the Texas Local Government Code and any exemptions from impact fees under current or future law; however, notwithstanding the foregoing and to the extent permitted by law, Developer hereby releases the City from any and all liability under § 212.904 of the Texas Local Government Code, as amended, regarding or related to the cost of those municipal infrastructure requirements imposed by this Agreement.

6. **Default.** No Party shall be in default under this Agreement until notice of the alleged failure of such Party to perform has been given (which notice shall set forth in reasonable detail the nature of the alleged failure) and until such Party has been given a reasonable time to cure the alleged failure (such reasonable time determined based on the nature of the alleged failure, but in no event less than thirty (30) days after written notice of the alleged failure has been given). In addition, no Party shall be in default under this Agreement if, within the applicable cure period, the Party to whom the notice was given begins performance and thereafter diligently and continuously pursues performance until the alleged failure has been cured. If either Party is in default under this Agreement, the other Party shall have the right to enforce the Agreement in accordance with applicable law, provided, however, in no event shall any Party be liable for consequential or punitive damages.

(23)

7. **Venue.** This Agreement shall be governed by and construed in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Ellis County, Texas.

8. **Notice.** Any notices required or permitted to be given hereunder (each, a "Notice") shall be given by certified or registered mail, return receipt requested, to the addresses set forth below or to such other single address as either party hereto shall notify the other:

If to the City:           The City of Waxahachie  
408 S. Rogers Street  
Waxahachie, Texas 75165  
Attention: City Manager

If to Developer:       BJ's Wholesale Club, Inc.  
350 Campus Drive  
Marlborough, Massachusetts 01752  
Attention: Marc LaVoie, P.E.

9. **Prevailing Party.** In the event any person initiates or defends any legal action or proceeding to enforce or interpret any of the terms of this Agreement, the prevailing party in any such action or proceeding shall be entitled to recover its reasonable costs and attorney's fees (including its reasonable costs and attorney's fees on any appeal).

10. **Entire Agreement.** This Agreement contains the entire agreement between the Parties hereto with respect to development of the Property and supersedes all prior agreements, oral or written, with respect to the subject matter hereof. The provisions of this Agreement shall be construed as a whole and not strictly for or against any Party.

11. **Savings/Severability.** In the event any provision of this Agreement shall be determined by any court of competent jurisdiction to be invalid or unenforceable, the Agreement shall, to the extent reasonably possible, remain in force as to the balance of its provisions as if such invalid provision were not a part hereof.

12. **Binding Agreement.** A telecopied facsimile of a duly executed counterpart of this Agreement shall be sufficient to evidence the binding agreement of each party to the terms herein, including without limitation a scanned copy sent via electronic mail by either Party.

13. **Authority to Execute.** This Agreement shall become a binding obligation on the Parties upon execution by all Parties hereto. The City warrants and represents that the individual executing this Agreement on behalf of the City has full authority to execute this Agreement and bind the City to the same. Developer warrants and

represents that the individual executing this Agreement on behalf of Developer has full authority to execute this Agreement and bind Developer to the same. The City Council hereby authorizes the City Manager of the City to execute this Agreement on behalf of the City.

14. **Filing in Deed Records.** This Agreement, and any and all subsequent amendments to this Agreement, shall be filed in the deed records of Ellis County, Texas.

15. **Mediation.** In the event of any disagreement or conflict concerning the interpretation of this Agreement, and such disagreement cannot be resolved by the signatories hereto, the signatories agree to submit such disagreement to nonbinding mediation.

16. **Notification of Sale or Transfer; Assignment of Agreement.** Except with respect to a sale or transfer to a related entity of Developer, Developer shall notify the City in writing of any sale or transfer of all or any portion of the Property, within ten (10) business days of such sale or transfer. Developer has the right (from time to time without the consent of the City, but upon written notice to the City) to assign this Agreement, in whole or in part, and including any obligation, right, title, or interest of Developer under this Agreement, to any person or entity (an "Assignee") that is or will become an Developer of any portion of the Property or that is an entity that is controlled by or under common control with Developer. Each assignment shall be in writing executed by Developer and the Assignee and shall obligate the Assignee to be bound by this Agreement. Except with respect to a sale or transfer to a related entity of Developer, a copy of each assignment shall be provided to the City within ten (10) business days after execution. Provided that the successor Developer assumes the liabilities, responsibilities, and obligations of the assignor under this Agreement and/or the building has been constructed on the Property as provided in this Agreement, the assigning party will be released from any rights and obligations under this Agreement as to the Property that is the subject of such assignment, effective upon such transfer. No assignment by Developer shall release Developer from any liability that resulted from an act or omission by Developer that occurred prior to the effective date of the assignment. Developer shall maintain true and correct copies of all assignments made by Developer to Assignees, including a copy of each executed assignment and the Assignee's Notice information.

17. **Sovereign Immunity.** The Parties agree that the City has not waived its sovereign immunity from suit by entering into and performing its obligations under this Agreement.

18. **Effect of Recitals.** The recitals contained in this Agreement: (a) are true and correct as of the Effective Date; (b) form the basis upon which the Parties negotiated and entered into this Agreement; (c) are legislative findings of the City Council; and (d) reflect the final intent of the Parties with regard to the subject matter of this Agreement. In the event it becomes necessary to interpret any provision of this Agreement, the intent of the Parties, as evidenced by the recitals, shall be taken into consideration and, to the maximum extent possible, given full effect. The Parties have relied upon the recitals as

(23)

part of the consideration for entering into this Agreement and, but for the intent of the Parties reflected by the recitals, would not have entered into this Agreement.

19. **Consideration.** This Agreement is executed by the parties hereto without coercion or duress and for substantial consideration, the sufficiency of which is forever confessed.

20. **Counterparts.** This Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes. A facsimile signature will also be deemed to constitute an original.

21. **Amendment.** This Agreement shall not be modified or amended except in writing signed by the Parties. A copy of each amendment to this Agreement, when fully executed and recorded, shall be provided to each Party, Assignee and successor Developer of all or any part of the Property; however, the failure to provide such copies shall not affect the validity of any amendment.

22. **Waiver of Texas Government Code § 3000.001 et seq.** With respect to any structures or improvements constructed on the Property pursuant to this Agreement, Developer hereby waives any right, requirement or enforcement of Texas Government Code §§ 3000.001-3000.005, as amended.

23. **Miscellaneous Drafting Provisions.** This Agreement shall be deemed drafted equally by all Parties hereto. The language of all parts of this Agreement shall be construed as a whole according to its fair meaning, and any presumption or principle that the language herein is to be construed against any Party shall not apply.

**IN WITNESS WHEREOF**, the parties hereto have caused this document to be executed as of the date referenced herein.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

(23)

CITY:

THE CITY OF WAXAHACHIE, TEXAS

By: \_\_\_\_\_

Name: Michael Scott

Title: City Manager

STATE OF TEXAS     )  
                                  )  
COUNTY OF ELLIS    )

This instrument was acknowledged before me on the \_\_\_ day of \_\_\_\_\_, 2024, by Michael Scott, City Manager of the City of Waxahachie, Texas, on behalf of the City of Waxahachie, Texas.

\_\_\_\_\_  
Notary Public, State of Texas  
My Commission Expires: \_\_\_\_\_



(23)

**EXHIBIT A**

**(Property Legal Description)**

Property Description: Ellis County Appraisal District Parcel Numbers 191272 and 298186.

