

A M E N D E D A G E N D A

A regular meeting of the Mayor and City Council of the City of Waxahachie to be held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on ***Monday, July 21, 2025 at 7:00 p.m.***

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

1. Call to Order
2. Invocation
3. Pledge of Allegiance and Texas Pledge of Allegiance
4. ***Announcements/Presentations***
 - a. Introduce Honorary Council Member
5. ***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.***
6. ***Consent Agenda***

All matters listed under Item 6, 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 July 7, 2025
 - b. Minutes of the City Council work session of July 7, 2025
 - c. Minutes of the City Council special meeting of July 11, 2025
 - d. Minutes of the City Council special meeting of July 14, 2025
 - e. Event application for Hachie Uncorked to be held November 15, 2025 in Downtown Waxahachie
 - f. Resolution to deny rate increase request by Oncor Electric Delivery Company, LLC
7. ***Public Hearing*** on a request by Gilberto Escobedo, Jr., for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family-3 (SF-3) zoning district located at 106 Ryburn Street (Property ID 278478) – Owner(s): LGE Investment Homes, LLC (ZDC-50-2025)

8. **Consider** proposed Ordinance approving ZDC-50-2025
9. **Public Hearing** on a request by Christopher Childs, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family-3 (SF-3) zoning district located at 710 Perry Avenue (Property ID 174044) – Owner(s): Christopher Childs (ZDC-71-2025)
10. **Consider** proposed Ordinance approving ZDC-71-2025
11. **Public Hearing** on a request by Jennifer Smolka, for a Specific Use Permit (SUP) for a Short-Term Rental use within a Single-Family-2 (SF-2) zoning district located at 821 Williams Street (Property ID 171711) – Owner(s): Smolka Holdings LLC Series C (ZDC-83-2025)
12. **Consider** proposed Ordinance approving ZDC-83-2025
13. **Public Hearing** on a request by Andy & Susan Ruebman for a Specific Use Permit (SUP) for an Accessory Structure exceeding seven hundred (700) square feet use within a Single Family-2 (SF-2) zoning district located at 407 Brown Street, (Property ID 171234) – Owner: Andy Ruebman & Susan Ruebman (ZDC-67-2025)
14. **Consider** proposed Ordinance approving ZDC-67-2025
15. **Public Hearing** on a request by Ryan Blevins for a Specific Use Permit (SUP) for an Accessory Structure +700 square feet within a Single Family-1 (SF-1) zoning district located at 601 North Grand Avenue (Property ID 176840) – Owner(s): Thomas & Veronica Schaeffer (ZDC-74-2025)
16. **Consider** proposed Ordinance approving ZDC-74-2025
17. **Public Hearing** on a request by Marisa Brewer, McAdams, for a Zoning Change from a Planned Development – Commercial (PD-5-C) zoning district to Planned Development Multi-Family-1 (PD-MF-1) zoning district located at 501 Houston Street (Property ID 189345 – Owner(s): Skanda Investments, LLC and Masina Investments, LLC (ZDC-174-2024)
18. **Consider** proposed Ordinance approving ZDC-174-2024
19. **Public Hearing** on a request by Urpi Arriola, MWSW Texas, for a Zoning Change from a Planned Development-14-Heavy Industrial (PD-14-HI) zoning district to Planned Development-Commercial (PD-C) zoning district, for the Crossroads 287 mixed-use development, located at 1601 W US Highway 287 Bypass, (Property ID 239122) - Owner: CSW Waxahachie LP (ZDC-195-2024)
20. **Consider** proposed Ordinance approving ZDC-195-2024
21. **Consider** Development Agreement for ZDC-195-2024
22. **Public Hearing** on a request by Quinn Foster, Manhard Consulting, for a Zoning Change from a Single-Family-1 (SF-1) zoning district to Planned Development – General Retail (PD-GR) zoning district located directly north of 2400 North US Highway 77 (Property ID 189302) – Owner(s): Snow Peach Legacy Family Holding Spendthrift Trust (ZDC-75-2025)

23. **Consider** proposed Ordinance approving ZDC-75-2025
24. **Discuss and consider** City Hall Addition/Renovation Project scope, contracts and funding
25. **Convene** into Executive Session to deliberate economic development incentives, as permitted by Texas Government Code Section 551.087; to deliberate the purchase, exchange, lease, or value of real property for municipal purposes, as permitted by Texas Government Code Section 551.072; to deliberate personnel matters, as permitted by Texas Government Code Section 551.074; and to consult with the City Attorney regarding legal issues related to the city manager transition, as permitted by Texas Government Code Section 551.071, and all matters incident and related thereto
26. **Reconvene** and take any necessary action
27. Comments by Mayor, City Council, City Attorney and City Management
28. 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, July 7, 2025 at 7:00 p.m.

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

James Bell gave the invocation and Jade Flores sang the National Anthem. Mayor Wallace led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Announcements/Presentations

- a. Introduce Honorary Council Member
- b. Present proclamation recognizing July as "Parks and Recreation Month"
- c. Present Keep Waxahachie Beautiful Committee Pride in Neighborhood (PIN) Award

Mayor Wallace announced the Honorary Council Member will be at the next meeting.

Mayor Wallace presented the proclamation recognizing July as "Parks and Recreation Month."

Madeline Bracken, Chair of the Keep Waxahachie Beautiful Committee, presented the Pride in Neighborhood Award to the Seibert Family at 617 E. Marvin.

5. Public Comments

Ira Tenpenny, 109 Rosa Street, Waxahachie, Texas, expressed concerns with the railroad crossing on Kaufman Street and requested City assistance with relaying railroad complaints.

6. Consent Agenda

- a. Minutes of the City Council meeting of June 16, 2025
- b. Event application for Ellis County Fall County Safety Fair to be held September 27, 2025 at Railyard Park

- c. Event application for Turkey Trot 5k/10k to be held November 27, 2025 at Getzendaner Park
- d. Proposed Ordinance approving a request by Brian Wakefield, for a Petition for ETJ Release for approximately 20 acres, located at 1234 Broadhead Road (Property ID 219382) – Owner: Brian Wakefield and Holly Kay Wakefield (ETJ-PTN-76-2025)
- e. Proposed Ordinance approving a request by Clayton Snodgrass, for a Petition for ETJ Release for approximately 66.450 acres, located directly north of 2755 Patrick Road (Property ID 307872) – Owner: Patrick Road Investors LP (ETJ-PTN-79-2025)
- f. Proposed Ordinance approving a request by Richard DeFord, for a Petition for ETJ Release for approximately 33.231 acres, located at 191 Windham Road (Property ID 278121) – Owner: 3D Self Storage LLC (ETJ-PTN-85-2025)
- g. Mid-Way Regional Airport Master Plan and Business Plan
- h. Resolution authorizing execution of agreements for Mid-Way Regional Airport Fuel Farm Expansion Project
- i. Authorize the addition of an FTE position with the Utilities Administration Departments
- j. Professional Services Agreement with Quorum Architecture for Animal Shelter and Emergency Operations Center needs assessment and conceptual design plans
- k. Drainage Easement Abandonment

ORDINANCE NO. 3636

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 20 ACRE TRACT OF LAND, LOCATED AT 1234 BROADHEAD ROAD KNOWN AS PROPERTY ID 219382, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3637

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 66.450 ACRE TRACT OF LAND, LOCATED DIRECTLY NOTH OF 2755 PATRICK ROAD KNOWN AS PROPERTY ID 307872, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

ORDINANCE NO. 3638

AN ORDINANCE AUTHORIZING THE RELEASE FROM THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION OF A 33.231 ACRE TRACT OF LAND, LOCATED AT 191 WINDHAM ROAD KNOWN AS PROPERTY ID 278121, AND ORDERING THE CHANGING OF THE CITY OF WAXAHACHIE'S EXTRATERRITORIAL JURISDICTION BOUNDARY MAP IN ACCORDANCE WITH SAID CHANGE.

RESOLUTION NO. 1380

RESOLUTION AUTHORIZING EXECUTION OF AGREEMENTS FOR MID-WAY REGIONAL AIRPORT FUEL FARM EXPANSION PROJECT

Council Member Travis Smith noted that Mr. Snodgrass, referenced in Item 6e, will be forming a MUD, which has already been approved by the state. Mr. Snodgrass has spent over a year attempting to work with the City to bring the area into the city limits. However, he has ultimately decided to move forward independently.

Action:

Travis Smith moved to approve all items on the Consent Agenda. Motion was seconded by Tres Atkins and carried unanimously (5-0).

- 7. Public Hearing on a request by Chad Tustison for a Specific Use Permit (SUP) for an Accessory Structure exceeding seven hundred (700) square feet use within a Planned Development Single Family-1 (PD-SF-1) zoning district located at 116 Homestead Lane, (Property ID 269664) – Owner: Chad Tustison & Jennifer Tustison (ZDC-77-2025)**

Shon Brooks, Executive Director of Development Services, presented the Item. The applicant proposes a Specific Use Permit (SUP) to construct a 1,600-square-foot accessory structure. The primary structure on the subject property is approximately 3,102 square feet. There are no existing accessory structures onsite. The applicant has provided a Site Plan for the proposed accessory structure that verifies all setback requirements established by the Waxahachie Zoning Ordinance have been met. Notably, there have been eight (8) SUPs for similar accessory structures approved within the Homestead Estates subdivision over the last few years.

The applicant proposes to utilize the structure for a storage area, a workshop, and a personal workout area. The proposed accessory structure is comprised of tubular metal panels and a metal roof. The applicant proposes to extend a 12' wide cement driveway from the edge of the existing cement driveway to the proposed accessory structure. The applicant will extend electrical services to this accessory structure, while plumbing and water services are not proposed to be extended at this time. The applicant has provided an Operational Plan that confirms the accessory structure shall not be used for commercial purposes, shall not be used as a Short-Term Rental (STR), shall not be leased or sold separately from the primary home, and shall not be separately metered.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, thirteen (13) 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 zero (0) letters of opposition and zero (0) letters of support for the SUP request.

Mayor Wallace opened the Public Hearing at approximately 7:27 p.m.

There being no others to speak for or against ZDC-77-2025, Mayor Wallace closed the Public Hearing at approximately 7:27 p.m.

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8. Consider proposed Ordinance approving ZDC-77-2025

ORDINANCE NO. 3639

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE EXCEEDING SEVEN HUNDRED (700) SQUARE FEET USE WITHIN A PLANNED DEVELOPMENT SINGLE FAMILY-1 (PD-SF-1) ZONING DISTRICT, LOCATED AT 116 HOMESTEAD LANE, BEING PROPERTY ID 269664, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 5, BLOCK A OF THE HOMESTEAD ESTATES SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Tres Atkins moved to approve ZDC-77-2025, a Specific Use Permit (SUP) for an accessory structure exceeding seven hundred (700) square feet, subject to the conditions of the staff report, authorizing the Mayor and/or City Manager to sign the associated documents accordingly. Motion was seconded by Travis Smith and carried unanimously (5-0).

9. Continue Public Hearing on a request by Alex Lohmann, for a Specific Use Permit (SUP) for an Amusement, Indoor (Haunted House) use within a Light Industrial-2 (LI-2) zoning district located at 500 W Madison Street, Suite B (Property ID 171075) - Owner: Big Blue Truck LLC (ZDC-69-2025)

Mr. Brooks presented the Item. The applicant proposes a Specific Use Permit (SUP) to allow for the operation of a Haunted House in Suite B at 500 W Madison Street on Fridays and Saturdays in October 2025. A SUP is required for this use due to the fact that the subject property cannot support the minimum on-site parking requirement for an "Amusement, Indoor" land use; which is approximately 110 spaces in this instance. "Reindeer Manor" is the specific haunted house proposed with this SUP. Owner's Alex & Jennifer Lohmann have previously operated Reindeer Manor in Red Oak and Grand Prairie and are now looking to relocate the Haunted House to Waxahachie. The Reindeer Manor Haunted House is intended to be complimentary to the "Fall for Hachie – Benny and Boneless Adventure" event planned around the square in the month of October.

Since the June 16, 2025 City Council Meeting, as requested by City Council, the applicant has provided an updated Site Plan, Parking Plan, and Safety Plan for the proposed haunted house.

The updated Parking Plan identifies an additional off-site parking location at 307 Patterson Street that the applicant has secured for the haunted house use. This location can park an additional 70 vehicles; which brings the total number of available parking spaces for the facility up to 112. Furthermore, the applicant has refined their Floor Plan for the haunted house to clarify that only 5,300 square feet of the 11,000 square foot space will be activated for the haunted house. The remainder of the space will be reserved for storage and staff areas. With this clarification in hand, staff was able to reevaluate the parking requirement for the proposed use. The 5,300 square feet dedicated specifically to the haunted house results in a requirement for 53 parking on-site spaces. The applicant is able to provide 17 on-site parking spaces. However, the additional off-site parking agreements secured by the applicant provide a total of 95 additional off-site parking spaces.

The updated Parking Plan also reflects pedestrian routes from each off-site parking lot to the entrance of the haunted house. Notably, a sidewalk is only present on the northwestern side of Patterson Street. Pedestrians traveling from all other locations must walk along the street to get to the front entrance of the haunted house. The off-site parking lot at 307 Patterson Street is situated approximately 650' from the entrance of the haunted house. All other off-site parking locations are situated between 250' and 500' from the entrance. The applicant proposes to place staff with lighted parking batons at all parking locations to assist with way-finding. Additionally, the applicant is proposing to place two (2) police officers at the intersection of Madison Street and Patterson Street to assist with the direction of pedestrian and vehicular traffic.

The updated Site Plan identifies the revised location of the proposed port-o-let and hand wash station fully outside of the drive-aisle surrounding the building on site. Additionally, the updated Site Plan identifies the location of a 4-head portable light tower at 307 Patterson Street. This is the only additional light tower proposed to support the haunted house use. However, the applicant has noted that existing accent and security lighting on surrounding buildings are present for pedestrians travelling from the off-site parking lots to the subject property. To provide further lighting for pedestrians in the area, the applicant proposes to place staff members equipped with lighted parking batons at the Jefferson Street-Patterson Street intersection, the Madison Street-Patterson Street intersection, and at all off-site parking lots.

The Haunted House at 500 W Madison Street is proposed to take place only on 9 nights (Fridays & Saturdays) in October of 2025. Hours of Operation are proposed to be 7:30pm to 11:30pm. The applicant has noted that nightly clean-up may extend to midnight for staff on most nights. The applicant has noted in the Operational Plan for the event that the Haunted House is expected to employ up to 40 seasonal employees. While not explicitly referenced in the Operational Plan, the Haunted House is obligated to adhere to Chapter 20 of the Waxahachie Code of Ordinances; which prohibits noise on private property that constitutes a nuisance.

500 W Madison Street, Suite B is approximately 11,000 square feet in total size. This total area is divided between the staff/storage areas (5,700 SqFt) and the actual haunted house (5,300 SqFt). The applicant has provided a Floor Plan that identifies how the interior of the building is proposed to be set up for the Haunted House. In addition to the Haunted House path traversed by patrons, the Floor Plan identifies the customer queuing area, staff office, and staff access corridors. The applicant proposes to ensure that all customers wait/queue inside Suite B as opposed to elsewhere inside the building or outside the building. Additionally, it is important to note that the existing building does have a functional fire sprinkler system.

The applicant has also provided a Site Plan and Parking Plan with this SUP application. The Site Plan identifies the location of the entrance for the Haunted House on the south side of building and identifies the on-site parking for the use. As noted above, the typical parking requirement for an "Amusement, Indoor" land use cannot be supported on the subject property. In this instance, approximately 53 on-site parking spaces are required for the Haunted House based on the size of Suite B. The applicant proposes to provide 17 un-improved on-site parking spaces for the Haunted House use. The proposed on-site parking does not include the existing 25 concrete parking spaces on the subject property, as these existing spaces are reserved current tenants of 500 W Madison Street. Off-site parking agreements have been executed for the use of an additional 95 parking spaces spread across the neighboring 303 Patterson Street, 307 Patterson Street, 410 W Madison Street, and 510 W Jefferson Street properties.

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The applicant proposes that existing public parking around the square be utilized for additional patron parking beyond the on-site and specified off-site parking locations. As noted above, the Parking Plan provided by the applicant identifies several locations around the subject property where Haunted House staff are proposed to be stationed for way-finding and parking assistance. The applicant has also provided a Signage Plan that identifies the proposed signage for the 500 W Madison Street building as well as temporary way-finding signs that are proposed to be placed near the subject property.

After review of the SUP application, staff does have concerns related to the existing conditions and setting of the subject property. Specifically, staff has concern with parking and accessibility for the site. The lack of dedicated parking for the Haunted House on the subject property is likely to lead congestion issues around the site. Public Parking on and near the square cannot be relied upon for availability to supplement the on-site parking. The lack of on-site parking also contributes to the second staff concern of access to the subject property. A deficiency in dedicated parking has the potential to result in on-street parking on the narrow Patterson and W Madison Streets. Due to the narrow existing conditions of these streets, both patrons and emergency services attempting to navigate to the site may be hindered or slowed by on-street parking.

To address these concerns, staff has provided recommendations for conditions that may be added to the SUP, if the application is approved. These conditions include restrictions for on-street parking, customer queuing/waiting areas, and the placement of vehicles, trailers, and temporary structures associated with the Haunted House. Additionally, the applicant has identified several proposals to address concerns with parking and congestion of the surrounding area. Specifically, the applicant has proposed to require ticket pre-orders for a specific start time. This is intended to limit the number of customers arriving on-site at one time. A maximum of 110 tickets per 30-minute interval is currently proposed by the applicant. The advanced ticketing proposal is detailed in the Operational Plan. Additionally, staff members are proposed to be dedicated to key areas around the subject property to assist in parking and way-finding to the Haunted House.

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 29 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property. Staff has received three (3) letters of opposition and eleven (11) letters of support for the proposed SUP.

At the Planning & Zoning Commission meeting held on June 10, 2025, the Commission voted 3-2 to recommend denial of case number ZDC-69-2025. A favorable vote of three-fourths ($\frac{3}{4}$) of all members, which equates to four (4) of the five (5) members, of the City Council is required for any zoning request that was recommended for denial by the Planning and Zoning Commission (Sec. 2.04, City of Waxahachie Zoning Ordinance).

Mayor Wallace opened the Public Hearing at approximately 7:30 p.m.

Council Member Smith asked about the reduction in required parking spaces. Mr. Brooks explained that staff received an updated floor plan clarifying the location of the haunted house in relation to the office area. Based on this new information, staff had the ability to reduce the required parking by approximately half, from 110 spaces.

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Those who spoke in support:
Ira Tenpenny, 109 Rosa Street, Waxahachie, Texas

Those who spoke in opposition:
John Wedel, 417 W. Jefferson, Waxahachie, Texas

There being no others to speak for or against ZDC-69-2025, Mayor Wallace closed the Public Hearing at approximately 7:37p.m.

The Council reiterated that safety in the area remains a top priority. Council members discussed parking and shuttle options, as well as the possibility of deploying additional off-duty officers on October 31st to help reduce strain on city resources. The need for improved lighting was also raised. Council members acknowledged the concerns expressed by both neighbors and staff and expressed hope that recent plan updates will help address those issues. Mayor Wallace emphasized that any problems arising while the haunted house is in operation will be addressed promptly.

10. Consider proposed Ordinance approving ZDC-69-2025

ORDINANCE NO. 3640

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN AMUSEMENT, INDOOR (HAUNTED HOUSE) USE WITHIN A LIGHT INDUSTRIAL-2 (LI-2) ZONING DISTRICT, LOCATED AT 500 W MADISON STREET, SUITE B, BEING PROPERTY ID 171075, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Travis Smith moved to approve ZDC-69-2025, a Specific Use Permit (SUP) for an Amusement, Indoor (Haunted House) use, subject to the conditions of the staff report, with the addition of increasing the off-duty officers from two (2) to four (4) on October 31st, and authorizing the City Manager and/or Mayor to execute all documents accordingly. Motion was seconded by Tres Atkins and carried unanimously (5-0).

11. Consider supplemental appropriation from the Waxahachie Community Development Corporation for the 2025 DFW Youth World Baseball Classic

Laurie Mosley, Convention and Visitor's Bureau Director, presented the Item. During the June 17, 2025 WCDC board meeting, the board discussed a sponsorship for the 2025 DFW Youth World Baseball Classic and unanimously voted to approve a sponsorship in the amount of \$25,000. The sponsorship will be funded through a combination of \$8,000 from Hotel Occupancy Tax Fund contingency budget, and \$17,000 from the WCDC unrestricted reserve fund balance. A supplemental appropriation from the WCDC unrestricted reserve fund balance is needed as it was not approved as part of the FY24-25 budget.

Mike Langford, Premier Prospects Sports, explained the DFW Youth World Baseball Classic is taking place August 1-4, 2025 at the Waxahachie Sports Complex, with an expected 130 teams comprised of players from across the United States representing 15 countries/regions and 20+

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international teams including Colombia, Venezuela, Puerto Rico, Bahamas, Panama, and Mexico. The baseball tournament will attract numerous players and spectators who will stay in our hotels, dine and shop in Waxahachie, and contribute to a family-friendly atmosphere where local kids can meet international athletes and engage in cultural exchange. The sponsorship will be used for assistance with meals and transportation for the international players.

Council Member Wright requested detailed financial information about the organization and inquired whether Burleson is contributing, given that their site will serve as an overflow location for games. Mr. Langford responded that Burleson has donated the use of their field, which is valued at approximately \$15,000. Council Member Wright added that if this becomes an annual request, he would like to see 2025 data on the tournament's overall economic impact, along with a general update on the event. Mayor Pro Tem Souter recommended requiring receipts to document how the stipend is used. Council Members Atkins and Smith both commended the event.

Action:

Travis Smith moved to approve a supplemental appropriation of \$17,000 from the Waxahachie Community Development Corporation unrestricted reserve fund balance to support the 2025 DFW Youth World Baseball Classic, adding that receipts for expenditures from City issued funds be provided prior to any future requests, and authorize the City Manager to execute all necessary documents. Motion was seconded by Tres Atkins and carried unanimously (5-0).

12. Consider professional services agreement and supplemental appropriation for grant writing services

Dustin Deel, Senior Director of Administrative Services, presented the Item. The City of Waxahachie is seeking to expand its grant capacity through a strategic partnership with Buckleston Consulting, LLC. Services will include the identification of grant opportunities, preparation and submission of applications, and ongoing support with compliance and administration. This is anticipated to increase the City's likelihood of securing funding for infrastructure, transportation, public safety, and community development initiatives.

The proposed agreement is structured as a 12-month contract beginning September 1, 2025 and continuing through August 30, 2026. Payments will be made to the consultant as a monthly retainer and the City can terminate the agreement for any reason without obligation to pay out the remainder of the agreement term, given 30-day notice. The total amount of the agreement will not exceed \$86,000. A supplemental appropriation from the General Fund unrestricted reserve is necessary to fund the \$86,000 contract for grant writing services. There are sufficient reserve funds available to cover the expense.

Council Member Wright asked about performance metrics and the success rate. City Manager Michael Scott explained that, during the interview process, staff was impressed with the methodology used to assess which grants align with the city's needs and have the highest likelihood of success. Mayor Pro Tem Souter requested a progress update in six months.

Action:

Tres Atkins moved to approve a Professional Services Agreement with Buckleston Consulting, LLC for grant writing and consulting services in the amount of \$86,000 and a correlating supplemental

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appropriation from the General Fund unrestricted reserve to fund the expense and authorize the City Manager to execute all necessary documents. Motion was seconded by Travis Smith and carried unanimously (5-0).

13. Consider Professional Services Agreement for the College Hills Alley Paving and Sewer Rehabilitation

Justin Stoker, Senior Director of Public Works and Engineering, presented the Item. The College Hills subdivision was developed in the late 1960s and includes concrete alleys and clay sanitary sewer system. The sewer system located under both the alleys and a portion of Trinity Lane, requires replacement at this time. This project includes upgrading the sewer lines with PVC pipes and reconstructing the concrete alley pavement. The professional services agreement covers the development of construction drawings, technical specifications, and bidding assistance for the alley and sewer improvements.

The College Hills Alley and Sewer Rehab Project is an approved project in the FY 2025 CIP with \$200,000 budgeted from the 2024 Streets Bond and \$116,035 budgeted from the 2024 Wastewater Bond. Also, a \$85,365 supplementary budget transfer from the Streets Capital Fund is necessary cover the \$401,400 total cost of the contract.

Action:

Patrick Souter moved to approve a professional services agreement with Quiddity Engineering LLC for the design and construction engineering services associated with the College Hills Alley Paving and Sewer Rehabilitation Project in an amount of \$401,400, as well as a supplementary budget transfer of \$85,365 from the Streets Capital Fund and authorize the City Manager to execute all necessary documents. Motion was seconded by Chris Wright and carried unanimously (5-0).

14. Discuss and consider voting process for City Council meetings

Council Member Wright shared concerns from residents regarding the perception that some council members may wait to see how others vote before casting their own vote. He urged all members to vote their conscience in order to maintain transparency and build public trust.

Mayor Wallace asked staff to explore various voting methods and present their findings to the City Council for discussion.

15. Convene into Executive Session to review performance evaluation and employment for City Manager as permitted by Section 551.074 of the Texas Government Code

Mayor Wallace announced at 8:37 p.m. the City Council would convene into Executive Session to review performance evaluation and employment for City Manager as permitted by Section 551.074 of the Texas Government Code.

16. Reconvene and take any necessary action

The meeting reconvened at 11:38 p.m.

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Action:

Tres Atkins moved to separate the employment of the City Manager, effective immediately, and to authorize the payment of the severance provisions in the City Manager's Employment Agreement. Motion was seconded by Patrick Souter and carried unanimously (5-0).

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

Mayor Pro Tem Patrick Souter thanked Kathleen Bowman and John Wedel for sharing their thoughtful concerns. He also expressed appreciation to Alex Lohmann for collaborating with staff to address those issues, emphasizing that safety remains a top priority. In closing, he offered his condolences and prayers to those in Central Texas impacted by the recent flooding.

Deputy City Manager Albert Lawrence expressed his confidence in the City's staff, emphasizing that they are highly trained, professionally certified, and well-prepared to handle any situation that arises.

Council Member Travis Smith echoed Mr. Lawrence's remarks and thanked staff for their efforts in making the Crape Myrtle Festival a success. Looking ahead to next year, he requested that everyone stand in recognition of the veterans participating in the Fourth of July parade.

Council Member Tres Atkins echoed the previous comments, noting the parade was a great success. He also extended his thoughts and prayers to fellow Texans impacted by the recent flooding in Central Texas.

City Manager Michael Scott thanked the City Council and staff for a successful budget work session, noting that staff invests significant time and effort in preparation before presenting to the Council.

Mayor Billie Wallace echoed the previous comments and called for a moment of silence in honor of those affected by the recent flooding in Central Texas.

18. Adjourn

There being no further business, the meeting adjourned at 11:39 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(b)(6)

City Council
July 7, 2025

A Work Session of the Mayor and City Council of the City of Waxahachie, Texas was held at the Waxahachie Civic Center, Crape Myrtle Room, 2000 Civic Center Lane, on Monday, July 7, 2025 at 8:30 a.m.

Council Members: Billie Wallace, Mayor, Council Member Place 4
Patrick Souter, Mayor Pro Tem, Council Member Place 2
Tres Atkins, Council Member Place 1
Chris Wright, Council Member Place 3
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 City of Waxahachie Fiscal Year 2025-2026 Budget

City Manager Michael Scott stated that the purpose of this meeting is to review and discuss the Fiscal Year 2025–2026 operating budget. He also noted that the Capital Improvement Projects for FY 2025–2026 were previously discussed during the April work session.

Senior Finance Director Chad Tustison presented the draft budget noting the certified tax roll and sales tax numbers are still pending. He explained the total preliminary working rate is calculated at .61 which is made up of general fund (maintenance and operations), debt service, and the library.

Mr. Tustison reviewed the following budget highlights for FY25:

- Working Budget & Priorities: Quality of Life, Personnel, Public Safety, Growth Management, & Infrastructure
- Working Budget & Financial Health
- Budget Development Process
- Working Budget: General Fund \$72.6 M, Water & Wastewater \$51.6 M, & Restricted Fund \$34.3 M
- General Fund by Function: General Government 9%, Support 7%, Culture & Recreation 9.4%, Public Works 11.5%, and Public Safety 58%
- City Property Tax Revenue
- Annual Appraisal Process
- Preliminary net taxable values
 - Tax Year 2024 Value \$6.51 Billion
 - Tax Year 2025 Value \$7.14 Billion
- Value of New Improvements to Fund Growth
- Exemptions & Rates – Comparison Cities
- Tax Rate by Component: General Fund 59%, Debt Service 38%, & Library 3%
- Maintenance & Operations Property Tax Revenue
- Sales tax allocation, projections, and revenue

(6b)

- Revenue summary (Current property tax, sales tax, franchise fees, licenses & permits, charges for service, fines & forfeitures, miscellaneous, transfers in)
- General Fund Expenses
- Replacement requests \$1.8 million: emergency sirens, heart monitors & radios, vehicles & trailers (police, streets, public works, parks, and animal control), exercise equipment at Senior Center
- Capital requests \$2.5 million: private fiber expansion, Station 2 & 3 remodels, Penn Park concession stand, erosion control under viaduct, CIP Engineering-Streets, cemetery building improvements, Optimist Pool improvements
- Operating requests \$3.3 million: 6 police officers, 6 firefighters, axon technology improvements, funding contribution to The Heights, one (1) maintenance work, expansion of contract mowing, new website, economic development incentives

{City Council recessed at 9:55 a.m. and reconvened at 10:18 a.m.}

- Inflation & Budget Impact
- General Fund Working Budget \$72.6 million
- General Fund Service Enhancements
 - Public Safety \$3.7 million
 - Streets & Public Works \$2.0 million
 - Culture & Recreation \$966,000
 - General Government \$306,000
 - Support Services \$168,000
 - Citywide Support Services \$471,000

Mr. Scott clarified that funding for the charter election is not being recommended at this time and will be brought back to the City Council for approval once the propositions have been clearly identified. He noted, however, that plans to hold a charter election in May are still moving forward.

{City Council recessed at 11:16 a.m. and reconvened at 12:00 p.m.}

- Water working budget (Additional debt service, budget requests, proposed budget); proposed 4% rate increase
- Wastewater budget (Additional debt service, budget requests, proposed budget); proposed 4% rate increase
- Waxahachie Community Development Corporation (WCDC) budget
- Sokoll water fund
- Airport fund
- Hotel tax fund
- Cemetery fund

After further discussion, the following was the general consensus of City Council for staff to:

- Add a message board component to the new city website
- Add one (1) Code Enforcement full-time employee
- Add one (1) Health Inspector full-time employee

(6b)

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- Review funding options for Blocker 2 and prioritize funding in a future budget
- Add Safety-Sensitive Random Drug Testing Program
- Obtain more detail for The Heights additional \$125,000 on-going funding request
- Obtain more detail for The Optimist Pool funding request in the amount of \$58,000
- Provide water and sewer rates in comparison cities, including the City's rate increase history
- Review cemetery plot fees in comparison cities

{Travis Smith arrived at 12:46 p.m. }

Mr. Tustison presented the budget timeline and next steps:

- July 31st: City Council budget update at 8:30 a.m.
- August 4th: Consider property tax rate and authorize bond issuance
- August-September: Public notices & hold public hearings
- September 8th: Budget and tax rate adoption

3. Adjourn

There being no further business, the meeting adjourned at 12:54 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(6c)

City Council
July 11, 2025

A special meeting of the Mayor and City Council of the City of Waxahachie, Texas was held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on Friday, July 11, 2025 at 1:00 p.m.

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

Others Present: Ricky Boyd, Interim 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 and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Crystal Strickland, 310 E. Marvin, Waxahachie, Texas, spoke in support of former City Manager Michael Scott acknowledging his dedication and service to the City of Waxahachie by emphasizing his kindness, leadership, and deep commitment to people.

5. Convene into Executive Session to deliberate the appointment of an Interim City Manager as permitted by Texas Government Code, Section 551.074, and consultation with the City Attorney regarding legal issues related to the city manager transition, as permitted by Texas Government Code, Section 551.071, and all matters incident and related thereto

Mayor Wallace announced at 1:14 p.m. the City Council would convene into Executive Session to deliberate the appointment of an Interim City Manager as permitted by Texas Government Code, Section 551.074, and consultation with the City Attorney regarding legal issues related to the city manager transition, as permitted by Texas Government Code, Section 551.071, and all matters incident and related thereto.

6. Reconvene and take any necessary action

The meeting reconvened at 8:18 p.m.

(bc)

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July 11, 2025
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Action:

Travis Smith moved to appoint Ricky Boyd as Interim City Manager pursuant to the terms discussed in closed session and authorize the Mayor to execute a letter agreement regarding same. Motion was seconded by Patrick Souter and carried unanimously (5-0).

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

Council Member Chris Wright acknowledged that the past week has been difficult. He emphasized that while the council doesn't always agree, they work hard to make the best decisions for the citizens of Waxahachie and usually reach a consensus through open discussion.

Mayor Pro Tem Patrick Souter said the challenging process of selecting an Interim City Manager shows the high caliber of the city's leadership and staff.

Mayor Billie Wallace thanked the four candidates for stepping up for the Interim City Manager role, calling the decision very difficult. She expressed confidence in the choice made and praised the City Council for their strong leadership, saying she's proud to serve alongside them.