(23)

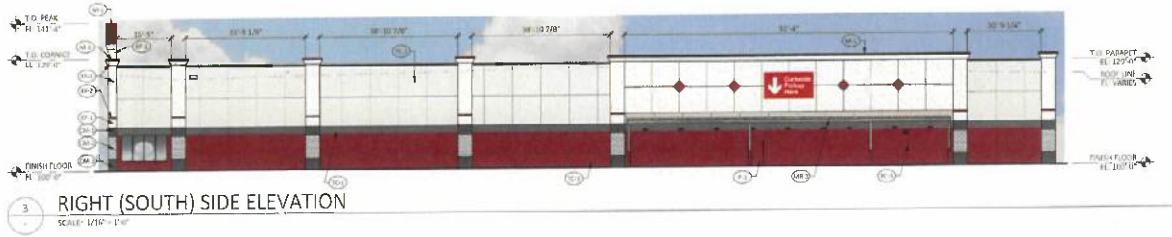
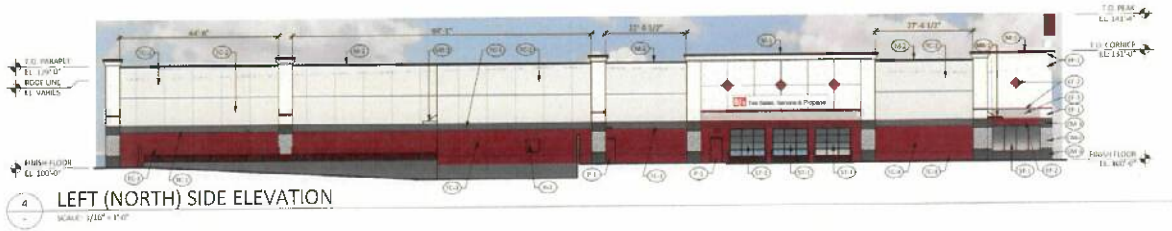
**EXHIBIT B**

**(Building Materials/Elevations)**

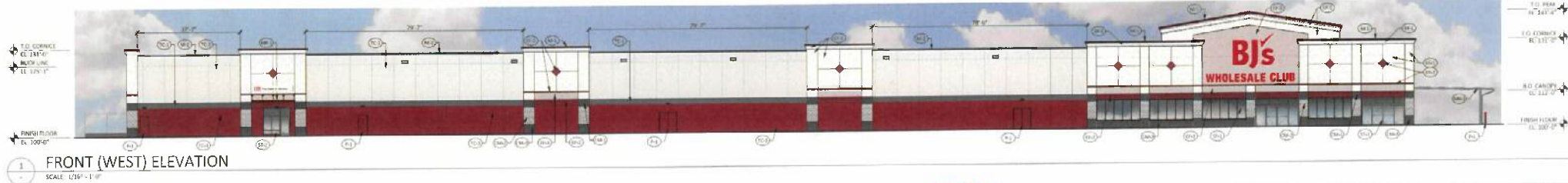
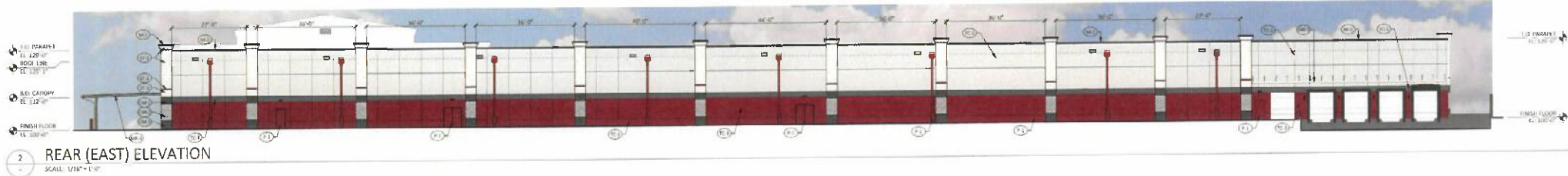
# EXHIBIT B - BUILDING MATERIALS/ELEVATIONS

MATERIAL PERCENTAGES				
	FRONT	REAR	LEFT SIDE	RIGHT SIDE
GLAZING	6.1%	0%	1.2%	5.1%
CMU	5.1%	3.8%	4.1%	4.6%
EIFS	30.3%	6.0%	6.4%	22.0%
CONC	56.8%	85.8%	87.7%	66.7%
MISC	1.7%	4.4%	0.6%	1.6%
TOTAL	100%	100%	100%	100%

ARTICULATION CALCULATIONS			
FRONT (WEST) ELEVATION	REAR (EAST) ELEVATION	RIGHT (SOUTH) ELEVATION	LEFT (NORTH) ELEVATION
<b>ARTICULATION CALCULATIONS</b>			
<b>HORIZONTAL</b>			
MAXIMUM LENGTH OF ARTICULATION: 29'-0" x 3 = 87'-0"	MAXIMUM LENGTH OF ARTICULATION: 29'-0" x 3 = 87'-0"	MAXIMUM LENGTH OF ARTICULATION: 29'-0" x 3 = 87'-0"	MAXIMUM LENGTH OF ARTICULATION: 29'-0" x 3 = 87'-0"
MINIMUM DEPTH & LENGTH OF OFFSET: 29'-0" x 0.25 = 7'-3"	MINIMUM DEPTH & LENGTH OF OFFSET: 29'-0" x 0.25 = 7'-3"	MINIMUM DEPTH & LENGTH OF OFFSET: 29'-0" x 0.25 = 7'-3"	MINIMUM DEPTH & LENGTH OF OFFSET: 29'-0" x 0.25 = 7'-3"
PROVIDED: <ul style="list-style-type: none"> <li>OFFSET A: 48'-4" LENGTH, 19'-0" OFFSET</li> <li>OFFSET B: 0'-0" 24'-0" LENGTH, 19'-0" OFFSET EACH</li> </ul> TOTAL OFFSET DISTANCE = 22'-0"	PROVIDED: <ul style="list-style-type: none"> <li>OFFSET A: 33'-0" LENGTH, 19'-0" OFFSET EACH</li> <li>OFFSET B: 0'-0" 24'-0" LENGTH, 19'-0" OFFSET EACH</li> </ul> TOTAL OFFSET DISTANCE = 22'-0"	PROVIDED: <ul style="list-style-type: none"> <li>OFFSET A: 24'-0" LENGTH, 19'-0" OFFSET</li> <li>OFFSET B: 0'-0" 24'-0" LENGTH, 19'-0" OFFSET EACH</li> </ul> TOTAL OFFSET DISTANCE = 19'-0"	PROVIDED: <ul style="list-style-type: none"> <li>OFFSET A: 33'-0" LENGTH, 19'-0" OFFSET</li> <li>OFFSET B: 0'-0" 24'-0" LENGTH, 19'-0" OFFSET EACH</li> </ul> TOTAL OFFSET DISTANCE = 22'-0"
<b>VERTICAL</b>			
MINIMUM ARTICULATION: 29'-0" x 0.25 = 7'-3"	MINIMUM ARTICULATION: 29'-0" x 0.25 = 7'-3"	MINIMUM ARTICULATION: 29'-0" x 0.25 = 7'-3"	MINIMUM ARTICULATION: 29'-0" x 0.25 = 7'-3"
PROVIDED: <ul style="list-style-type: none"> <li>OFFSET A: 33'-0" 2'-0" HEIGHT EACH</li> <li>OFFSET B: 0'-0" 2'-0" HEIGHT EACH</li> </ul> TOTAL OFFSET HEIGHT = 22'-0"	PROVIDED: <ul style="list-style-type: none"> <li>OFFSET A: 33'-0" 2'-0" HEIGHT EACH</li> <li>OFFSET B: 0'-0" 2'-0" HEIGHT EACH</li> </ul> TOTAL OFFSET HEIGHT = 22'-0"	PROVIDED: <ul style="list-style-type: none"> <li>OFFSET A: 24'-0" 2'-0" HEIGHT EACH</li> <li>OFFSET B: 0'-0" 2'-0" HEIGHT EACH</li> </ul> TOTAL OFFSET HEIGHT = 18'-0"	PROVIDED: <ul style="list-style-type: none"> <li>OFFSET A: 33'-0" 2'-0" HEIGHT EACH</li> <li>OFFSET B: 0'-0" 2'-0" HEIGHT EACH</li> </ul> TOTAL OFFSET HEIGHT = 22'-0"