8. Adjourn

There being no further business, the meeting adjourned at 8:21 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary

(6d)

City Council
July 14, 2025

A special meeting of the Mayor and City Council of the City of Waxahachie, Texas was held at the Waxahachie Civic Center, 2000 Civic Center Lane, Meeting Rooms A and B, Waxahachie, Texas, on Monday, July 14, 2025 at 3:30 p.m.

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

Others Present: Ricky Boyd, Interim 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

Interim City Manager Ricky Boyd gave the invocation. Mayor Wallace led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

None.

5. Consider a resolution to call a public hearing to consider approval of the 5-Year Update to the City of Waxahachie's Land Use Assumptions, Capital Improvement Plans and associated Impact Fees

Justin Stoker, Senior Director of Public Works and Engineering, presented the Item. In Section 395 of the Texas Local Government Code, the requirement is set forth for the impact fees land use assumptions, the capital improvement plan, and the adoption of the updated water, sewer and roadway impact fees. The impact fee analysis and report needs to be updated every five years. The code requires a resolution establishing a public hearing date a minimum of 30 days prior to council adoption of the impact fees. The water, sewer and roadway impact fee report is included on the packet and will be available on the city website after approval of the resolution. A resolution setting August 18, 2025, as the public hearing date is submitted for your consideration.

RESOLUTION NO. 1381

A RESOLUTION OF THE CITY COUNCIL OF WAXAHACHIE, TEXAS ESTABLISHING A PUBLIC HEARING DATE TO CONSIDER APPROVAL OF LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENT PLANS AND IMPACT FEES FOR

(6d)

ROADWAYS, WATER, AND WASTEWATER FACILITIES; AND PROVIDING AN EFFECTIVE DATE

Action:

Chris Wright moved to adopt a resolution establishing August 18, 2025 as the date of a public hearing on land use assumptions, capital improvements plan and adoption of water, sewer and roadway updated impact fees. Motion was seconded by Patrick Souter and carried unanimously (5-0).

- 6. Discuss and consider proposed Ordinance amending Chapter 2, “Administration,” of the Code of Ordinances, by adding a new Article X, “Waxahachie Cultural Arts and Heritage Commission”**

City Attorney Terry Welch presented the proposed ordinance, noting that staff and council had discussed adding it back in February. Since then, the ordinance has been drafted and reviewed by staff.

ORDINANCE NO. 3641

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING CHAPTER 2, “ADMINISTRATION,” OF THE CODE OF ORDINANCES OF THE CITY OF WAXAHACHIE, TEXAS, BY ADDING A NEW ARTICLE X, “WAXAHACHIE CULTURAL ARTS AND HERITAGE COMMISSION”; PROVIDING FOR THE APPOINTMENT OF COMMISSIONERS; ESTABLISHING TERMS OF OFFICE; AUTHORIZING RULES OF PROCEDURE; REQUIRING OPEN MEETINGS; ESTABLISHING DUTIES AND RESPONSIBILITIES; PROVIDING FOR EXPENSES AND ADMINISTRATIVE SUPPORT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Action:

Patrick Souter moved to approve the ordinance amending Chapter 2, “Administration” of the Code of Ordinances, by adding a new Article X, “Waxahachie Cultural Arts and Heritage Commission.” Motion was seconded by Travis Smith and carried unanimously (5-0).

- 7. Hear presentation and discuss update of the City Hall redevelopment and renovation project**

Dustin Deel, Senior Director of Administrative Services, introduced Jon Vidauri, Vidaurri Management Group, LLC, who provided an update on the City Hall redevelopment and renovation project.

Mr. Vidauri explained that VMG typically manages \$300–\$400 million in construction costs annually and has observed significant price increases across their projects since the beginning of the year. The data shown reflects trends from their own projects to provide context for cost changes in the current project.

(6d)

He reviewed the budget history for the City Hall Renovation project managed by Turner Construction (the CMAR). The approved construction cost budget as of January 22, 2024, was \$12.2 million. Initial budgetary estimates during the design phases remained within an acceptable range: the schematic design estimate on July 31, 2024, was \$12.36 million; the design development estimate on October 22, 2024, was \$12.43 million; and the 50% construction design estimate on January 29, 2025, was \$13.52 million. However, by the time the 100% Construction Documents (CD) Guaranteed Maximum Price (GMP) was forecasted on May 16, 2025, the cost had risen significantly to \$16.28 million, exceeding the original budget by \$4.1 million. The finalized 100% CD GMP on May 30, 2025, further increased to approximately \$16.93 million, resulting in a total budget overrun of \$4.7 million. By May 30, the final guaranteed maximum price (GMP) came in at \$16.9 million—\$4 million over the original budget. At that point, recovering the budget would have required severe scope reductions.

During a recent meeting between the City Council and the project management team, significant concerns were raised regarding the sharp rise in construction costs for the new municipal building. The project manager expressed that such dramatic increases—rising from \$13.5 million to \$16.9 million—are rare, comparable only to the pricing chaos during early COVID-19. He attributed the spike to ongoing market instability, including labor shortages, commodity price swings, and contractor fears about tariffs. Contractors are increasingly inflating bids to protect themselves from future cost shocks, even when such events—like tariffs—never occur. Council members noted that this speculative pricing behavior has become standard across the industry, leading to persistent budget overruns.

Council Member Travis Smith asked the team on why COVID and tariffs were being cited as justifications, stating that these were not valid excuses for what he saw as mismanagement. He questioned the project team's role, asking why they were so deeply involved with subcontractors when that should be the general contractor's responsibility. The project team explained that as owner's representatives, they oversee all aspects of the project—including coordination between the city, the architect, the general contractor, and stakeholders. Mr. Smith contended that the \$4.7 million overrun reflected a lack of proper oversight and transparency. The team clarified that they are working under a fixed lump-sum contract with no additional fees or performance-based incentives, and noted they had already implemented \$270,000 in cost-saving measures.

One major cause of the cost overrun, Mr. Viadauri explained, was an unexpected foundation redesign stemming from inaccurate as-built drawings from a 2000 addition. Additional costs came from contaminated soil due to the site's prior use as a gas station and unforeseen fire sprinkler requirements. These surprises led to approximately \$1.7 million in added costs. When asked why demolition started before subcontractor contracts were finalized, the team explained that the project used a Construction Manager at Risk (CMAR) approach, which allows incremental construction phases to begin earlier—especially for long-lead items like steel and switchgear.

Council Member Tres Atkins compared the process to private-sector standards. He said no bank would approve funding for a project with such a fluid scope and rising costs and declared he would not support further funding. The original \$12.2 million budget has ballooned to \$16.9 million, in part due to overlapping scopes carried by both the city and its contractor. While some council members acknowledged the legitimacy of supply chain and procurement challenges, others remained highly critical, especially of the architect, who was faulted for previous oversights, such

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City Council
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as a \$900,000 asbestos miscalculation. Council Member Smith note he was in support to terminate the architect's contract.

Mr. Viaduri reiterated that the final decision rests with the Council. If the goal is long-term staff consolidation and facility modernization, continuing the project may be worthwhile. But if the priority is fiscal restraint, the City could cancel the current contracts, recover what value it can from already-procured materials, and re-scope a smaller facility. The Guaranteed Maximum Price (GMP) currently protects against future price increases, but it is only valid until the week of July 21. After that, prices may rise again.

Mayor Pro Tem Patrick Souter questioned why contractors are allowed to inflate prices based on projected or speculative cost increases—such as tariffs or global events—without any mechanism to later adjust those prices based on actual prevailing market rates. He expressed frustration over the practice of adding large contingency percentages upfront, even when the projected events may never occur.

Council members noted that they had not seen final interior renderings or design specifications, and expressed concern that the public might perceive the project as an attempt to build a luxurious council chamber. Council Member Chris Wright clarified that the original purpose was to expand courtroom and office space, and the council chamber component was secondary.

Mayor Wallace noted that more internal discussions were necessary and Council may hold a special work session soon. The project team pledged to work with the design team to explore scaled-down options—such as building only the new council chamber—and will provide updated information to assist the Council in evaluating next steps. Staff also confirmed they would resend the list of departments originally planned to occupy the new building, which includes roughly 10 to 12 city functions such as the utility department, municipal court, and marshal's office.

8. Convene into Executive Session to deliberate the appointment of an Interim City Manager as permitted by Texas Government Code, Section 551.074, and consultation with the City Attorney regarding legal issues related to the city manager transition, as permitted by Texas Government Code, Section 551.071, and all matters incident and related thereto

Mayor Wallace announced at 4:25 p.m. the City Council would convene into Executive Session to deliberate the appointment of an Interim City Manager as permitted by Texas Government Code, Section 551.074, and consultation with the City Attorney regarding legal issues related to the city manager transition, as permitted by Texas Government Code, Section 551.071, and all matters incident and related thereto.

9. Reconvene and take any necessary action

The meeting reconvened at 7:17 p.m.

Action:

Tres Atkins moved to authorize the Mayor to execute a Separation Agreement and General Release. Motion was seconded by Travis Smith and carried unanimously (5-0).

(6d)

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

Council Member Chris Wright clarified that he did not support or vote to terminate City Manager Mr. Scott. He emphasized that, while he can't disclose executive session details, he never advocated for termination without first giving Mr. Scott a chance to address any performance concerns. In open session, a vote was taken to approve a "separation" that had been negotiated between Mr. Scott, the Mayor, and the City Attorney. Councilman Wright stated that the term "separation" was agreed upon to avoid labeling it as either a termination or a resignation, and although it was clear Mr. Scott's employment was ending, he did not vote to terminate him.

Mayor Pro Tem Patrick Souter emphasized that the City Council is committed to being responsible stewards of taxpayer money. He noted that there are many factors to consider in the City Hall renovation project and raised important questions that remain unanswered. He reiterated the Council's strong commitment not to spend public funds on matters like this without careful evaluation. He asked the public to recognize that the Council is proceeding with caution and due diligence in regard to all financial decisions.

Council Member Travis Smith expressed full agreement with both Council Member Wright and Mayor Pro Tem Souter. He offered a public apology, acknowledging the frustration surrounding the City Hall renovation project, particularly the fact that the Council has not yet seen any building renderings. Despite a challenging week, he commended the Council for handling the situation well. He echoed Mayor Pro Tem Souter's sentiment, emphasizing that the Council is committed to spending taxpayer dollars only on what is absolutely necessary.

Council Member Tres Atkins expressed strong frustration with the current funding situation facing the Council. He voiced his dissatisfaction with the lack of information and the number of unknowns, emphasizing that it is unreasonable to expect the Council to proceed without full transparency. He stated firmly that the practice of keeping the Council uninformed must come to an end.

Interim City Manager Ricky Boyd expressed his appreciation for the opportunity to serve in his current role. He noted that he is actively exploring ways to improve operations and thanked the Council for their support. He added that he looks forward to collaborating closely with City staff moving forward.

11. Adjourn

There being no further business, the meeting adjourned at 7:18 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary



City of Waxahachie
City Secretary's Office

(be)

Special Event Application

Date submitted 7/1/25

Applicant Information

Applicant name: Keri Lehmann representing WDMA

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: 109 West Franklin Street, Suite 109, Waxahachie, Tx

Host organization name: Waxahachie Downtown Merchant's Association

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

On-site contact name: Patti Holloway Cell: _____

About the Event

Event name: Hachie Uncorked

Location: Downtown Waxahachie

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

Anticipated attendance: 300 max

Description of event: Open Air (Plein Air) art and wine festival; 4 live bands, artists selling art in the streets, local wineries in participating stores

How many times has this event been hosted before?

1st time 2 – 4 times 5 or more times Location: _____

Choose the best description of the event:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Festival | <input type="checkbox"/> Birthday Party / Picnic |
| <input type="checkbox"/> Movie Screening | <input checked="" type="checkbox"/> Charitable / Fundraising |
| <input type="checkbox"/> Parade | <input checked="" type="checkbox"/> Community / Neighborhood |
| <input type="checkbox"/> Private Event | <input checked="" type="checkbox"/> Concert / Live Performance |
| <input type="checkbox"/> Run / Walk | <input type="checkbox"/> Other: _____ |

(6e)



City of Waxahachie
City Secretary's Office

Special Event Application

Event activities include (check all that apply):

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

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.

\$35 wine tasting tickets;

donations/ sponsorships sought for event production.

Event timeline:

	Date(s)	Start Time:	End Time:
Event Date	11/15/2025	12 pm	5 pm
Event Set-up	11/15/2025	5 am	4:30 pm
Event Breakdown	11/15/2025	5 pm	8 pm

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.



(be)

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: _____ Date(s) & time(s): _____
- Volunteers How many: _____ Date(s) & time(s): _____
- Private security How many: _____ Date(s) & time(s): _____

Company name: _____

Contact name and number: _____

Off duty police How many: _____ Date(s) & time(s): _____

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: _____

West Franklin from Rodgers to College; College from West Franklin to Main

Street closings to begin on date: 11/15/2025 Start time: 5 am End time: 7 pm

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: 4

Other: _____

Where should equipment be dropped off & picked up? At the 4 intersections listed above for closure

(be)



City of Waxahachie
City Secretary's Office

Special Event Application

When will the traffic equipment be set-up?

Date: 11/15/2025

Time: 5 am

When will the traffic equipment be removed?

Date: 11/15/2025

Time: 7 pm

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:

AVSD Productions

Explain services in detail:

They will supply small stage and batteries to power 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.

A Shane Henry
Signature

July 10, 25
Date

Contract Agreement

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

A Shane Henry
Signature

July 10, 25
Date

(be)

Event Description:

- Artists and performers will be in the closed off areas and will not have tents.

- No food trucks & No vendors.

- Wine will be served in stores.

- We will only sell a maximum of 300 tickets (300 people max).

Event participants will purchase a wristband and they will have 10-12 tickets that they can reimburse for 1 oz of wine at participating establishments.

Event Date: November 15, 2025

Event Start Time: 12 pm

Event End Time: 5 pm

Stage Set Up Time: 5 am day of the event

Close Streets @ 5 am to set up the stage



(b/f)



Memorandum

To: Mayor and City Council

From: Dustin Deel, Senior Director of Administrative Services

Thru: Ricky Boyd, Interim City Manager *RB*

Date: July 21, 2025

Re: Consider Approval of a Resolution to Deny Rate Increase Request by
Oncor Electric Delivery Company, LLC

Proposed Motion: "I move to approve a Resolution to deny the Distribution Cost Recovery Factor application proposed by Oncor Electric Delivery Company, LLC, and authorize the hiring of legal counsel and consulting services."

Item Description: Consider approval of a Resolution to deny Oncor's request to increase its distribution rates within the City, authorize participation with the Oncor Cities Steering Committee (OCSC), and authorize the hiring of legal counsel and consulting services.

Item Oncor Electric Delivery Company ("Oncor" or "the Company") filed an application on or about June 26, 2025, with cities retaining original jurisdiction, seeking to increase system-wide transmission and distribution rates by about \$834 million or approximately 13% over present revenues. The Company asks the City to approve a 12.3% increase in residential rates and a 51.0% increase in street lighting rates. If approved, an average residential customer would see a bill increase of about \$7.90 per month.

This resolution suspends the July 31, 2025 effective date of the Company's rate increase for the maximum period permitted by law to allow the City, working in conjunction with the Steering Committee of Cities Served by Oncor, to evaluate

(6f)

the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

The law provides that a rate request made by an electric utility cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. If the City fails to take some action regarding the filing before the effective date, Oncor's rate request is deemed administratively approved.

Fiscal Impact: The City of Waxahachie is already a member of the OCSC, and there will be no additional cost associated with the hiring of legal services or consultants to conduct the rate negotiations on behalf of the OCSC. All expenses associated with this rate must be reimbursed by Oncor. Legal counsel and consultants approved by OCSC will submit monthly invoices that will be forwarded to Oncor for reimbursement.

(6f)

RESOLUTION NO. _____

**RESOLUTION OF THE CITY OF Waxahachie
SUSPENDING THE JULY 31, 2025 EFFECTIVE DATE OF
ONCOR ELECTRIC DELIVERY COMPANY'S
REQUESTED RATE CHANGE TO PERMIT THE CITY
TIME TO STUDY THE REQUEST AND TO ESTABLISH
REASONABLE RATES; APPROVING COOPERATION
WITH THE STEERING COMMITTEE OF CITIES SERVED
BY ONCOR TO HIRE LEGAL AND CONSULTING
SERVICES AND TO NEGOTIATE WITH THE COMPANY
AND DIRECT ANY NECESSARY LITIGATION AND
APPEALS; FINDING THAT THE MEETING AT WHICH
THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC
AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS
RESOLUTION TO THE COMPANY AND LEGAL
COUNSEL FOR THE STEERING COMMITTEE**

WHEREAS, on or about June 26, 2025, Oncor Electric Delivery Company (Oncor), pursuant to PURA §§ 33.001 and 36.001 filed with the City of Waxahachie a Statement of Intent to increase electric transmission and distribution rates in all municipalities exercising original jurisdiction within its service area effective July 31, 2025; and

WHEREAS, the City of Waxahachie is a member of the Steering Committee of Cities Served by Oncor ("Steering Committee") and will cooperate with the 170 similarly situated city members and other city participants in conducting a review of the Company's application and to hire and direct legal counsel and consultants and to prepare a common response and to negotiate with the Company prior to getting reasonable rates and direct any necessary litigation; and

WHEREAS, PURA § 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days after the date the rate change would otherwise be effective; and

WHEREAS, PURA § 33.023 provides that costs incurred by Cities in ratemaking proceedings are to be reimbursed by the regulated utility.