COLOR AND MATERIAL SCHEDULE			
TC-1	BENJAMIN MOORE "FRUIT GRAY" #2124-20 ON CONCRETE WALL PANELS	ST-1	ALUMINUM - COLOR TO MATCH PAC CLAD 'COLONIAL RED'
TC-2	BENJAMIN MOORE "GRAY OWL" #2137 60 ON CONCRETE WALL PANELS	ST-2	AUTOMATIC SLIDING DOOR - COLOR TO MATCH CLEAR ANODIZED
TC-3	BENJAMIN MOORE "RED ROCK" #2005-10 ON CONCRETE WALL PANELS	M-1	COPING - PAINT TO MATCH PAC CLAD 'COLONIAL RED'
CM-1	CENTER SCORED, GROUND FACE CMU - INTEGRAL COLOR TO MATCH EP HENRY #54N 'DARK GRAY'	M-2	COPING - PAINT TO MATCH PAC-CLAD 'CHARCOAL'
CM-2	SPLIT FACE CMU - INTEGRAL COLOR TO MATCH EP HENRY #50R 'SILVER GRAY'	P-1	PAINT TO MATCH BENJAMIN MOORE #2005-10 'RED ROCK'
CM-3	CENTER SCORED, SPLIT FACE CMU - INTEGRAL COLOR TO MATCH EP HENRY #54N 'DARK GRAY'	MR-1	METAL CANOPY - COLOR TO MATCH PAC-CLAD 'COLONIAL RED'
EF-1	EIFS COLOR TO MATCH DRYVIT #310 'CHINA WHITE'	MR-2	METAL CANOPY - COLOR TO MATCH PAC-CLAD 'BONE WHITE'
EF-2	EIFS COLOR TO MATCH BENJAMIN MOORE #2005-10 'RED ROCK'	MR-3	METAL CANOPY - COLOR TO MATCH 'ANODIZED ALUMINUM'
EF-3	EIFS COLOR TO MATCH DRYVIT #104 'DOVER SKY'		

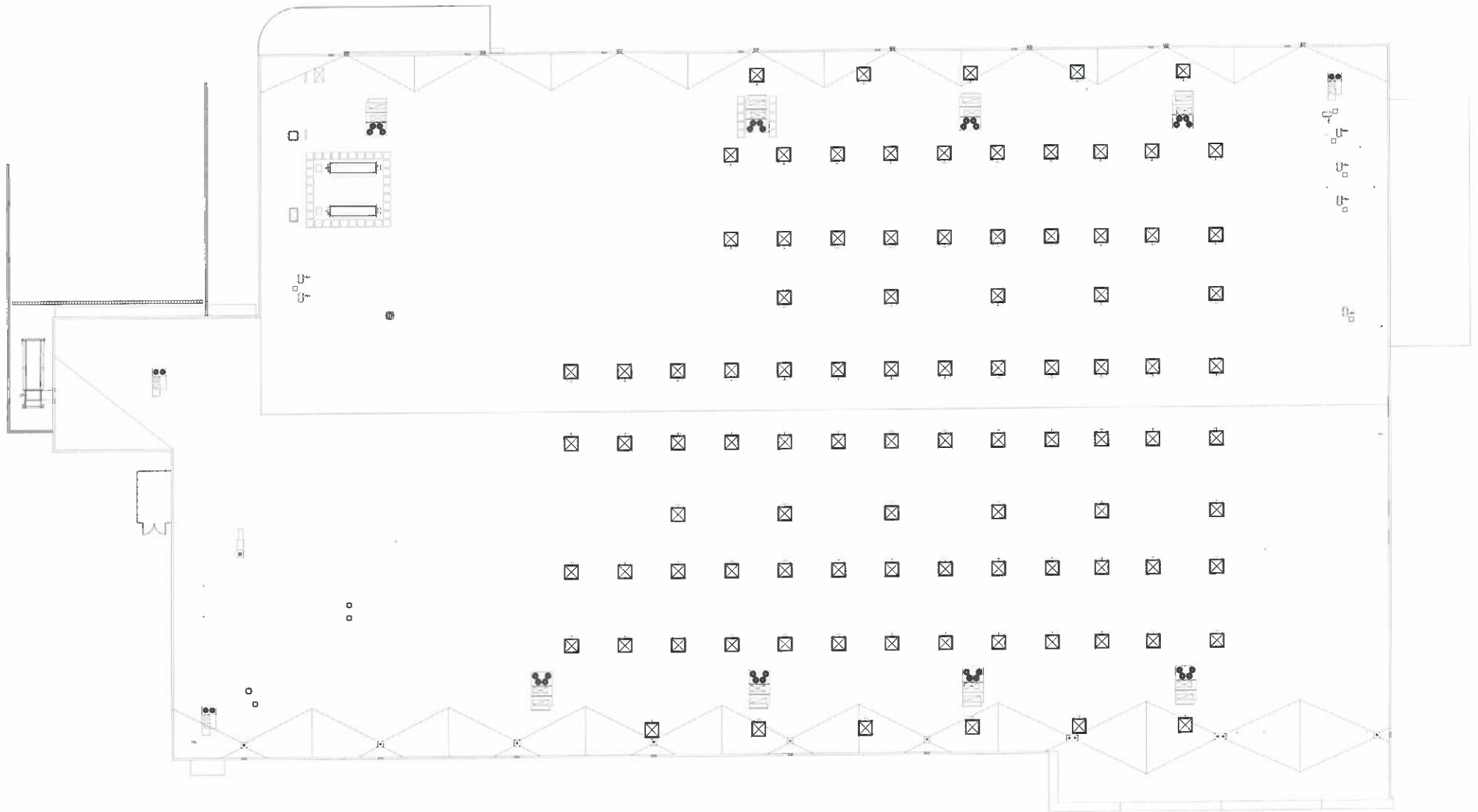


WAXAHACHIE, TX  
10/25/2024

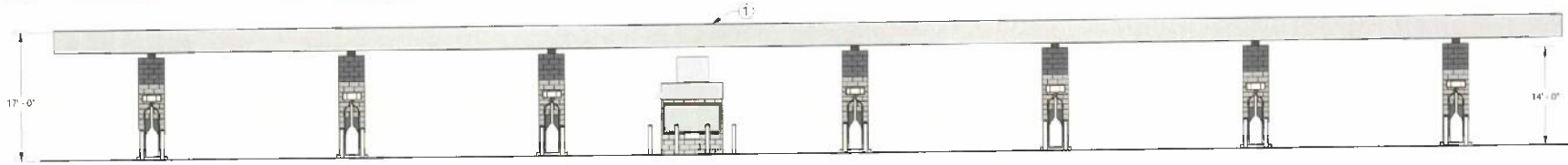


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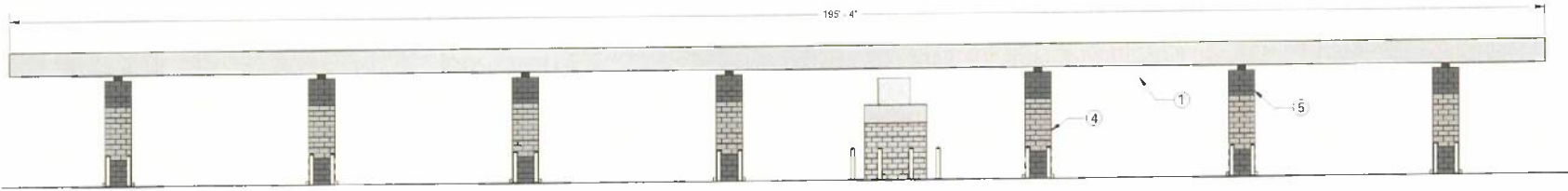
**EXHIBIT B - BUILDING  
MATERIALS/ELEVATIONS**