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

1. That the July 31, 2025 effective date of the rate request submitted by Oncor on or about June 26, 2025, be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

(6f)

2. As indicated in the City's resolution approving membership in the Steering Committee, the Executive Committee of Steering Committee is authorized to hire and direct legal counsel and consultants, negotiate with the Company, make recommendations regarding reasonable rates, and to intervene and direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or Public Utility Commission.

3. That the City's reasonable rate case expenses shall be reimbursed by Oncor.

4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

5. A copy of this Resolution shall be sent to Oncor Electric Delivery Company LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202 and to Thomas Brocato, Counsel to the Steering Committee, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this the _____ day of _____, 2025.

Mayor, City of Waxahachie

ATTEST:

Planning & Zoning Department Zoning Staff Report

Case: ZDC-50-2025



MEETING DATE(S)

Planning & Zoning Commission: June 24, 2025
City Council: July 21, 2025

CAPTION

Public Hearing on a request by Gilberto Escobedo, Jr., for a **Specific Use Permit (SUP)** for a **Short-Term Rental** use within a Single-Family-3 (SF-3) zoning district located at 106 Ryburn Street (Property ID 278478) – Owner(s): LGE Investment Homes, LLC (ZDC-50-2025)

RECOMMENDED MOTION

- *"I move to recommend denial of ZDC-50-2025, a Specific Use Permit (SUP) for Short-Term Rental use."*
- *"I move to recommend approval of ZDC-71-2025, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions the staff report, authorizing the City Manager and/or Mayor to execute all documents accordingly."*

ACTION SINCE THE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting held on June 24, 2025, the Commission voted 6-0 to recommend approval of case number ZDC-54-2025, subject to the initial conditions of the staff report.

APPLICANT REQUEST

The Applicant requests a Specific Use Permit for a Short-Term Rental use at 106 Ryburn Street.

CASE INFORMATION

Applicant: Gilberto Escobedo, Jr.

Property Owner(s): LGE Investment Homes, LLC

Site Acreage: 0.12 acres

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

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

SUBJECT PROPERTY

General Location: 106 Ryburn Street

Parcel ID Number(s): 278478

Existing Use: Residential use

Development History: The subject property is currently platted as Lot 4, Block 4 of the Temple Addition

Adjoining Zoning & Uses:

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

Future Land Use Plan:

Mixed Use Neighborhood

Comprehensive Plan:

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

Thoroughfare Plan:

The subject property is accessible via Ryburn Street.

Site Image:



PLANNING ANALYSIS

The Applicant requests a SUP for short-term rental use at 106 Ryburn Street because it is located within the SF-3 zoning district. The subject property consists of a primary structure of approximately 1,699 square feet, with four (4) bedrooms, two (2) bathrooms, one (1) one-half bathroom and enough improved surface to accommodate parking for a maximum of two (2) vehicles. The subject property is situated on an approximately 0.12 acres (5,227 square feet) lot. The applicant did advertise the subject property as a short-term rental, but did not operate as a short-term rental and has not been paying local hotel occupancy taxes. Staff identified the advertisement and contacted the applicant to let him know that he is in violation of Section 3.27 of the City's Zoning Ordinance. The applicant then removed the advertisement immediately. The Ellis County Appraisal District (ECAD) does not identify the subject property as a Homestead. The applicant submitted the SUP application on April 2, 2025.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered that there were no nuisance-related calls.

The applicant's local emergency contact is Gilberto Escobedo, 120 Deer Creek Drive, Waxahachie, TX 75165, lgehomes@gmail.com, which is located approximately nine (9) miles from the subject property.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 78 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. At the time of the publishing of this staff report, a total of six (6) letters of support and no letters of opposition were received by staff. Two (2) of the letters of support received are within the 200' buffer.

RECOMMENDATION

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

Conditions:

1. The short-term rental operator shall complete the STR registration process with the City's vendor, and pay the annual and a renewal fee set by Ordinance No. 3415, or as amended.
2. The short-term rental operator shall register for a Hotel Occupancy Tax account with the City's vendor.
3. The short-term rental operator shall allow a maximum occupancy of ten (10) guests per stay.
4. The short-term rental operator shall permit a maximum of two (2) vehicles to be parked on the subject property. Off-site and/or on-street parking is prohibited.
5. The short-term rental operator shall submit an updated copy of the Host Rules to reflect the maximum parking space
6. The short-term rental operator shall adhere to all regulations stated in Section 3.27 of the City's Zoning Ordinance.
7. The applicant shall apply for the required STR registration within thirty (30) calendar days from the City Council approval of this SUP.

ATTACHED EXHIBITS

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

STAFF CONTACT INFORMATION

Prepared by:

Oanh Vu

Senior Planner

oanh.vu@waxahachie.com

Reviewed by:

Trenton Robertson, AICP

Senior Director of Planning

trenton.robertson@waxahachie.com



(7)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-50-2025

RECEIVED JUN 10 2025

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

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, June 24, 2025 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, July 21, 2025 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 Gilberto Escobedo, Jr., for a **Specific Use Permit (SUP)** for a **Short-Term Rental** use within a Single-Family-3 (SF-3) zoning district located at 106 Ryburn Street (Property ID 278478) – Owner(s): LGE Investment Homes, LLC (ZDC-50-2025)

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

Case Number: ZDC-50-2025

City Reference: 175849

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **June 18, 2025** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Signature

Date

Printed Name and Title

Address

Brad Yates member

6/10/25
112 Kinchum



(7)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-50-2025

RECEIVED JUN 10 2025

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

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Case Number: ZDC-50-2025

City Reference: 175861

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **June 18, 2025** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Signature

6/10/25

Date

Brad Yates member

Printed Name and Title

102 Myers

Address



(7)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-50-2025

RECEIVED JUN 10 2025

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PO BOX 2868
WAXAHACHIE, TX 75168-8868

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Case Number: ZDC-50-2025

City Reference: 175116

Your response to this notification is optional. If you choose to respond, please **return this form by 5:00 P.M. on June 18, 2025** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Signature

Brad Yates member

Printed Name and Title

Date

6/10/25
313 Henry

Address



(7)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-50-2025

RECEIVED JUN 10 2025

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

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Case Number: ZDC-50-2025

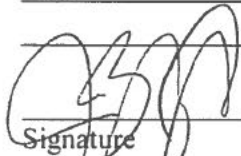
City Reference: 171254

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **June 18, 2025** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:


Signature
Brad Yates member
Printed Name and Title

6/10/25
Date
111 Getzen Lane
Address



(7)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-50-2025

RECEIVED JUN 10 2025

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

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Case Number: ZDC-50-2025

City Reference: 175110

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **June 18, 2025** 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: *[Handwritten Signature]*

Date: *6/10/25*

Printed Name and Title: *Brian Yates member*

Address: *319 Henry*



(7)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-50-2025

RECEIVED JUN 10 2025

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

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Case Number: ZDC-50-2025

City Reference: 175860

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **June 18, 2025** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Signature

Brad Yates
Brad Yates member

Date

6/10/25

Printed Name and Title

Address

104 Myers

(7)

Case Number: ZDC-50-2025

City Reference: 171381

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *June 18, 2025* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

I oppose due to safety concerns. I have lived in this neighborhood my entire life and to allow this Short Term Lease would devastate the area. This is not considered a permanent address so people can commit crimes and no one be able to do anything about it. See to that, Moore

Signature

Date

Lee Ethel Moore (Resident)
Printed Name and Title

122 Griffin St.
Address

RECEIVED JUN 17 2025

(7)

Case Number: ZDC-50-2025

City Reference: 171382

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **June 18, 2025** 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:

For the safety of my neighborhood I don't think it should be close to a park & recreation

Lee Ethel Moore

Signature

6-14-25

Date

LEE ETHEL MOORE

Printed Name and Title

122 Griffin St.

Address

RECEIVED JUN 17 2025

AM

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW A SHORT-TERM RENTAL USE WITHIN A SINGLE-FAMILY 3 (SF-3) ZONING DISTRICT LOCATED AT 106 RYBURN STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.12 ACRES KNOWN AS PROPERTY ID 278478, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

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

WHEREAS, a proper application for a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-50-2025. Said application having been referred to the Planning and Zoning (P&Z) Commission, was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from SF-3 to SF-3 with a SUP in order to permit a Short-Term use on the following property: Property ID 278478, which is shown on the Location Map (Exhibit A), Zoning Map (Exhibit B), Floorplan (Exhibit C), Site Plan (Exhibit D), and Host Rules (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.

(8)

Specific Use Permit

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

1. The subject property shall conform to the site plan approved by the City Council under case number ZDC-50-2025.
2. Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A – Location Map, Exhibit B – Zoning Map, Exhibit C – Floorplan, Exhibit D – Site Plan, and Exhibit E – Host Rules.
3. The STR Operator for the subject property shall be responsible for obtaining registration per the City’s applicable rules and regulations governing such permits.
4. The STR Operator for the subject property shall be responsible to pay hotel occupancy taxes as required per Section 3.27.e.7 of the City of Waxahachie Zoning Ordinance.
5. The property owner shall remove their current homestead exemption at 865 Cantrell St.
6. The subject property shall comply with the City of Waxahachie Municipal Code and Zoning Ordinance when any zoning, land use requirement, or restriction is not addressed or disclosed in Exhibits C, D, and E.
7. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
8. City Council shall have the right to review the Specific Use Permit at any point, necessary.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate, a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the owner and therefore shall not be transferred from owner to owner.
4. The short-term rental operator shall complete the STR registration process with the City’s vendor, and pay the annual and a renewal fee set by Ordinance No. 3415, or as amended.
5. The short-term rental operator shall register for a Hotel Occupancy Tax account with the City’s vendor.

(8)

6. The short-term rental operator shall allow a maximum occupancy of ten (10) guests per stay.
7. The short-term rental operator shall permit a maximum of three (3) vehicles to be parked on the subject property. Off-site and/or on-street parking is prohibited.
8. The short-term rental operator shall adhere to all regulations stated in Section 3.27 of the City's Zoning Ordinance.
9. The applicant shall apply for the required STR registration within thirty (30) calendar days from the City Council approval of this SUP.
10. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

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

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

PASSED, APPROVED AND ADOPTED on this 21st day of July, 2025.

MAYOR

ATTEST:

City Secretary

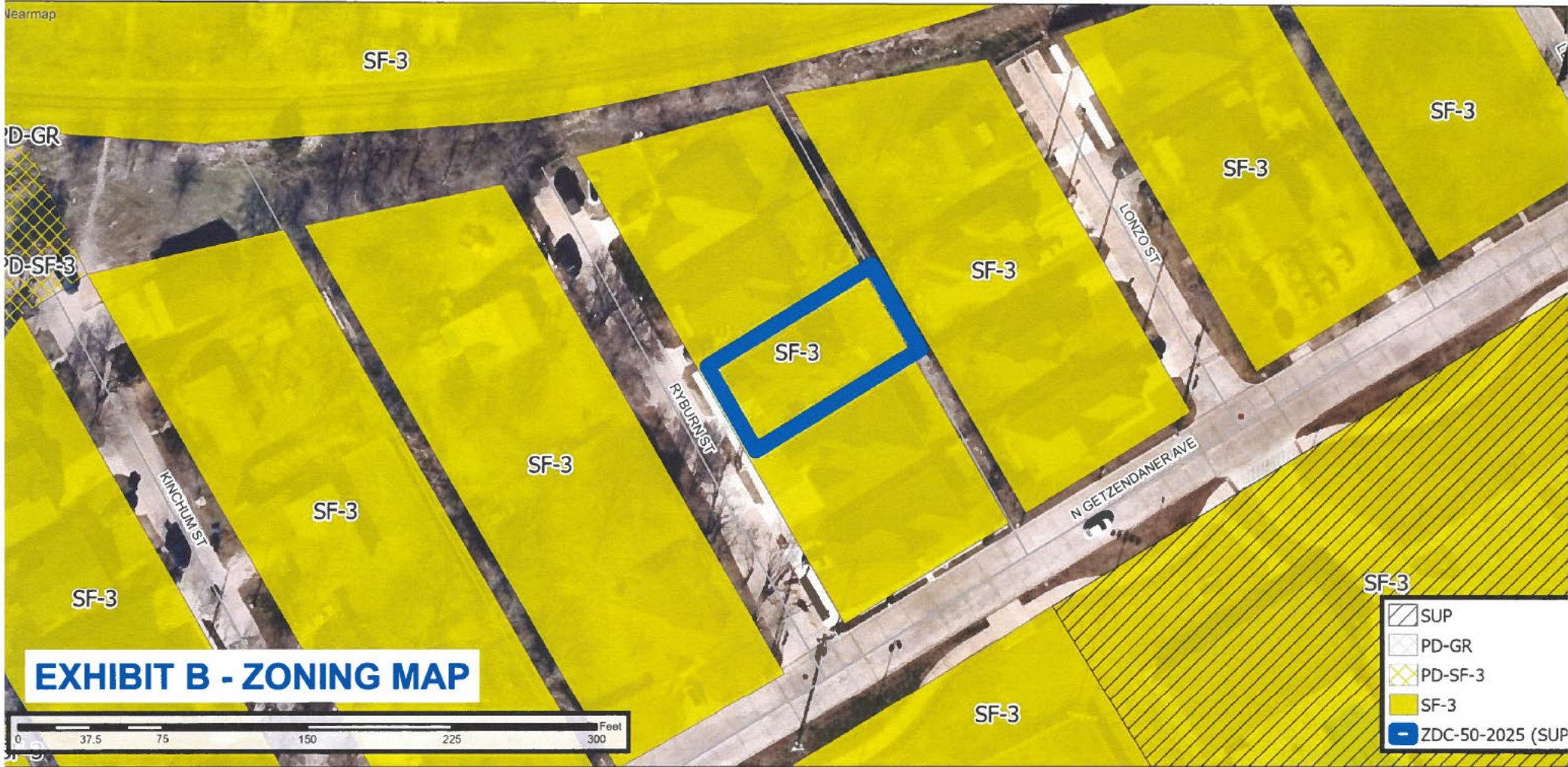
(8)



EXHIBIT A - LOCATION MAP

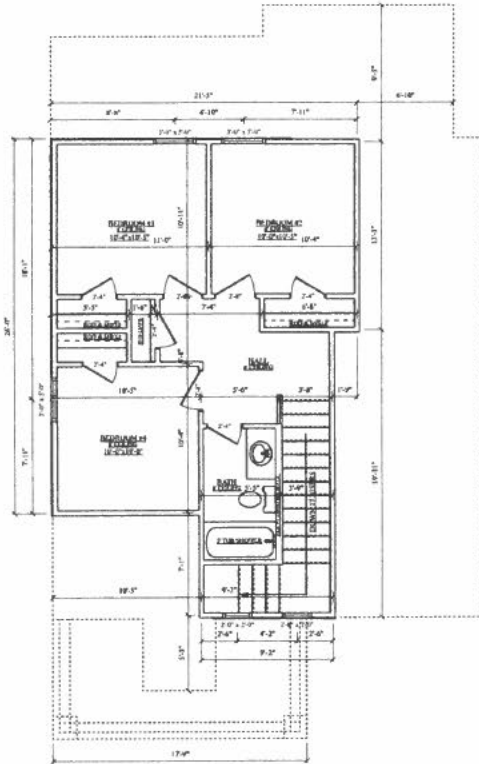
ZDC-50-2025 (SUP)

(8)

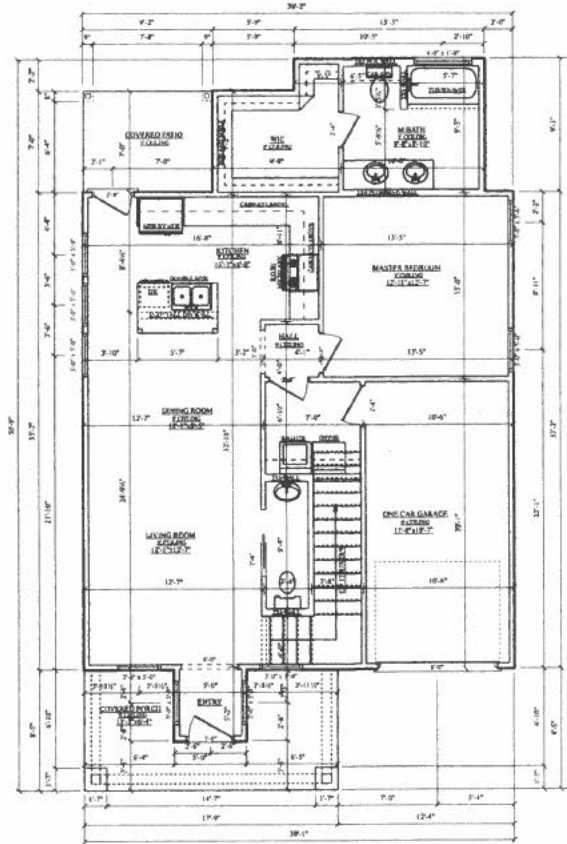


(8)

EXHIBIT C - FLOORPLAN



2ND FLOOR PLAN
SCALE: 1/4" = 1'-0"



AREA TOTALS	
FIRST FLOOR LIVING	949
SECOND FLOOR LIVING	553
TOTAL LIVING	1,502
ONE-CAR GARAGE	728
COVERED PORCH	123
COVERED PATIO	104
TOTAL FOUNDATION	1,500
TOTAL UNDER ROOF	1,957

FLOOR PLAN
SCALE: 1/4" = 1'-0"

Plan Copyright, Ownership and Liability

This plan is not intended to be a contract. It is subject to change without notice. The owner shall be responsible for obtaining all necessary permits and approvals. The architect shall not be responsible for the construction of the project. The architect shall not be responsible for the construction of the project. The architect shall not be responsible for the construction of the project.