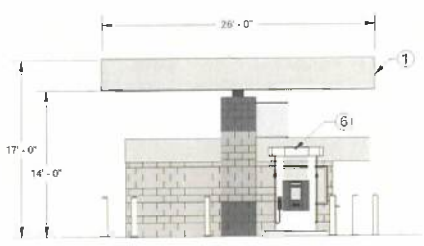
# EXHIBIT B - BUILDING MATERIALS/ELEVATIONS



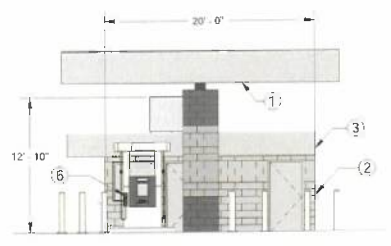
1 CANOPY (FRONT)



2 CANOPY (BACK)



3 CANOPY (LEFT)



4 CANOPY (RIGHT)

- LEGEND
- 1 - CANOPY FASCIA - "BRUSHED ALUMINUM" ALUMINUM COMPOSITE MATERIAL
  - 2 - KIOSK EXTERIOR - FULLERTON FINISH SYSTEMS "CASTWAL" BLOCK - CAST 8"x16" SPLIT-FACE BLOCK - COLOR TO MATCH EP HENRY #509 SP "SILVER GRAY"
  - 3 - KIOSK FASCIA - "BRUSHED ALUMINUM" ALUMINUM COMPOSITE MATERIAL
  - 4 - CANOPY COLUMN - FULLERTON FINISH SYSTEMS "CASTWAL" BLOCK - CAST 8"x16" SPLIT-FACE BLOCK - COLOR TO MATCH EP HENRY #509 SP "SILVER GRAY"
  - 5 - CANOPY COLUMN - FULLERTON FINISH SYSTEMS "CASTWAL" BLOCK - CAST 8"x16" SPLIT-FACE BLOCK - COLOR TO MATCH EP HENRY #54N "DARK GRAY"
  - 6 - DISPENSERS (7 TOTAL)

KIOSK CONSTRUCTION MATERIAL PERCENTAGES				
MATERIAL	FRONT	REAR	RIGHT	LEFT
ACM FASCIA	23.70%	23.80%	26.90%	26.90%
MASONRY	43.20%	76.40%	45.00%	65.90%
GLAZING	32.00%	0.00%	7.20%	7.20%
DOOR	0.00%	0.00%	20.90%	0.00%
OTHER	2.10%	0.00%	0.00%	0.00%
TOTAL	100.00%	100.00%	100.00%	100.00%

**PROPOSED FUELING FACILITY**  
 WAXAHACHIE, TX




(23)

(24)



## Memorandum

To: Honorable Mayor and City Council  
From: Dale Sigler, Director of Administrative Services  
Thru: Michael Scott, City Manager   
Date: December 10, 2024  
Re: Second Reading and Adoption of Renewal Franchise Utility Agreement Ordinance with Gateway Pipeline Company, LLC.

---

**Recommended Motion:** "I move to approve the renewal of the franchise utility agreement ordinance with Gateway Pipeline Company, LLC."

**Item Description:** Conduct the second reading of the proposed franchise utility agreement renewal and consider adoption of an ordinance granting Gateway Pipeline Company, LLC. a utility franchise agreement.

**Item Summary:** Gateway Pipeline Company is requesting to renew their existing franchise utility agreement with the City of Waxahachie. Gateway seeks to utilize infrastructure in the City's right-of-ways to furnish and supply natural gas to the general public, which includes delivery, sale, and distribution of natural gas.

The City of Waxahachie Charter dictates that a proposed Utility Franchise Agreement must be publicly read at two (2) City Council meetings and must be published in the City's Newspaper of Record four (4) consecutive times prior to the adoption of the Franchise Utility Agreement. The first reading was read at the November 4, 2024 City Council meeting and the second reading on the December 16, 2024 City Council meeting. The City Secretary's office will publish the Franchise Utility Agreement in The Waxahachie Sun four (4) consecutive times beginning on December 18, 2024.

(24)

If approved by Council on December 16, 2024, the Franchise Utility Agreement will take effect in thirty (30) days or on January 15, 2025.

**Fiscal Impact:** In consideration of the rights granted by the City to the Company to use and occupy the Public Rights-of-Way for the conduct of its business, the Company, its successors and assigns, agree to pay to the City franchise fees in the amount and manner described herein. Such payments shall be made on a quarterly basis, on or before the twentieth (20th) day following the end of each calendar quarter. The franchise fee shall be a sum of money which shall be equivalent to five (5%) percent of the Company's quarterly Gross Revenues unless such revenues are specifically excluded by the ordinance.

(25)

# Proposed Gateway Pipeline Company, LLC Franchise Agreement Ordinance

First Reading: November 4, 2024  
Second Reading: December 16, 2024  
Proposed Adoption: December 16, 2024

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE GRANTING TO GATEWAY PIPELINE COMPANY, LLC. A FRANCHISE TO FURNISH AND SUPPLY GAS TO THE GENERAL PUBLIC IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS ("CITY"), FOR THE TRANSPORT, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH THE CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FRANCHISE FEE FOR THE USE OF THE CITY'S STREETS, ALLEYS, AND PUBLIC RIGHTS-OF-WAY; REQUIRING COMPLIANCE WITH ALL REGULATORY ORDINANCES OF THE CITY; AND PROVIDING FOR OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.**

**WHEREAS**, Chapter 121 of the Texas Utilities Code authorizes municipalities to adopt ordinances that establish conditions for mapping, inventorying, locating, or relocating pipelines over, under, along, or across a public street or alley or private residential area in the boundaries of the municipality; and

**WHEREAS**, the City Council of the City of Waxahachie, Texas ("City Council") strives to promote orderly and safe development within the corporate limits of the City; and

**WHEREAS**, the City Council finds that a franchise agreement with Gateway Pipeline Company, a Limited Liability Corporation (hereinafter referred to as the "Company") is in the best interest of the City and the health, safety, and welfare of the public.

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

**Section 1. - Grant of Authority.**

- (a) Subject to the reasonable and timely compliance by the Company with the provisions contained herein, the City hereby grants to the Company, its successors and assigns, consent to use and occupy the present and future Public Rights-of-Way (as hereinafter defined), for the purpose of laying, maintaining, constructing, protecting, operating, and replacing therein and thereon pipelines and all other appurtenant equipment needed and necessary to deliver, transport, and distribute gas in, out of, and through the City and to sell gas to persons, firms, and corporations, including the general public, within the corporate limits of the City, as such limits may be amended from time to time during the term of this Ordinance (the "Franchise").
- (b) This Franchise is granted for a term of ten (10) years from and after the effective date of this Ordinance.
- (c) This Franchise covers the geographical area of the entire corporate limits of the City. The Company agrees that the corporate limits are subject to expansion or reduction by annexation and contraction of municipal boundaries and that the Company has no vested right to a specific area in terms of size or location. The Company hereby agrees to provide service to any and all areas that may be annexed by the City under the same terms and conditions of this Ordinance as if the annexed areas were now covered by this Ordinance. If the City approves any expansion or reduction of the

## Proposed Gateway Pipeline Company, LLC Franchise Agreement Ordinance

First Reading: November 4, 2024

Second Reading: December 16, 2024

Proposed Adoption: December 16, 2024

corporate limits by annexation or contraction, the City will provide written notice to the Company. The Company must revise its payments due to any expansion or reduction by annexation or contraction within a reasonable time after notice by the City, but no later than sixty (60) days after receipt of such notice.

- (d) This Franchise is granted subject to and in accordance with Article IX, Section 9.02 of the City's Charter.

### Section 2. - Definitions.

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (a) "Gross Revenues" means:
- i. All revenues charged by the Company for the sale of gas, including compressed gas, within the City to all consumers within the City;
  - ii. All revenues charged by the Company for the transport of gas through the pipeline system of the Company within the City to consumers within the City regardless of the origination of the gas within the Company's system of lines; and
  - iii. The total cost of gas transported by the Company for Transport Customers (as hereinafter defined) through the pipeline system of the Company within the City.

Gross Revenues shall not be reduced by bad debts, unless and until such debts are actually charged off. Abandoned deposits shall be applied as an offset to bad debts for purposes of this Ordinance. No revenues shall be excluded from Gross Revenues unless such revenues are specifically excluded by this Ordinance.

- (b) "Public Rights-of-Way" means all of the public streets, alleys, highways, bridges, easements, drainage ways, and sidewalks of the City, as they now exist or may be hereafter constructed, reconstructed opened, laid out, expanded or extended within the present corporate limits of the City, or in such territory as may hereafter be added to, consolidated or annexed by the City.
- (c) "Transport Customer" means any person or entity for whom the Company transports gas through the pipeline system of the Company within the City to consumers.
- (d) "Emergencies" means any event which causes a life, health, and/or safety risk or an extenuating event which requires repairs to restore disrupted service to existing customers.

(25)

## Proposed Gateway Pipeline Company, LLC Franchise Agreement Ordinance

First Reading: November 4, 2024

Second Reading: December 16, 2024

Proposed Adoption: December 16, 2024

### Section 3. - Conditions of Occupancy.

- (a) All occupancy and activities of the Company in the Public Rights-of-Way shall require prior written approval of the City and conform with all the applicable local codes and ordinances, as amended, including local infrastructure standards for design, construction and repair, as amended, and with all other federal, state and local regulatory requirements as such may be adopted and amended from time to time, including but not limited to requirements regarding the acquisition of permits and the payment of fees therefor. Except in emergencies, before the Company shall be authorized or required to extend, repair, or relay its existing gas mains or street service lines, it shall file with the City's Director of Public Works a written statement showing the nature and character of the extensions to be made, obtain a permit for such work, and pay the required permit fees; provided, however, that the Company may make emergency repairs and replacements without any prior filing, but a written statement shall be filed promptly thereafter. In addition, the Company shall assess and report on the impact of its proposed construction on the City's environment. Such plans and reports may be reviewed by the City to ensure that, among other items, (i) aesthetic and good planning principles have been given due consideration, (ii) any adverse impacts on the environment have been minimized, and (iii) that all applicable laws, including building and zoning codes and air and water pollution regulations, are complied with. Reasonable changes suggested by the City shall be incorporated into the Company's plans.
- (b) The Company shall, upon the written request of the City, relocate its facilities situated within the Public Rights-of-Way, at no expense to the City, when necessary to accommodate street construction or widening or other improvement projects by the City. When the Company is required by the City to remove or relocate its mains, laterals, and other facilities and the Company is eligible under federal, state, county, local or other programs for reimbursement of costs and expenses incurred by the Company as a result of such removal or relocation and such reimbursement is required to be handled through the City, the Company's costs and expenses shall be included in any application by the City for reimbursement if the Company submits its cost and expense documentation to the City prior to the filing of the application. The City shall provide reasonable notice to the Company of the deadline for the Company to submit documentation of the costs and expenses incurred for such relocation to the City.
- (c) Following relocation, the Company shall, at its sole expense and according to the City's specifications, repair, clean up, and restore to their approximate original condition, all Public Rights-of-Way disturbed during the construction and/or repair of the Company's gas distribution system. Company shall complete temporary restoration within forty-eight (48) hours of the completion of its work. If restoration to the pavement or other surface has not received final restoration within thirty (30) days of the completion of the work, City shall give Company written notice requiring restoration be completed within an additional seventy-two (72) hours. If Company fails or refuses to complete the restoration within the additional seventy-two (72) hours, City may complete or cause to have completed necessary repairs to restore Rights-of-Way. Company agrees to pay for all costs of such repairs within thirty (30) days after receiving such bill.
- (d) The Company shall at all times keep on file with the City a current map or set of maps of the Company's facilities within the City. Such maps shall indicate subdivision locations and locations of the Company's consumers. As extensions or modifications of facilities are made from time to time,

## Proposed Gateway Pipeline Company, LLC Franchise Agreement Ordinance

First Reading: November 4, 2024

Second Reading: December 16, 2024

Proposed Adoption: December 16, 2024

the Company shall file with the City maps or plans showing those extensions or modifications so that the City will at all times have current and accurate maps and plans of the Company's facilities. In addition to showing the location of the Company's facilities and consumers, such maps shall also identify the depth and size of any buried facilities, as well as the type of cover overlaying those facilities. The Company shall furnish the City "as built" drawings not later than sixty (60) days after construction has been completed. Drawings shall be drawn to a scale of one inch (1") equals one hundred feet (100') using the standard format adopted by the City. State plane coordinates shall be shown for benchmarks, curb lines, and structures. The Company shall provide a pdf of the "as built" drawings to the City and copy of the AutoCAD Civil 3D files in an electronic/digital format designated by the City.

- (e) The Company shall provide, on a quarterly basis and at the same time that the quarterly payments and reports required in Section 10 are submitted, a comprehensive listing of its consumers on a subdivision basis. The location information shall also be shown on either a map or a subdivision plat and may be combined with the maps required in subsection 3(d) above. The Company shall further cooperate with the City in determining the correct jurisdictional coding of all of the Company's consumers in the City and its environs.
- (f) The Company agrees to provide, at its sole cost, information requested by the City to assist in a determination of any changes in conditions, practices, or services provided by the Company through the use of the Public Rights-of-Way.
- (g) The Company agrees to establish and maintain a physical facility within the corporate limits of the City to expedite restoration of service to its consumers. This physical facility shall include permanently installed personnel and equipment necessary to restore service. Gas cannot be transmitted through lines to service customers until a physical facility within the City limits of Waxahachie, housing permanently installed personnel and tools necessary to restore service, is established and satisfactory evidence of the facility and personnel are provided to the City.

### Section 4. - Regulations for Service.

- (a) In addition to the rates charged for gas supplied, the Company may make and enforce reasonable charges, rules and regulations for service rendered in the conduct of its business, including a charge for services rendered in the inauguration of natural gas service, and may require, before furnishing service, the execution of a contract for such service. All charges, rules, and regulations of the Company involving any consumer of gas within the City shall be subject to regulation, supervision, and approval by the City, as appropriate.
- (b) The Company shall have the right to contract with each consumer with reference to the installation of, and payment for, any and all of the gas piping from the connection thereof with the Company's main in the Public Rights-of-Way to and throughout the consumer's premises.
- (c) The Company shall own, operate and maintain all service lines, which are defined as the supply lines extending from the Company's main to the consumer's meter where gas is measured by the

## **Proposed Gateway Pipeline Company, LLC Franchise Agreement Ordinance**

First Reading: November 4, 2024

Second Reading: December 16, 2024

Proposed Adoption: December 16, 2024

Company. The consumer shall own, operate, and maintain all yard lines and house piping. Yard lines are defined as the supply lines extending from the point of connection with the Company's consumer meter to the point of connection with consumer's house piping.

### **Section 5. - Main Extension.**

The Company shall be required at its own expense to extend distribution mains in the Public Rights-of-Way up to one hundred (100) feet to a residential consumer. The Company shall not be required to extend transmission mains in the Public Rights-of-Way within the City or to make a tap on any transmission main within the City unless the Company agrees to such extension by a written agreement between the Company and a consumer.

### **Section 6. - Deposits.**

The Company shall be entitled to require each and every consumer of gas, before gas service is commenced or reinstated, to satisfactorily establish credit pursuant to the Company's quality of service rules as may be in effect during the term of this Ordinance. If required, any deposit shall be retained and refunded in accordance with such quality of service rules and shall bear interest, as provided in Chapter 183 of the Texas Utilities Code, as such may be amended from time to time. Upon termination of service, the Company shall be entitled to apply any deposit, with accrued interest, to any indebtedness owed the Company by the consumer making the deposit.