NOTES:

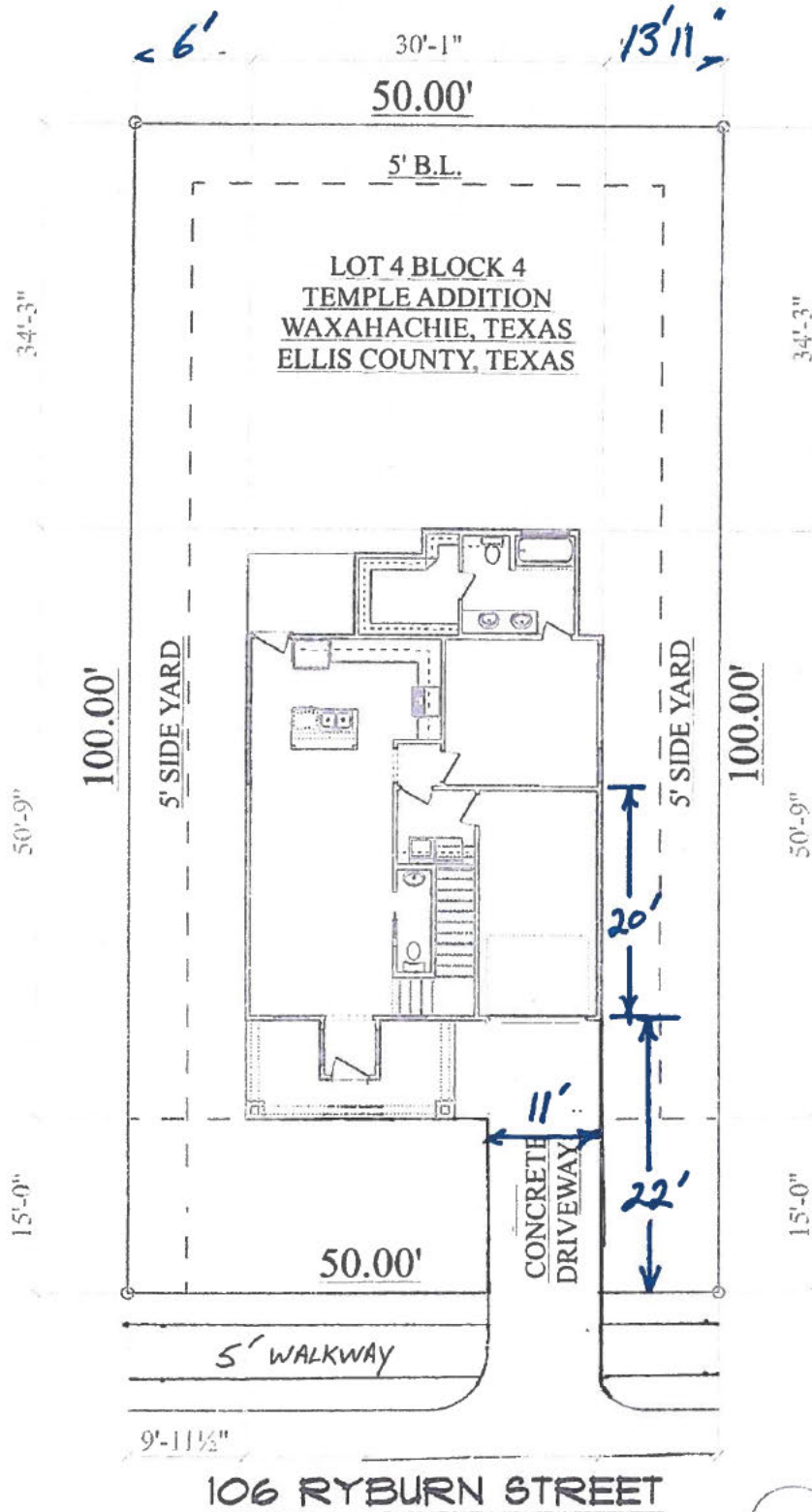
1. This plan is intended to provide the basic information for the construction of the project. It is not intended to be a contract.
2. The owner shall be responsible for obtaining all necessary permits and approvals.
3. The architect shall not be responsible for the construction of the project.
4. All work shall be in accordance with the applicable building codes.
5. The architect shall not be responsible for the construction of the project.

APRIL 7th, 2021
A NEW SINGLE FAMILY HOME
TO BE LOCATED @
106 RYBURN STREET
LOT 1 BLOCK 3
WINDY HILL
WINDY HILL, MA 01888

LGE INVESTMENT HOMES, LLC.
469-441-2984

CRISTAIN DRIVE SUITE 101 WAXAHACHIE, TX 75150
WWW.FLOORPLANDESIGN.COM

(8)



**DIMENSIONS OF DRIVEWAY
OFF-STREET PARKING**
Gilberto Escobedo

SITE PLAN
SCALE: 1" = 10'-0"



180 CHESTNUT DRIVE
SUITE 101
WAXAHACHIE, TX 75165
OFFICE (972) 335-9710
WWW.PLAN-MASTER.COM



APRIL 7th, 2021
A NEW SINGLE FAMILY HOME
TO BE LOCATED @
106 RYBURN STREET
LOT 4 BLOCK 4
TEMPLE ADDITION
WAXAHACHIE, TX

LGE INVESTMENT
HOMES, LLC
469-441-2983



(8)

House Rules for 106 Ryburn St, Waxahachie, TX

Welcome to our home! We're excited to host you and hope you have a comfortable stay. Please follow these house rules to ensure a great experience for everyone.

General Rules

- The maximum occupancy is 10 people.
- **Parking on the street is prohibited!**
- The maximum amount of parking is 2 vehicles
- All off-street parking must be on an improved surface
- Please treat our home with respect.
- No smoking inside the house; smoking is permitted outside only.
- **No pets allowed.**
- No parties, large gatherings, or unregistered guests allowed.

Check-in & Check-out

- Check-in: 4:00 PM | Check-out: 11:00 AM
- Late check-outs will result in additional fees.

Quiet Hours

- Quiet hours are from 10:00 PM to 7:00 AM.
- Please be considerate of neighbors, especially at night.

Cleanliness & Maintenance

- Keep the home tidy and clean up after yourself.
- Report any damage or maintenance issues immediately.
- Wash and put away any dishes used before check-out.

Visitors & Security

- Only registered guests are allowed on the property.
- Please lock all doors and windows when leaving the home.
- **Outdoor security cameras are installed for safety reasons.**

Additional Fees & Penalties

- Extra cleaning: \$100 if the property is left excessively dirty.
- Unauthorized guests: \$50 per extra guest per night.

(8)

Safety & Emergencies

- In case of emergency, dial 911.
- Fire extinguishers are located under the kitchen sink.
- First aid kit is in the pantry.

By booking this stay, you agree to follow these rules. We appreciate your cooperation and hope you enjoy your time in Waxahachie!

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-71-2025



MEETING DATE(S)

Planning & Zoning Commission: July 15, 2025
City Council: July 21, 2025

CAPTION

Public Hearing on a request by Christopher Childs, for a **Specific Use Permit (SUP)** for a **Short-Term Rental** use within a Single-Family-3 (SF-3) zoning district located at 710 Perry Avenue (Property ID 174044) – Owner(s): Christopher Childs (ZDC-71-2025)

RECOMMENDED MOTION

- "I move to deny ZDC-71-2025, a Specific Use Permit (SUP) for Short-Term Rental use."
- "I move to approve ZDC-71-2025, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions the staff report, authorizing the Mayor and/or City Manager to execute all documents accordingly."

ACTION SINCE THE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting held on July 15, 2025, the Commission voted 5-0 to recommend approval of case number ZDC-71-2025, subject to the initial conditions of the staff report.

APPLICANT REQUEST

The Applicant requests a Specific Use Permit for a Short-Term Rental use at 710 Perry Avenue.

CASE INFORMATION

Applicant: Christopher Childs
Property Owner(s): Christopher Childs
Site Acreage: 0.086 acres
Current Zoning: Single-Family-3 (SF-3)
Requested Zoning: SF-3 with a Specific Use Permit (SUP) for a Short-Term Rental (STR) use

SUBJECT PROPERTY

General Location: 710 Perry Avenue
Parcel ID Number(s): 174044
Existing Use: Single Family Residence
Development History: The subject property is platted as Lot 4 of the Highland Park Addition

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	SF-3	Single Family Residence
East	SF-3	Single Family Residence
South	SF-3	Rivers of Life Pentecostal Church & Single Family Residence
West	SF-3	Single Family Residence

Future Land Use Plan:

Mixed Use Neighborhood

Comprehensive Plan:

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

Thoroughfare Plan:

The subject property is accessible via Perry Avenue.

Site Image:



PLANNING ANALYSIS

The applicant requests a SUP for a STR use at 710 Perry Avenue because it is located within the SF-3 zoning district. Per the City's Zoning Ordinance, a STR use located within the SF-3 zoning district requires an approved SUP. The subject property consists of a primary structure of approximately 2,377 square feet, built in 2021 with three (3) bedrooms, two (2) bathrooms, and enough improved surface to accommodate for three (3) parking spaces. The subject property is situated on approximately 0.086 acres (3,746 square feet) lot. The applicant has not been operating the subject property as a short-term rental; therefore, the applicant has not been paying local hotel occupancy taxes. Currently, the applicant has the subject property advertised on AirBNB as available to lease as soon as August 1, 2025.

The applicant purchased the subject property in February 2025. The applicant began attempts to submit a SUP application for the STR on April 30, 2025, and completed the application process on May 23, 2025. During this period, the applicant attempted to register the STR using the City's STR compliance vendor (GovOS); but was advised that SUP approval is required prior to registration.

During the review of the SUP Application, staff identified a listing of the subject property on AirBNB and reached out to the applicant to note that advertising prior to receiving an approved SUP and registering the STR is prohibited by the Waxahachie Zoning Ordinance. The applicant was directed to complete the SUP application approval process and STR registration process before advertising. At that time, the applicant updated his listing to be available for booking on January 1, 2026 and stated that he had not utilized the property as a STR during the time the property was available on AirBNB.

At the time of the posting of this staff report, the listing on AirBNB is still live and available, but booking is now available as soon as August 1, 2025 as a long-term rental of 30 or more days. Additionally, when the booking for the subject property was identified, Staff discovered that the applicant has advertisements on AirBNB for two separate bedrooms as long-term rentals located at his homestead on 237 Lillian Lane. The Ellis County Appraisal District (ECAD) does not identify the subject property as a Homestead.

During the planning analysis, Staff inquired with the Waxahachie Police Department and discovered that there were no nuisance-related calls within the past twelve months.

The applicant's local emergency contact is Matt Hogan, 237 Lillian Lane, Waxahachie, TX 75165, cri@styalbatross.com, which is located approximately six (6) miles from the subject property.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 89 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. At the time of the publishing of this staff report, a total of two (2) letters of opposition and six (6) letters of support were received by staff, with one (1) letter of opposition and one (1) letter of support within 200' of the subject property.

RECOMMENDATION

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

Conditions:

1. The short-term rental operator shall complete the STR registration process with the City's vendor, and pay the annual and a renewal fee set by Ordinance No. 3415, or as amended.
2. The short-term rental operator shall register for a Hotel Occupancy Tax account with the City's vendor.

Conditions continued:

- 3. The short-term rental operator shall allow a maximum occupancy of eight (8) guests per stay.
- 4. The short-term rental operator shall allow a maximum of three (3) vehicles to park on the subject property. Off-site and/or on-street parking is prohibited.
- 5. The short-term rental operator shall not lease simultaneously to more than one (1) group under separate contacts, bookings or appointments as stated in Section 3.27(g)(ii) of the City's Zoning Ordinance.
- 6. The short-term rental operator shall not advertise the subject property as a short-term rental prior to the approval of the short-term rental registration as stated in Section 3.27(d)(i).
- 7. The short-term rental operator shall adhere to all regulations stated in Section 3.27 of the City's Zoning Ordinance.
- 8. The applicant shall apply for the required STR registration within thirty (30) calendar days from the City Council approval of this SUP.

ATTACHED EXHIBITS

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

STAFF CONTACT INFORMATION

Prepared by:

Oanh Vu
 Senior Planner
oanh.vu@waxahachie.com

Reviewed by:

Trenton Robertson, AICP
 Senior Director of Planning
trenton.robertson@waxahachie.com

(9)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-71-2025

RECEIVED JUL 02 2025

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

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 15, 2025 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, July 21, 2025 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 Childs, for a **Specific Use Permit (SUP)** for a **Short-Term Rental** use within a Single-Family-3 (SF-3) zoning district located at 710 Perry Avenue (Property ID 174044) – Owner(s): Christopher Childs (ZDC-71-2025)

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

Case Number: ZDC-71-2025

City Reference: 174042

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 9, 2025** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Signature

Brady Ates member
Printed Name and Title

7/12/25

Date

704 Perry
Address

(9)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-71-2025

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Case Number: ZDC-71-2025

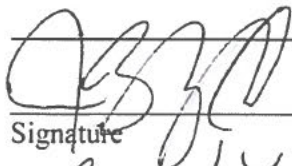
City Reference: 174121

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 9, 2025** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:


Signature

Brad Yates member
Printed Name and Title

7/2/25
Date

605 Perry
Address



(9)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-71-2025

RECEIVED JUL 02 2025

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

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Case Number: ZDC-71-2025

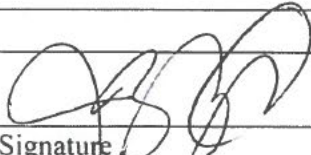
City Reference: 174048

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 9, 2025** 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:

<hr/>	
	<u>7/2/25</u>
Signature	Date
<u>Brad Yates member</u>	<u>602 Perry</u>
Printed Name and Title	Address



(9)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-71-2025

RECEIVED JUL 02 2025

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

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Case Number: ZDC-71-2025

City Reference: 285606

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 9, 2025** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Signature

Brad Yates member
Printed Name and Title

Date

7/2/25

Address

1604 Perry

(9)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-71-2025

RECEIVED JUL 02 2025

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

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Case Number: ZDC-71-2025

City Reference: 174056

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 9, 2025** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Signature

Date

Printed Name and Title

Address

Brend Yates member

7/2/25

508 Perry



(9)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-71-2025

RECEIVED JUL 02 2025

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

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Case Number: ZDC-71-2025

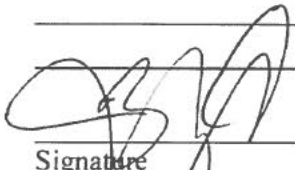
City Reference: 285607

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SUPPORT

OPPOSE

Comments:


Signature
Brady Yates member
Printed Name and Title

7/2/25
Date
606 Perry
Address

(9)

Case Number: ZDC-71-2025

City Reference: 175041

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 9, 2025** 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:

Already too much congestion with cars on
Perty Avenue

Shamila Coleman
Signature

7-9-25
Date

Shamila Coleman / Church Secretary
Printed Name and Title

1415 MLK
Address

RECEIVED JUL 09 2025

(9)

Case Number: ZDC-71-2025

City Reference: 175042

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 9, 2025** 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:

Already too much congestion on Perry Avenue

Shamilia Williams Coleman
Signature

7/9/25
Date

Shamilia Coleman/owner
Printed Name and Title

103 Graham ST
Address

RECEIVED JUL 09 2025

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW A SHORT-TERM RENTAL USE WITHIN A SINGLE-FAMILY 3 (SF-3) ZONING DISTRICT LOCATED AT 710 PERRY AVENUE IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.086 ACRES KNOWN AS PROPERTY ID 174044, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

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

WHEREAS, a proper application for a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-71-2025. Said application having been referred to the Planning and Zoning (P&Z) Commission, was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from SF-3 to SF-3 with a SUP in order to permit a Short-Term use on the following property: Property ID 174044, which is shown on the Location Map (Exhibit A), Zoning Map (Exhibit B), Floorplan (Exhibit C), Survey (Exhibit D), and Host Rules (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 THE OPERATION OF A SPECIFIC USE PERMIT FOR A SHORT-TERM RENTAL USE IN A SINGLE-FAMILY-3 (SF-3) ZONING DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The subject property shall conform to the site plan approved by the City Council under case number ZDC-71-2025.
2. Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A – Location Map, Exhibit B – Zoning Map, Exhibit C – Floorplan, Exhibit D – Survey, and Exhibit E – Host Rules.
3. The STR Operator for the subject property shall be responsible for obtaining registration per the City’s applicable rules and regulations governing such permits.
4. The STR Operator for the subject property shall be responsible to pay hotel occupancy taxes as required per Section 3.27.e.7 of the City of Waxahachie Zoning Ordinance.
5. The subject property shall comply with the City of Waxahachie Municipal Code and Zoning Ordinance when any zoning, land use requirement, or restriction is not addressed or disclosed in Exhibits C, D, and E.
6. 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.
7. City Council shall have the right to review the Specific Use Permit at any point, necessary.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate, a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the owner and therefore shall not be transferred from owner to owner.
4. The short-term rental operator shall complete the STR registration process with the City’s vendor, and pay the annual and a renewal fee set by Ordinance No. 3415, or as amended.
5. The short-term rental operator shall register for a Hotel Occupancy Tax account with the City’s vendor.
6. The short-term rental operator shall allow a maximum occupancy of eight (8) guests per stay.