### **Section 7. - Indemnity.**

**IN CONSIDERATION OF THE GRANTING OF THIS FRANCHISE, THE COMPANY AGREES THAT THE CITY SHALL NOT BE LIABLE OR RESPONSIBLE FOR, AND THE COMPANY DOES HEREBY RELEASE, AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY FROM AND AGAINST ALL SUITS, ACTIONS, OR CLAIMS OF INJURY TO ANY PERSON OR PERSONS, OR DAMAGES TO ANY PROPERTY BROUGHT OR MADE FOR OR ON ACCOUNT OF ANY DEATH, INJURIES TO, OR DAMAGES RECEIVED OR SUSTAINED BY ANY PERSON OR PERSONS OR FOR DAMAGE TO OR LOSS OF PROPERTY ARISING OUT OF, OR OCCASIONED BY THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF THE GAS DISTRIBUTION PLANT OR SYSTEM OF THE COMPANY, EXCEPT THAT THIS INDEMNITY AND HOLD HARMLESS AGREEMENT SHALL NOT APPLY TO ANY SITUATION WHEREIN THE CITY IS SOLELY LIABLE FOR THE ACTIONS, SUITS, OR CLAIMS OF INJURY OR DAMAGE BROUGHT AGAINST IT. IN THE EVENT THAT ANY ACTION, SUIT, OR PROCEEDING IS BROUGHT AGAINST THE CITY UPON ANY LIABILITY ARISING OUT OF THE CONSTRUCTION, OPERATIONS, OR MAINTENANCE OF THE COMPANY'S FACILITIES, THE CITY SHALL GIVE NOTICE IN WRITING TO THE COMPANY BY REGISTERED OR CERTIFIED MAIL. UPON RECEIPT OF SUCH NOTICE, THE COMPANY, AT ITS OWN EXPENSE, SHALL DEFEND SUCH ACTION AND TAKE ALL SUCH STEPS AS MAY BE NECESSARY OR PROPER TO PREVENT THE OBTAINING OF A JUDGMENT AGAINST THE CITY AND/OR TO SATISFY SAID JUDGMENT. THE CITY AGREES TO COOPERATE WITH THE COMPANY IN CONNECTION WITH SUCH DEFENSE.**

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### Section 8. - Insurance.

Company will insure against the risks undertaken pursuant to this franchise, including indemnification under section 7 hereof. Such insurance may be in the form of self-insurance to the extent permitted by applicable law under a company approved formal plan of self-insurance maintained in accordance with sound accounting practices. Otherwise, company shall maintain reasonably adequate insurance covering its obligations of indemnity of section 7 hereof.

### Section 9. - Non-exclusive.

- (a) The rights, privileges, and the Franchise granted by this Ordinance are not to be considered exclusive, and the City hereby expressly reserves the right to grant, at any time, like privileges, rights, and franchises as it may see fit to any other person or corporation for the purpose of transporting, delivering, distributing, or selling gas to and for the City and the inhabitants thereof. The City expressly reserves the right to own and/or operate its own system for the purpose of transporting, delivering, distributing, or selling gas to and for the City and the inhabitants thereof.
- (b) If the Company should at any time after the effective date of this Ordinance agree to a new municipal franchise ordinance, or renew an existing municipal franchise ordinance, with another municipality in the Dallas-Fort Worth metroplex, which municipal franchise ordinance determines that franchise fee owed to that municipality for the use of its public rights-of-way in a manner that, if applied to the City, would result in a franchise fee greater than the amount otherwise due the City under this Ordinance, then the franchise fee to be paid by the Company to the City pursuant to this Ordinance may, at the sole election of the City, be increased so that the amount due and to be paid is equal to the amount that would be due and payable to the City were the franchise fee provisions of that other franchise ordinance applied to this Ordinance.

### Section 10. - Compensation.

- (a) In consideration of the rights granted by the City to the Company to use and occupy the Public Rights-of-Way for the conduct of its business, the Company, its successors and assigns, agree to pay to the City franchise fees in the amount and manner described herein. Such payments shall be made on a quarterly basis, on or before the twentieth (20th) day following the end of each calendar quarter. The franchise fee shall be a sum of money which shall be equivalent to five (5%) percent of the Company's quarterly Gross Revenues.
- (b) For franchise fee payments beginning on the effective date of this Ordinance, payment shall be made by wire transfer on or before the close of business on the payment due date. If any payment due date required herein falls on a weekend or declared bank holiday, payment shall be made by wire transfer on or before the close of business of the last working day prior to the payment due date. Payment shall be considered timely made if the Company requests the wire transfer by the wire transfer deadline of its bank on the payment due date.

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- (c) At the time of each quarterly payment, the Company shall also submit to the City a sworn statement showing: (i) its Gross Revenues for the preceding calendar quarter upon which franchise fees are calculated, including the amount of revenues received by the Company for the transportation of gas; (ii) the coded identity of the Company's Transport Customers during the preceding calendar quarter; and (iii) the cost, volume, and transport fee of gas transported during the preceding calendar quarter for such Transport Customers, calculated in accordance with subsection 9(f) below. Upon request, the City shall have access at the Company's office to the actual identity of the Company's Transport Customers and their suppliers as long as such information shall remain confidential, and no copies of such information may be made nor shall the City have a right to custody or control of such information.
- (d) The aforesaid franchise fee payments shall not affect or reduce the Company's obligations with respect to the following: (i) the expenses associated with relocating pipelines and all other appurtenant equipment or facilities located in the Public Rights-of-Way; (ii) the payment of taxes or fees to the state; or (iii) the payment of general or special ad valorem taxes that the City is authorized to levy and impose upon real and personal property; or (iv) the expenses associated with restoring Public Rights-of-Way to their previous condition before the installation or repair of equipment or facilities. None of the aforementioned obligations of the City shall operate as credits or reductions to the amounts due by the Company to the City hereunder.
- (e) The payments by the Company under the provisions of this Ordinance are in lieu of any and all other and additional street rental charges or fees, for those streets owned or controlled by the City. However, the Company is required to obtain all appropriate permits for work in the Public Rights-of-Way and pay the appropriate fees therefor. Should the City not have the legal power to agree that the payment of the franchise fee shall be in lieu of street rental charges, then the City agrees that it will apply so much of said sums of money paid as may be necessary to satisfy the Company's obligations, if any, to pay such rental charges.
- (f) The cost of gas transported by the Company for Transport Customers shall be determined as set forth in this paragraph. In the absence of documentary evidence to the contrary provided by the Company to the City, the cost of gas so transported shall be presumed to be equal to the total volume of gas transported for such Transport Customer times one hundred ten percent (110%) of the index of prices for large packages of gas per MMBtu published each month in *Inside FERC's Gas Market Report* in the table titled, "Delivered Spot-Gas Prices," for gas delivered at the Houston Ship Channel, Beaumont, Texas, or a mutually agreeable successor publication and index, for the period of time the transportation service is performed. If the Company submits documents to the City to indicate the actual cost of gas transported by the Company, the Company may remove therefrom any information that would disclose either the identity of the customer or other information deemed confidential by the Company, so long as such removal does not prevent the City from determining the monetary cost of the gas transported. The Company agrees to give the City, upon request, access to the confidential information so removed in order for the City to verify the accuracy of the information provided to the City under the provisions of this paragraph. The Company shall use all due diligence in collecting from Transport Customers any and all fees required by this Ordinance, but shall not be responsible for paying the fees to the City if the Company's Transport Customer refuses to pay; provided, however, that if the Company's Transport Customer

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refuses to pay the fee imposed on the cost of gas transported for such Transport Customer and remains delinquent in payment of such fee for a period of greater than thirty (30) days, the Company shall be responsible for the uncollected fee on any gas thereafter transported through the Public Rights-of-Way to the Company's Transport Customer, but in no event shall the Transport Customer be relieved of its obligation to reimburse the Company for any fees paid to the City.

- (g) Simultaneously with the filing of the Company's first-rate case following the three (3)-year rate freeze as provided in this franchise agreement, the Company agrees to negotiate an annual rate adjustment mechanism which will allow for the review of its total cost of service, including its return on equity.

### Section 11. - Accounting; Audit; Inspection.

- (a) The Company shall maintain, at its local office or principal place of business within the state, adequate books and records relating to the performance of its obligations under this Ordinance. The Company shall maintain separate records in a form sufficient to identify its investment, revenues, and expenses related to its performance under this Ordinance, intending thereby to separate the accounting records of its system in the City from its other systems. The records of the Company applicable to its performance under this Ordinance shall be made available for inspection by the City at any time during normal working hours.
- (b) The City may cause, upon reasonable notice, an audit to be made of the books and records of the Company relating to the Company's performance under this Ordinance or any portion of any of its other operations that may be allocated or charged to its operations in the City. The omission by the City to exercise its rights to any audit at any time shall not constitute a waiver of such right. In the event the City elects to exercise its right of audit, the City shall provide to the Company written notice of such election at least forty-eight (48) hours in advance of the time of such audit. The City shall retain an independent auditor of its selection to perform the audit. The Company shall make available to the auditor such personnel and records as the City may in its reasonable discretion request in order to complete such audit and shall make no charge to the City therefor. The Company shall assist the City during any audit conducted under this Ordinance, including answering questions and providing any requested records or information within five (5) working days of having received a written request therefor. The cost of an audit pursuant to this provision shall be borne by the City, unless the audit reveals an underpayment of fees paid during the audit period in excess of three (3) percent, in which case the Company shall pay for the audit. In the event any overpayment is discovered, such overpayment will credit toward current and/or future payments owed, without interest.
- (c) Upon request by the City, but no less often than annually, the Company will prepare a statement of its estimate of the Company's Gross Revenues by revenue account for the period covered by the statement signed by an authorized representative of the Company, in such reasonable form and detail as the City may from time to time prescribe, but sufficient to show the source and method of calculation of the Company's Gross Revenues. The acceptance of any statement or payment shall

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not estop the City from asserting that the amount paid is not the amount due or from recovering any deficit, including interest, by any lawful proceeding.

- (d) Upon completion of the audit, the City shall make the audit report available to the Company and shall give the Company an opportunity to respond to the audit findings. If requested by either party, the City and the Company shall meet and attempt in good faith to resolve any disputed issues arising out of the audit report. In the event the Company shall be determined to have under-remitted the fee required by this Ordinance, the Company shall pay, in addition to the underpayments, interest on the underpayments at the rate of ten (10) percent per annum from the time of the underpayment until payment is made. Underpayment of fees by the Company may also subject the Company to penalties for noncompliance with this Ordinance. After reviewing the Company's response to the audit findings, the City shall make an initial determination as to whether the Company shall also be required to pay a penalty for noncompliance. The amount of the penalty, if any, shall not exceed ten (10) percent of the total underpayment. The City Council shall make the final determination of whether a penalty shall be required, and the amount of same.
- (e) If any of the records to be provided by the Company or to be made available by the Company are considered by the Company to be proprietary in nature or if such records are confidential under federal, state or local law and upon request by the Company, such information shall be treated by the City as confidential and shall be made available only to those persons who must have access to perform their duties on behalf of the City, including but not limited to the City Manager, the Finance Director, the City Attorney, and the members of the City Council. The City shall promptly notify company of any requests for public disclosure of such records under Chapter 552 of the Texas Government Code, and the Company shall have the sole responsibility to assert its claims regarding the proprietary or confidential nature of such records.

### Section 12. - Reservation of Rights.

- (a) The City reserves the right and power at all times to exercise, in the interest of the public and in accordance with state law, regulation and control of the Company's rates and services to ensure the rendering of efficient public service at reasonable rates, and the maintenance of the Company's property in good repair throughout the term of this Ordinance. The Company shall maintain on file with the City copies of its current tariffs, schedules of rates and charges, customer service provisions, and line extension policies. The Company shall notify the City of the identity of any customer of the Company that changes from a tariffed rate to a contract rate within forty-five (45) days of such change.
- (b) In granting this Franchise, the City does not in any manner waive its regulatory or other rights and powers under and by virtue of the laws of the State of Texas as the same may be amended, nor any of its rights and powers under or by virtue of present or future ordinances of the City, and it is expressly provided that nothing herein shall impair the right of the City to fix, within constitutional and statutory limits, a reasonable price to be charged for natural gas, or to provide and fix a scale of prices for natural gas, and other charges, to be charged by the Company to residential consumers, commercial consumers, industrial consumers, or to any combination of such consumers, within the

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territorial limits of the City as same now exist or as such limits may be extended from time to time hereafter.

- (c) In consideration of the City granting this Franchise, the Company agrees that it will not seek an increase of the rates or charges permitted to be charged to the Company's consumers for a period of three (3) years from the effective date of their first consumer within this Franchise.

### Section 13. - Termination.

- (a) In addition to any rights set out elsewhere in this Ordinance, the City reserves the right to terminate the Franchise and all rights and privileges pertaining thereto in the event that the Company violates any material provision of this Ordinance or the Company becomes insolvent or is adjudged as bankrupt.
- (b) Upon failure of the Company to comply with the material terms of this Ordinance, the City may by ordinance terminate the Franchise in accordance with the procedures set forth in this section. Upon termination, all rights of the Company shall immediately be divested without further action by the City. If the City requires the Company to remove its facilities from the Public Rights-of-Way, the Company shall forthwith remove its structures or property from the Public Rights-of-Way and restore the Public Rights-of-Way to their approximate original condition. Upon failure to do so, the City may perform or commission the work and collect the cost thereof from the Company. Should the City perform or commission the removal of the Company's structures or property, the City shall be reimbursed by the Company for all expenses incurred by the City within thirty (30) days of receipt of the City's invoice. The City reserves the right to place a lien upon all facilities and property of the Company in the event the Company fails to submit payment.
- (c) Procedures for termination.
  - (i) The City shall give written notice to the Company of the existence of a material violation or failure to comply with this Ordinance. The Company shall have a period of thirty (30) days after receipt of such notice from the City in which to cease such violation and comply with the terms and provisions hereof. In the event the Company fails to cease such violation or to otherwise comply with the terms hereof, then the Franchise is subject to termination; provided, however, that if the Company commences work or other efforts to cure such violations within thirty (30) days after receipt of written notice and shall thereafter prosecute such curative work with reasonable diligence until such curative work is completed and such violations shall cease to exist, the Franchise will not be terminated. The City shall solely determine whether the work to cure violations is pursued with reasonable diligence. If curative work is determined by the City as not being prosecuted with reasonable diligence, then the Franchise may be terminated by the City.
  - (ii) Termination shall be declared only by a written decision of the City Council after an appropriate public proceeding whereby the Company is afforded the full opportunity to be heard and to respond to any such notice of violation or failure to comply.

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- (iii) The City, after a public meeting, and upon finding a material violation or failure to comply, may in its sole discretion terminate the Franchise or excuse the violation or failure to comply upon a showing by the Company of mitigating circumstances or upon a showing of good cause for said violation or failure to comply as may be determined by the City Council in its sole discretion. The failure of the Company to comply with the terms of this Franchise after due notice and hearing and the providing of adequate time for the Company to comply with said terms, shall entitle the City to compel compliance by suit in any court of competent jurisdiction and upon culmination of the suit, if the Company still fails to comply with the terms of this Ordinance, the City may compel compliance upon penalty of forfeiture thereof, with the City having an option to purchase the Company's property located in the City at reasonable fair value.
- (d) In the event the City purchases the Company's property under penalty of forfeiture and the City and the Company cannot agree upon the reasonable fair value of the property, then the reasonable fair value of the Company's property shall be established by a majority vote of three appraisers with one appraiser selected by the Company, one appraiser selected by City, and one appraiser selected by the other two appraisers. If the two appraisers are unable to agree upon the third appraiser, then the third appraiser shall be selected by the City. The Company further agrees that if for any reason the Company fails to pay the franchise fee as provided in this Ordinance within thirty (30) days following written notice from the City that the Company has failed to make such payment, such failure shall be sufficient to permit the City at its sole option to terminate the Franchise without court action.