7. The short-term rental operator shall allow a maximum of three (3) vehicles to park on the subject property. Off-site and/or on-street parking is prohibited.
8. The short-term rental operator shall not lease simultaneously to more than one (1) group under separate contacts, bookings or appointments as stated in Section 3.27(g)(ii) of the City's Zoning Ordinance.
9. The short-term rental operator shall not advertise the subject property as a short-term rental prior to the approval of the short-term rental registration as stated in Section 3.27(d)(i).
10. The short-term rental operator shall adhere to all regulations stated in Section 3.27 of the City's Zoning Ordinance.
11. The applicant shall apply for the required STR registration within thirty (30) calendar days from the City Council approval of this SUP.
12. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

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

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

PASSED, APPROVED AND ADOPTED on this 21st day of July, 2025.

MAYOR

ATTEST:

City Secretary

(10)



Show all photos

Entire home in Waxahachie, Texas

6 guests · 3 bedrooms · 2.5 baths

★ New



Hosted by Chris | Stay Albatross Rentals

Superhost · 10 years hosting



Self check-in

Check yourself in with the smartlock.



Garden view

Soak up the view during your stay.



Dedicated workspace

A room with wifi that's well-suited for working.

Note: this property is only available for 30+ day stays. Requests not be considered.

The city of waxahachie declareth, so be-ith

Welcome to your fully furnished retreat—perfect for medical professionals, contractors, business travelers, and families needing a comfortable and well-equipped home base. This spacious two-story, 3 bed / 3 bath home features a thoughtful layout, upgraded ...

Add dates for prices

Select dates

Minimum stay: 2 nights

CHECK-IN
6/12/2025

×

CHECKOUT
Add date

June 2025

July 2025

>

S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7			1	2	3	4	5
8	9	10	11	12	13	14	6	7	8	9	10	11	12
15	16	17	18	19	20	21	13	14	15	16	17	18	19
22	23	24	25	26	27	28	20	21	22	23	24	25	26
29	30						27	28	29	30	31		



Clear dates

Close

(10)



EXHIBIT A - LOCATION MAP

ZDC-71-2025 (SUP)

(10)

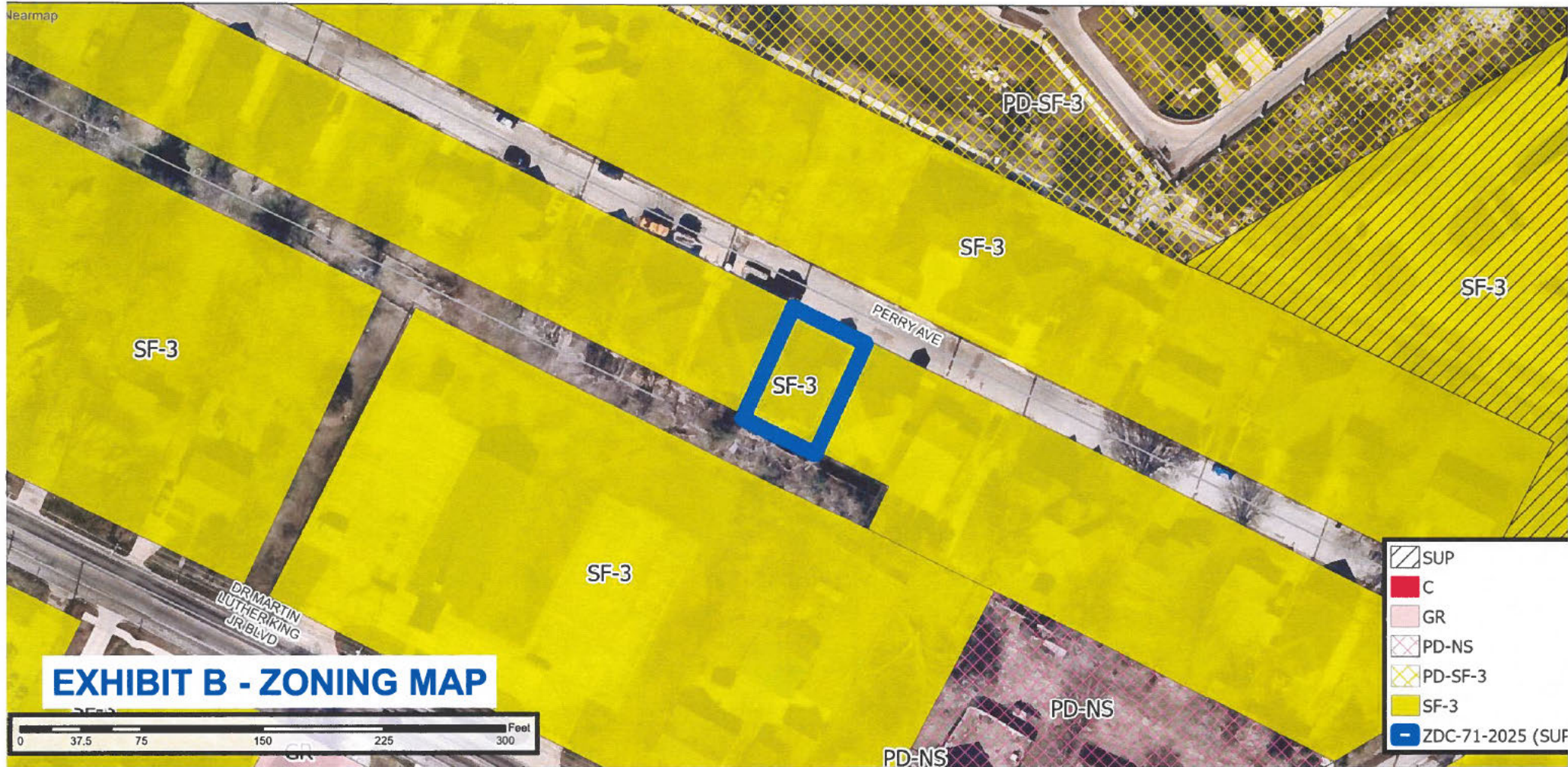
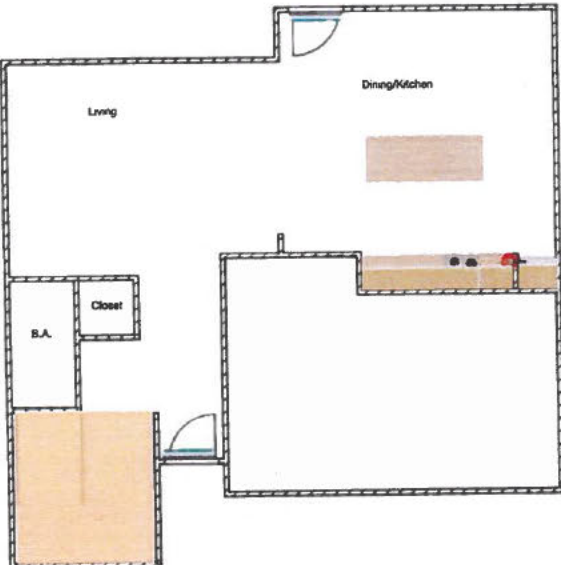


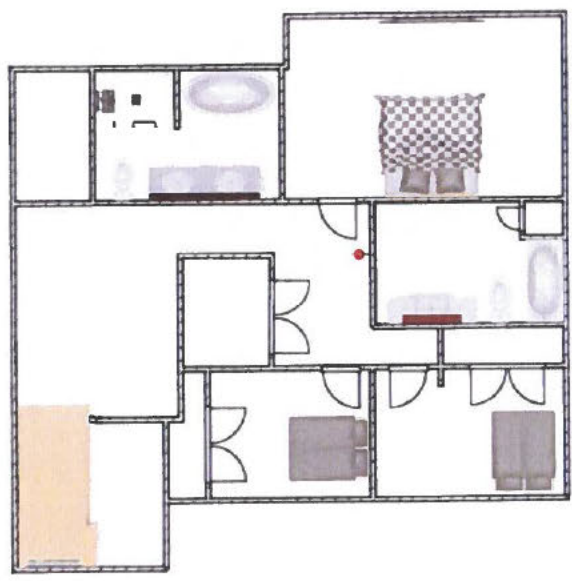
EXHIBIT C - FLOORPLAN

(10)



1st Floor

(10)

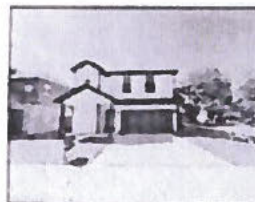


2nd Floor

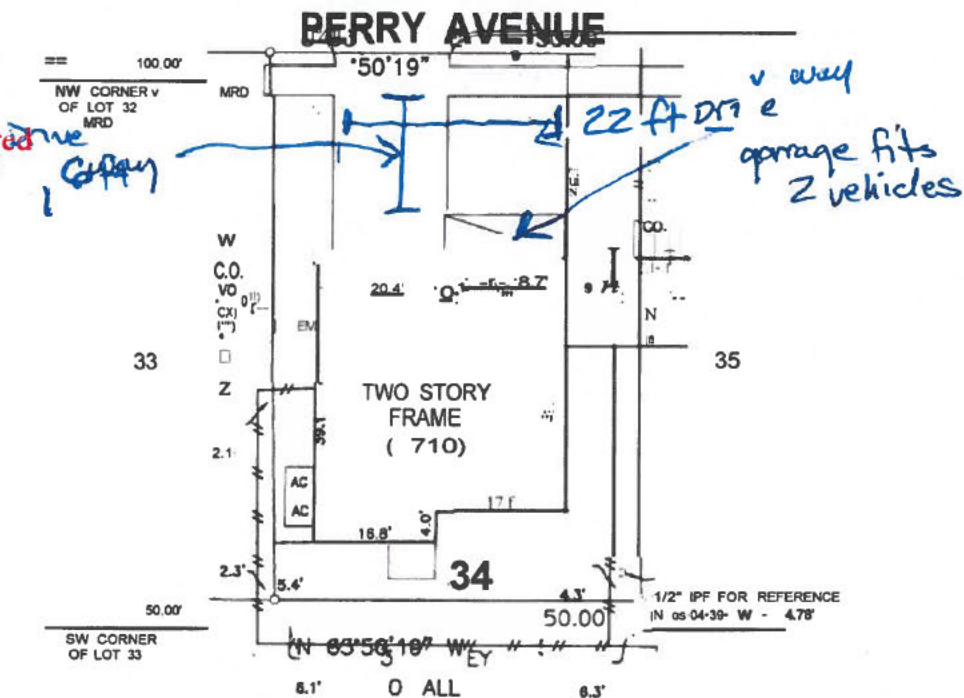
FINAL SURVEY

I(tft'l>ES

BRIAN S. RHODES Registered Professional Land Surveyor (972) 475-8940
This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at Na. 710 PERRY AVENUE in the city of WAXAHACHIE Texas.
Lot No. 34 Block No. HIGHLAND PARK an addition in the city of WAXAHACHIE, ELLIS COUNTY, Texas according to the PLAT THEREOF RECORDED in VOLUME 2_16_5_ at PAGE 307 of the MAP records of ELLIS COUNTY, TEXAS.



Driveway was re-measured and is 18' rather than 16'



Jan 06, 2025

Feb 20, 2025



THIS CERTIFICATION DOES NOT TAKE INTO CONSIDERATION ADDITIONAL FACTS THAT AN ACCURATE TITLE SEARCH AND OR EXAMINATION MIGHT DISCLOSE. BEARINGS ARE BASED ON RTK READINGS OF TEXAS COORDINATE SYSTEM OF 1983 (NAD83), NORTH CENTRAL ZONE (4202). 1529 E. 1-30, STE. 106 - GARLAND, TX 75043 - FIRIA REGISIRA110N NO 10194052. The plat hereon is true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat: the size, location and type of building and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distance indicated, or visible and apparent easements. TITLE AND ABSRACING WORK FURNISHED BY KENDRA NORWOOD. THERE ARE NO ENCRAGEMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT AS SHOWN. Scale: 1" = 20'. Date: 10/04/2024. G.F. No.: 113682. Job no.: 113682. USE OF THIS SURVEY FOR ANY OTHER PURPOSE. 'S'J ES 'STI' RJJA 'CLUSIVELY FOR KENDRA NORWOOD.

LEGEND table with various symbols and their corresponding descriptions for survey markers and features.



Stay Albatross House Policy & Rules

We hope that you will enjoy your stay and make full use of our facilities. House guests are kindly requested to observe the rules, outlined below, so that their stay will be comfortable and safe. If guests do not observe these rules, the Management will have the full right to cancel their accommodations, with no refunds.

Stay Albatross LLC would like for you and your guests to enjoy the home and all the amenities that we offer you for your stay and enjoyment, so here are a few things we believe will make your stay as enjoyable as possible.

By booking our property you and all your guests agree that you understand all the requirements that you will need to be responsible for.

You will hold harmless, Stay Albatross LLC, their members, and the property owner. Stay Albatross LLC will not be held liable for any accidents or catastrophic injuries that come from neglect on your part in our home or on the property.

You agree that you are booking in good will with your host and that you will not attempt to damage your host's business because you are unhappy with a ruling by the booking site or the host in the event that you experience anything dissatisfying in regard to your stay, or if you lose a resolution. You are now waiving your right to a trial if we choose to sue you, and if this does go to trial you agree to pay all court costs of both parties.

We want your stay to be a dream vacation with great memories that will stay with you forever.

Booking party: Agrees that they will be staying at the home, is over 25 years old, and will not have a party or parties at the home. Violation of this will result in the termination of the agreement and NO refunds. Once you have booked the property you are required to forward a clear picture of your Driver's License or some form of Government ID so we can verify your age, picture and identity within 72 hours after booking. Please email this information directly to manager@stavalbatross.com

EXHIBIT E - HOST RULES

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(10)

CONDITION AND USE OF PROPERTY: The Property is provided in "as is" condition. Rental Agent shall use its best efforts to ensure the operation of all amenities in the Property, such as internet access, satellite or cable TV access, access to swimming pools or hot tubs, and use of fireplaces as applicable. Stay Albatross, nor homeowner, shall not be held responsible for such items failure to work, but will make every effort to correct any issues as reported as quickly as possible. Guest acknowledges that use of amenities such as hot tubs, pools, spas, fireplaces, decks, patios, fire pit (s) and the like may be potentially dangerous and involve potential risks if improperly used, particularly with regard to children, and such use is at the Guest's own risk. Guests shall use the Property for residential purposes only and in a careful manner to prevent any damage or loss to the Property.

Guest Policy: Guests will have access to the entire home. The nightly booking fee includes the number of guests on your reservation (not to exceed 8 occupants). That means if you have friends, coworkers, or anyone else that is coming into the house, they are also considered a guest. As an effort to keep our rate low, we price the base of the home low, and charge more for extra people. This is done specifically to keep our rates low. Please let us know. There is a \$60 fee per additional guest per night (after the designated number of guests on the listing. This means if the listing specifies, we charge after 6 guests, then each additional person after 6, regardless of age or length of time they will be occupying the property (not to exceed 8 occupants). will be accounted for unless approved with the host 24 hours in prior to check-in. This rule applies regardless of age.