### Section 14. - Renegotiation.

- (a) Should technological, market-driven, regulatory, or similar changes occur in the natural gas industry which create classes or categories of usage different from those enumerated in Section 1 of this Ordinance, or should the Company alter the means, methods, or types of uses of the Public Rights-of-Way, or should the City reasonably believe that the franchise fee provisions should be amended in order to not impair the City's ability to receive an adequate franchise fees pursuant to this Ordinance, then the City may initiate the renegotiation of the franchise fee provisions of this Ordinance.
- (b) If, during the term of the Franchise granted hereunder, the nature of competition in the provision of gas utility services in the City changes to the extent that the Company reasonably believes that the franchise fee provisions of this Ordinance cause the Company to be placed at a competitive disadvantage in the conduct of its business within the City, then the Company may request the renegotiation of the franchise fee provisions of this Ordinance.
- (c) Should either the City or the Company request a change in the franchise fee provisions of this Ordinance, both parties agree to enter into a good faith negotiation. "Good faith," for the purpose of this Ordinance, shall mean an objective, diligent, timely, and responsible discourse on the issue(s) involved and a resolute attempt to settle said issue(s). Should, as a result of renegotiation, the City and the Company agree to a change in a provision of this Ordinance, the change shall become effective upon passage of an ordinance by the City in accordance with the City's Charter and acceptance of the

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amendment by the Company. Both parties agree that passage and acceptance will be a mandatory act following negotiation and agreement. The Company agrees to provide any and all information requested by the City to assist in a determination of any changes in conditions, practices, or services provided by the Company through the use of the Public Rights-of-Way.

### **Section 15. - Regulatory Expenses.**

The Company agrees that the City may, at any time during the term of this Ordinance, employ at the sole expense of the Company expert assistance and advice in determining fair, just, and reasonable rates to be charged by the Company to its consumers in the City, and in determining the extent to which the Company is complying with the terms and conditions of this Ordinance. The Company agrees to pay reasonable expenses in connection therewith or reimburse the City for same, which expense the Company shall be entitled to recover through its rates and tariffs.

### **Section 16. - Acceptance.**

In order to accept this Franchise, the Company must file its written acceptance of this Ordinance within forty-five (45) days after its final adoption by the City, in a form acceptable to the City Attorney. If this Ordinance is not accepted by the Company within forty-five (45) days, the Ordinance shall be rendered null and void.

### **Section 17. - Assignment or Transfer.**

The Company may not assign or transfer this Franchise, and the rights granted thereby, to any entity without the prior written consent and approval of the City by formal resolution, which consent and approval shall not be unreasonably withheld.

### **Section 18. - Notices.**

Every notice, order, petition, documents or other direction or communication to be served upon the City or the Company shall be deemed sufficiently given if sent by registered or certified mail, return receipt requested.

Every such communication to the Company shall be sent to:

Gateway Pipeline Company, LLC.  
Frederick M. Pevow, President & CEO

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1415 Louisiana Street, Suite 4100  
Houston, Texas 77024

Every such communication to the City shall be sent to:

The City of Waxahachie, Texas  
ATTN: City Manager  
401 S. Rogers St.  
Waxahachie, Texas 75165

### **Section 19. - Severability.**

If any provision, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, void, or invalid or for any reason unenforceable, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent the City Council, in adopting this Ordinance, that no portion hereof or provision hereof shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation and, to this end, all provisions of this Ordinance are declared to be severable.

### **Section 20. - Repeal.**

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of such conflict.

### **Section 21. - Governmental Function.**

All of the regulations and activities required by this Ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public.

### **Section 22. - Effective date.**

Provided and conditioned upon the City's receipt of the Company's acceptance as provided for in Section 16 herein, this Ordinance shall become effective thirty (30) days after its adoption by the City Council.

### **Section 23. - Conditions Precedent to Adoption Met**

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**Proposed Gateway Pipeline Company, LLC Franchise Agreement Ordinance**

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This Ordinance granting a public utility franchise has been read at two regular meetings of the City Council called in accordance with Chapter 551 of the Texas Government Code. Final action did not occur until after the second reading, which occurred at least thirty (30) days after the first reading. The caption of the Ordinance and a statement indicating where and how to obtain copies of the full Ordinance were published on the City's official website or other electronic media that was readily accessible to the public within ten (10) days after the first reading of the Ordinance.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, this**  
\_\_\_\_\_ day of \_\_\_\_\_, 2024.

The City of Waxahachie, Texas

\_\_\_\_\_  
Billie Wallace, Mayor

ATTEST:

\_\_\_\_\_  
Amber Villarreal, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Terence Welch, City Attorney

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## Memorandum

To: Honorable Mayor and City Council  
From: Chad Tustison, Senior Finance Director  
Thru: Michael Scott, City Manager  
Date: December 16, 2024  
Re: Consider Award for an Annual Contract for Mobile Devices

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**Motion:** "I move to award a contract for city mobile devices and services and authorize the City Manager to execute all necessary documents."

**Item Description:** Consider awarding a contract to Verizon for city mobile devices and services based off the State of Texas Department of Information Resources (DIR) Cooperative contract # DIR-TELE-CTSA-033. Staff is requesting to utilize the contract which will automatically renew unless terminated by either party.

**Item Summary:** A committee of city staff involving Finance, Human Resources, Information Technology, Police, and Administration thoroughly reviewed the mobile service provider options in the city to determine the best value price and services available.

The Verizon wireless devices were tested throughout the city by our Emergency Management Team to ensure quality service and were also tested at home by several city staff members living outside of the city limits. Verizon currently provides mobile device services to our Police and Utilities Department and offers exceptional customer service.

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This contract provides a variety of benefits including cost savings through lower service costs and activation credits; a dedicated account representative and custom billing; and enhanced device management through customer web access.

Staff recommends approval of the Verizon DIR Cooperative contract # DIR-TELE-CTSA-033 for the City's mobile service and device contract. Staff has found this contract and the vendor's services to be the most advantageous available within our city limits.

**Fiscal Impact:** City Mobile device purchases and monthly services are paid through the department's approved annual budget. The expenditures for these devices and services will not exceed the annual approved budgeted funds. Additionally, approval of this item will provide cost savings to the City through lower-cost cellular service and activation rebates.

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## Memorandum

To: Honorable Mayor and City Council

From: Kumar Gali, Senior Director of Utilities

Thru: Michael Scott, City Manager 

Date: December 16, 2024

Re: Consider 2022 Water and Sanitary Sewer Replacement Change Order No.1

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**Motion:** "I move to approve the 2022 Water and Sanitary Sewer Replacement Project Change Order No.1 with Day Services, LLC, for the installation of a new water main on Gardner Street, in the amount of \$146,374 to be funded from the Water Fund, and authorize the City Manager to execute all the necessary documents."

**Item Description:** Consider approval of the 2022 Water and Sanitary Sewer Replacement Change Order No.1 with Day Services, LLC in the amount of \$146,374, for the installation of a new 4-inch water main on Gardner Street.

**Item Summary:**

Staff proposes to add the replacement of the 1-inch water main on Gardner Street to the 2022 Water and Sewer Replacement Project. A portion of Gardner Street does not have a water main, adequate water service, or fire protection. Change Order No.1 is proposed to install a 4-inch water main that will loop with the water line on North Aiken St. This water main improvement will provide adequate sizing for water service and increased water pressures for current and future residents along Gardner Street. A fire hydrant will be installed at North Aiken Street and Gardner St to provide fire protection to the residents of this street.

**Fiscal Impact:** The 2022 Water and Sanitary Sewer Replacement construction was approved by council on September 2024, with a construction budget of \$3,403,313. The Change Order No.1 with Day Services, LLC is \$146,374 and will be funded through Water Fund, for a total construction contract of \$3,549,687.

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# LOCATION MAP

Gardner Street New Water Main