For your Safety

- Please review all the emergency exits on your rental promptly upon your arrival.
- Please remember your door code any time you leave the home. For ease we set this to be the last four of the booking parties number. _____
- Please make sure you lock the door when you leave.
- Should you notice any suspicious persons, please contact the management immediately.
- We reject the use of our rental by members of any gang or extremists. Even after a reservation has been made or during a Guest's stay, if the Guest is found to be a member of a gang or an extremist, the Guest will be asked to leave the Rental immediately.
- Please watch your children and become familiar with the home and the surroundings to insure you understand the possibilities of anyone getting hurt, and to avoid that by educating those in your group.

YOUR COOPERATION IS REQUESTED (fees and fines):

- ▶ **Checkin: After 3 PM**
- ▶ **Checkout: before 1 PM**
- ▶ **Self check-in with keypad**
- ▶ **No smoking**

EXHIBIT E - HOST RULES

DocuSign Envelope ID: AE009B73-1E03-47BF-B11E-6BB608926F1D

(10)

- ▶ **No pets**
- ▶ **No parties or events**
- ▶ **Locals Must contact us before booking**

1. **No Smoking Any Substance Anywhere** in the home or in the common areas on the property. This is a 100% smoke-free community. Smoking anywhere on the property will result in a \$500 per day fee. Smoking is permitted outside the home only.
2. **Check-In Anytime After 3 pm** on the day of arrival.
3. **Check-Out time by 1 pm** on the day of departure.
4. **Pets:** Pets are allowed at the discretion of the host. Please inquire first. If allowed, there is a separate fee of \$20/day that must be paid before the check-in date.
 - a. Due to some guests having allergies and seeking to stay in non-pet or service animal homes, we must know if you're going to bring in a pet in order to respect the other guests' needs for a safe and clean environment. Failure to notify the host of any pets or service animal brought onto the property without prior approval your stay can be terminated without a refund and you will be asked to leave the property.
5. **Communication/Messaging:** If you have any needs or issues, you will message us through the Airbnb Message Center only. You acknowledge that phone support is not provided.
6. **No parties, events, birthdays, bachelor or bachelorette stays - this includes "social gatherings" of any definition.**
7. **Do not have more guests or visitors than stated in your reservation**
8. **More guests or visitors than stated on the reservation (not to exceed 8 occupants) will incur a charge of \$50/night/guest or temporary visitor.** It doesn't matter if they stay overnight or for just a short period.
9. **We are not responsible or liable for any accidents, injuries, or illnesses that occur while on the premises.** Use of Community Amenities, including but not limited to the pool, spa, BBQ grills, and gym, is at your own risk.
10. **We are not responsible for the loss of personal belongings or valuables during your stay.** We cannot be responsible for any items left behind.
11. **There will be a minimum \$100 handling fee, plus the cost of shipping for anything you request be mailed back.** Requests must be made within 48-hours of departure; after which period, items may be donated at the sole discretion of the host. Please make sure to check for all personal items prior to checkout.
12. **Mail service not supported.** All packages will be rejected. We suggest guests that require mail delivery set up a temporary mailbox at the UPS Store or USPS.
13. **FEES: Unapproved Late Check-Out fees:** Every 30 min after 1 pm will incur an additional \$75 charge.
14. **Lost TV Remote control will result in a \$100 Charge**

EXHIBIT E - HOST RULES

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15. Disabling, obstructing, or tampering in any way with any of the safety or security devices, will result in a \$250 fee for each occurrence and cancellation of the remainder of your reservation without refund.
16. Do not burn candles, incense, or any other open flames.
17. Please follow check-in and check-out instructions carefully
18. Linens that go missing or are damaged will be paid for at the guest expense. We have makeup towels and removers for your use, please use those.
19. By booking this property I fully agree that my guests and I have read and understand all the house rules as listed above in all the previous sections and agree that I will accept all responsibilities noted above along with my guests.
20. Please do not bring onto the premises of the rental any of the following (failure to adhere to this can result in immediate termination of your reservation, without refund, and you will be escorted off the premises):
 - a. Gunpowder, oils or other explosives or inflammables.
 - b. Objects emitting a foul odor.
 - c. firearms or swords
 - d. Objects of an unusually large size or in unusually large quantities; and
 - e. Illegal drugs or other articles, the possession of which is prohibited by the laws of Texas.
21. The rental may not be used for prolonged business purposes, or for any purpose apart from accommodation, without the express permission of the management.
22. Please do not hang any items or objects whatsoever from the windows.
23. The distribution or display of advertisements and the sale of goods on the premises of the Rental are prohibited without prior written authorization.
24. Please refrain from using equipment or fixtures for purposes other than those intended. Please do not remove or alter any equipment or fixtures of the rental property.
25. You are reminded that unauthorized publication for business purposes of photographs taken on the premises of the rental may be subject to legal action.
26. You will be charged for any damage to the Rental property caused by you or by your guests.

Thanks so much for adhering to our rules. I want to personally thank you for booking your vacation with us. Have a Great Time! You will absolutely love the home..

Stay Albatross LLC

Booking Party's Name _____

EXHIBIT E - HOST RULES

DocuSign Envelope ID: AE009B73-1E03-47BF-B11E-6BB608926F1D

(10)

Date _____

signature _____

VOID

ADDENDUM A: Swimming Pool Waiver and Release of Liability Form

Release of Liability, Waiver of Claims, Assumption of Risk, and Indemnity Agreement

PLEASE READ CAREFULLY BY SIGNING THIS DOCUMENT, YOU CHOOSE TO WAIVE CERTAIN LEGAL RIGHTS, INCLUDING THE RIGHT TO SUE.

If you are staying at a Stay Albatross Property, or one we manage, you agree to the following (where there is a pool or hot tub for guest use)

I wish to swim during the length of stay at your vacation home. By swimming in the properties pool or using the hot tub, I recognize and fully understand certain things, including:

I. At no time is there a lifeguard on duty, you (the renter) are responsible/or the safe operation of the pool and are responsible for all persons using the pool during your stay.

- 2. My use of the pool facilities during my stay involves certain risks, including but not limited to:
 - 1. The risk of injury resulting from possible malfunction of the pool equipment.
 - 2. The risk of injuries resulting from tripping or falling over obstacles in the pool area;
 - 3. The risk of injuries resulting from unsupervised divers and swimmers colliding.
 - 4. The risk of other injuries resulting from participating in any action in the pool.
- 3. I recognize and fully understand that the above list is not a complete or exhaustive list of all possible

risks: the list only provides examples of types of risks that I am assuming.

In exchange for the Owner allowing me to utilize the pool and area during my stay, I hereby agree to the conditions below. I fully intend and choose to give up the legal rights, as stated below:

- TO WAIVE ANY AND ALL CLAIMS that I have or may have in the future against the Owner, its directors, officers, employees, agents, or representatives (hereinafter referred to as the "Releasees") relating to my use of the pool and pool area;
- TO RELEASE THE RELEASEES from any and all liability for any loss, damage, injury, expense, or other cost that I may suffer or that my next of kin may suffer in connection with my use of the Releasees pool or pool area to any cause whatsoever, INCLUDING NEGLIGENCE ON THE PART OF THE RELEASEES:
 - TO HOLD HARMLESS AND INDEMNIFY THE RELEASEES from any and all liability to property, or personal injury to, any third party, resulting from the use of the pool or pool area
 - That I am over the age of 18 and that I am responsible and will adhere to all the rules of the property;
 - That this Waiver, Release, and Agreement is full and effective and shall be effective and binding upon me, and my heirs, next of kin, executors, administrators, and assigns, or anyone else authorized to act on my behalf or on behalf of my estate.
 - I will take care of the properties' hot tub or pool and am responsible for any damage that should arise from the use of said pool or hot tub.
 - If it is determined that I have caused damage to the pool or hot tub, I agree to pay any and all damages outside of normal wear and tear.

I have read and understood this document. I am aware that by signing this document, I am waiving certain legal rights that I may have against the releases, and I fully agree to do so.

Full Name _____

Signed: _____ Print: _____ Date: _____

MMDDIYYYY

Date of Birth: _____

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-83-2025



MEETING DATE(S)

Planning & Zoning Commission: July 15, 2025

City Council: July 21, 2025

CAPTION

Public Hearing on a request by Jennifer Smolka, for a **Specific Use Permit (SUP)** for a **Short-Term Rental** use within a Single-Family-2 (SF-2) zoning district located at 821 Williams Street (Property ID 171711) – Owner(s): Smolka Holdings LLC Series C (ZDC-83-2025)

RECOMMENDED MOTION

- *"I move to deny ZDC-83-2025, a Specific Use Permit (SUP) for Short-Term Rental use."*
- *"I move to approve ZDC-83-2025, a Specific Use Permit (SUP) for a Short-Term Rental use, subject to the conditions the staff report, authorizing the Mayor and/or City Manager to execute all documents accordingly."*

ACTION SINCE THE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting held on July 15, 2025, the Commission voted 5-0 to recommend approval of case number ZDC-71-2025, subject to the initial conditions of the staff report.

APPLICANT REQUEST

The Applicant requests a Specific Use Permit for a Short-Term Rental use at 821 Williams Street.

CASE INFORMATION

Applicant: Jennifer Smolka

Property Owner(s): Smolka Holdings LLC Series C

Site Acreage: 0.306 acres

Current Zoning: Single-Family-2 (SF-2)

Requested Zoning: SF-2 with a Specific Use Permit (SUP) for a Short-Term Rental use

SUBJECT PROPERTY

General Location: 821 Williams Street

Parcel ID Number(s): 171711

Existing Use: Residential use

Development History: The subject property is currently platted as Lot H, Block 267 of the Town Addition

Adjoining Zoning & Uses:

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

Future Land Use Plan: Mixed Use Neighborhood

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

Thoroughfare Plan: The subject property is accessible via Williams Street.

Site Image:



PLANNING ANALYSIS

The Applicant requests a SUP for short-term rental use at 821 Williams Street because it is located within the SF-2 zoning district. The subject property consists of a primary structure of approximately 1,459 square feet, with two (2) bedrooms, one (1) bathroom, and enough improved surface to accommodate parking for a maximum of two (2) vehicles. The subject property is situated on an approximately 0.31 acres (13,329 square feet) lot. The Ellis County Appraisal District (ECAD) does not identify the subject property as a Homestead. The applicant submitted the SUP application on June 4, 2025.

During the planning analysis, staff inquired with the Waxahachie Police Department and discovered a disturbance-related call that occurred near outside of the subject property and not involving the subject property.

The applicant's local emergency contact is Kevin Smolka, 504 Lakewood Drive, Waxahachie, TX 75165, kevin.smolka.com, which is located approximately eight (8) miles from the subject property.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 100 notices were mailed to property owners within 500 feet of the as required in Section 3.27 of the City's Zoning Ordinance. In addition, a notice was published in the Waxahachie Sun, and a sign was visibly posted at the property. At the time of the publishing of this staff report, a total of four (4) letters of support and six (6) letters of opposition were received by staff, with two (2) of the letters of support and five (5) letters of opposition received are within the 200' buffer.

RECOMMENDATION

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

Conditions:

1. The short-term rental operator shall complete the STR registration process with the City's vendor, and pay the annual and a renewal fee set by Ordinance No. 3415, or as amended.
2. The short-term rental operator shall register for a Hotel Occupancy Tax account with the City's vendor.
3. The short-term rental operator shall allow a maximum occupancy of six (6) guests per stay.
4. The short-term rental operator shall permit a maximum of two (2) vehicles to be parked on the subject property. Off-site and/or on-street parking is prohibited.
5. The short-term rental operator shall adhere to all regulations stated in Section 3.27 of the City's Zoning Ordinance.
6. The applicant shall apply for the required STR registration within thirty (30) calendar days from the City Council approval of this SUP.

ATTACHED EXHIBITS

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

STAFF CONTACT INFORMATION***Prepared by:***

Oanh Vu
Senior Planner
oanh.vu@waxahachie.com

Reviewed by:

Trenton Robertson, AICP
Senior Director of Planning
trenton.robertson@waxahachie.com

(11)

Venissat, Michelle

From: GalaxyWolf 2010
Sent: Monday, June 30, 2025 7:39 AM
To: Planning
Subject: Case # ZDC-83-2025 / City Reference: 171719

Some people who received this message don't often get email from

[Learn why this is important](#)

I support the request made by Jennifer Smolka for SUP for Short-Term Rental at 821 Williams St.(Property ID 171711)- Owner(s): Smolka Holdings LLC Series C (ZDC-83-2025)

I remain,

Gena Bell
06/30/2025

Owner of property at: 817 Williams St, Waxahachie, TX 75165



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-83-2025

KYSER JOYCE
108 SAVANNAH ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 15, 2025 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, July 21, 2025 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 Jennifer Smolka, for a **Specific Use Permit (SUP)** for a **Short-Term Rental** use within a Single-Family-2 (SF-2) zoning district located at 821 Williams Street (Property ID 171711) – Owner(s): Smolka Holdings LLC Series C (ZDC-83-2025)

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

Case Number: ZDC-83-2025 City Reference: 172087

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on July 9, 2025 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: why have rules of the 1st privilege not open. No exceptions.

Signature Ju

Date 6/30/25

Printed Name and Title Joyce Kyser
Home owner

Address 108 Savannah St.



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-83-2025

STRENGTH JAMES L & LINDA W
800 Williams St
Waxahachie, TX 75165-2651

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 15, 2025 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, July 21, 2025 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 Jennifer Smolka, for a **Specific Use Permit (SUP)** for a **Short-Term Rental** use within a Single-Family-2 (SF-2) zoning district located at 821 Williams Street (Property ID 171711) – Owner(s): Smolka Holdings LLC Series C (ZDC-83-2025)

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

Case Number: ZDC-83-2025

City Reference: 171642

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 9, 2025** 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:

Don't want what is happening in Dallas to happen here, All kinds of things that should not happen in our neighborhood.

James L. Strength
Signature

6-27-2025
Date

James L. Strength
Printed Name and Title

800 Williams Street
Address



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-83-2025

GRIFFITH TERRI LYN
111 ABBEY RD
WAXAHACHIE, TX 75165-8822

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 15, 2025 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, July 21, 2025 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 Jennifer Smolka, for a **Specific Use Permit (SUP)** for a **Short-Term Rental** use within a Single-Family-2 (SF-2) zoning district located at 821 Williams Street (Property ID 171711) – Owner(s): Smolka Holdings LLC Series C (ZDC-83-2025)

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

Case Number: ZDC-83-2025

City Reference: 171713

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 9, 2025** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT OPPOSE

Comments:

The Smolkas are wonderful people who take very good care of their properties. They will be an asset.
Jen L. Griffith

Signature
Terri L. Griffith
Printed Name and Title

Date
6/30/25
402 Richmond Ln.
Address

(11)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-83-2025

AUTREY DUSTY
200 S ELM ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 15, 2025 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, July 21, 2025 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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You received this notice because your property is within the area of notification as required by law. As an interested party you are welcome to make your views known by attending the hearings. If you cannot attend the hearings, you may express your views by filling in and returning the bottom portion of this notice. Please contact the Planning Department at (469) 309-4290 or via email: Planning@Waxahachie.com for additional information on this request.

Case Number: ZDC-83-2025 City Reference: 172016

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on July 9, 2025 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: Great People, Let them use their property as they wish.

Signature: Dusty Austrey Date: 6-30-25

Printed Name and Title: Dusty Austrey - owner Address: 200 S Elm St Wax 75165



(11)

City of Waxahachie, Texas
Notice of Public Hearing
Case Number: **ZDC-83-2025**

PHILLIPS KEITH D & DONNA L
102 SAVANNAH ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 15, 2025 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, July 21, 2025 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 Jennifer Smolka, for a **Specific Use Permit (SUP)** for a **Short-Term Rental** use within a Single-Family-2 (SF-2) zoning district located at 821 Williams Street (Property ID 171711) – Owner(s): Smolka Holdings LLC Series C (ZDC-83-2025)

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

Case Number: **ZDC-83-2025**

City Reference: 172094

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 9, 2025** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Signature

Donna Phillips
102 Savannah St
Waxahachie, Tx 75165
June 27, 2025

Date

Printed Name and Title

Address



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-83-2025

RECEIVED JUL 02 2025

YORK PAMELA K
7221 FM 3136
ALVARADO, TX 76009

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 15, 2025 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, July 21, 2025 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 Jennifer Smolka, for a **Specific Use Permit (SUP)** for a **Short-Term Rental** use within a Single-Family-2 (SF-2) zoning district located at 821 Williams Street (Property ID 171711) – Owner(s): Smolka Holdings LLC Series C (ZDC-83-2025)

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

Case Number: ZDC-83-2025

City Reference: 171645

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 9, 2025** 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:

Single family homes shouldn't be short-term rental. These take away from a neighborhood & from families that want to rent or buy a home.

Signature Pamela York

Date

6/28/25

Printed Name and Title
Pamela York

Address
7221 Fm 3136
Alvarado, TX 76009

(602 Richmond Ln)
Waxahachie

(11)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-83-2025

RECEIVED JUL 02 2025

SIMMONS GRADY L
812 WILLIAMS ST
WAXAHACHIE, TX 75165-2651

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 15, 2025 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, July 21, 2025 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 Jennifer Smolka, for a **Specific Use Permit (SUP)** for a **Short-Term Rental** use within a Single-Family-2 (SF-2) zoning district located at 821 Williams Street (Property ID 171711) – Owner(s): Smolka Holdings LLC Series C (ZDC-83-2025)

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

Case Number: ZDC-83-2025

City Reference: 171653

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 9, 2025** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to Planning@Waxahachie.com or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 408 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

This is a family area. We don't need parties & there is no control on this.

Grady Simmons
Signature

6-29-2025
Date

Grady Simmons
Printed Name and Title

812 Williams Street
Address

(11)

Case Number: ZDC-83-2025

City Reference: 171650

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *July 9, 2025* 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 oppose this. We are located directly across the street and do not want extra STR activity in the neighborhood. Parking would be more difficult on the small street, also.

Charles & Catherine Sides
Signature

6-30-25
Date

Charles & Catherine Sides
Printed Name and Title

600 Richmond Lane
Address
Waxahachie, TX 75165

RECEIVED JUL 03 2025

(11)



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-83-2025

RECEIVED JUL 09 2025

WOODSON MARCUS S & AMY
2230 FM 1446
WAXAHACHIE, TX 75167-8509

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 15, 2025 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, July 21, 2025 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 Jennifer Smolka, for a **Specific Use Permit (SUP)** for a **Short-Term Rental** use within a Single-Family-2 (SF-2) zoning district located at 821 Williams Street (Property ID 171711) – Owner(s): Smolka Holdings LLC Series C (ZDC-83-2025)

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

Case Number: ZDC-83-2025

City Reference: 172095

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **July 9, 2025** 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 feel that short term rentals de-value the neighborhood and invite crime.

Amy Woodson
Signature

6/3/25
Date

Amy Woodson, Owner
Printed Name and Title

104 Savannah St
Wax. TX. 75165
Address

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW A SHORT-TERM RENTAL USE WITHIN A SINGLE-FAMILY 3 (SF-3) ZONING DISTRICT LOCATED AT 821 WILLIAMS STREET IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.306 ACRES KNOWN AS PROPERTY ID 171711, 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-83-2025. 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 a Short-Term use on the following property: Property ID 174044, which is shown on the Location Map (Exhibit A), Zoning Map (Exhibit B), Floorplan (Exhibit C), Survey (Exhibit D), and Host Rules (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 THE OPERATION OF A SPECIFIC USE PERMIT FOR A SHORT-TERM RENTAL USE IN A SINGLE-FAMILY-2 (SF-2) ZONING DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The subject property shall conform to the site plan approved by the City Council under case number ZDC-83-2025.
2. Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A – Location Map, Exhibit B – Zoning Map, Exhibit C – Floorplan, Exhibit D – Survey, and Exhibit E – Host Rules.
3. The STR Operator for the subject property shall be responsible for obtaining registration per the City’s applicable rules and regulations governing such permits.
4. The STR Operator for the subject property shall be responsible to pay hotel occupancy taxes as required per Section 3.27.e.7 of the City of Waxahachie Zoning Ordinance.
5. The subject property shall comply with the City of Waxahachie Municipal Code and Zoning Ordinance when any zoning, land use requirement, or restriction is not addressed or disclosed in Exhibits C, D, and E.
6. 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.
7. City Council shall have the right to review the Specific Use Permit at any point, necessary.

Compliance

1. It shall be unlawful for the owner, manager, or any person in charge of a business or other establishment to violate the conditions imposed by the City Council when a Specific Use Permit is granted, and the violation of those conditions could result in a citation being issued by the appropriate enforcement officers of the City of Waxahachie.
2. Furthermore, by this Ordinance, if the premises covered by this Specific Use Permit is vacated and/or ceases to operate, a new Specific Use Permit shall be required to reestablish the use.
3. This Specific Use Permit shall run with the owner and therefore shall not be transferred from owner to owner.
4. The short-term rental operator shall complete the STR registration process with the City’s vendor, and pay the annual and a renewal fee set by Ordinance No. 3415, or as amended.
5. The short-term rental operator shall register for a Hotel Occupancy Tax account with the City’s vendor.
6. The short-term rental operator shall allow a maximum occupancy of six (6) guests per stay.
7. The short-term rental operator shall permit a maximum of two (2) vehicles to be parked on the subject property. Off-site and/or on-street parking is prohibited.

(12)

8. The short-term rental operator shall adhere to all regulations stated in Section 3.27 of the City's Zoning Ordinance.
9. The applicant shall apply for the required STR registration within thirty (30) calendar days from the City Council approval of this SUP.
10. The Certificate of Occupancy shall note the existence of this Specific Use Permit by its number and title.

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

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

PASSED, APPROVED AND ADOPTED on this 21st day of July, 2025.

MAYOR

ATTEST:

City Secretary

(12)

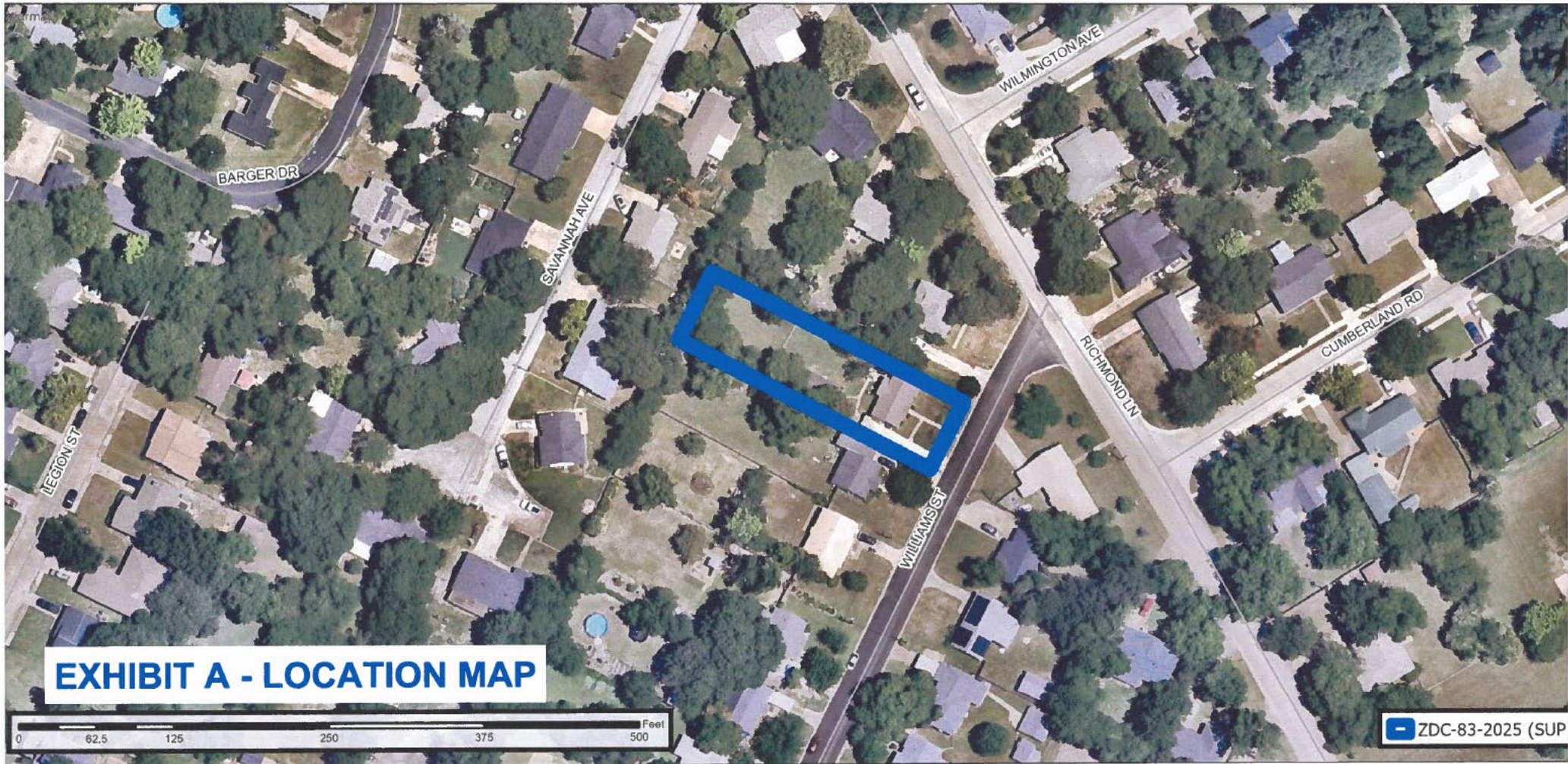


EXHIBIT A - LOCATION MAP

ZDC-83-2025 (SUP)

(12)

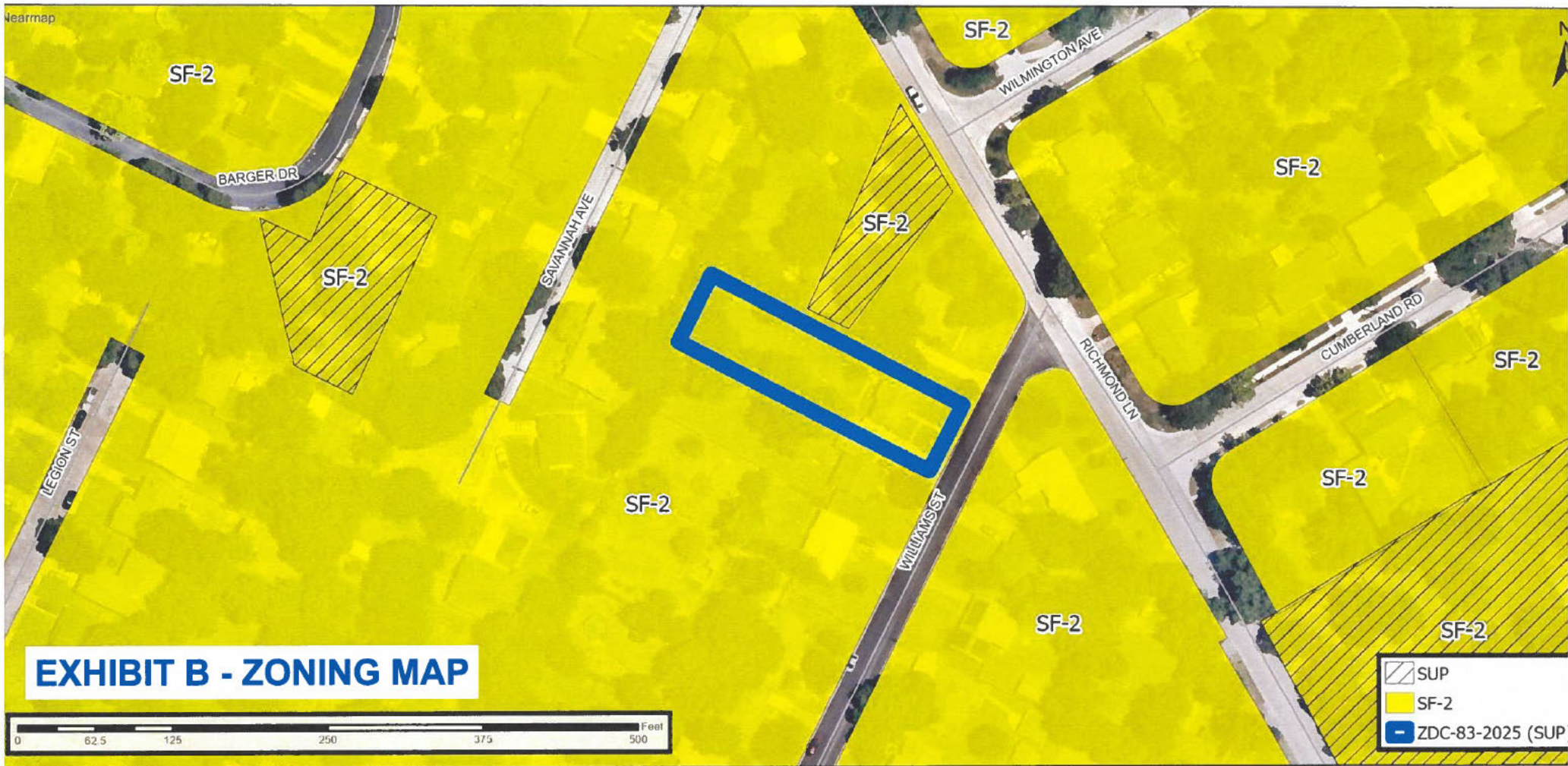
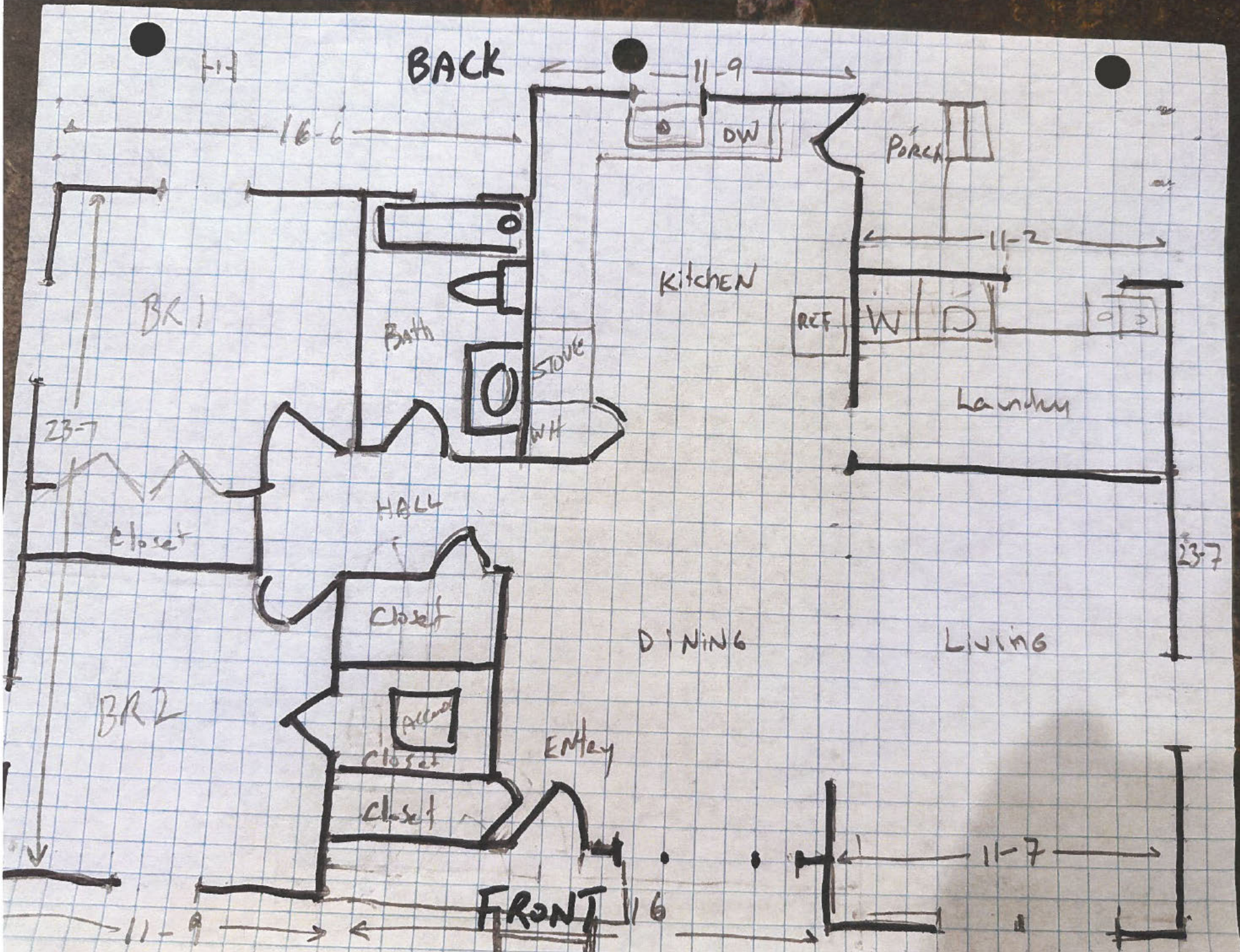
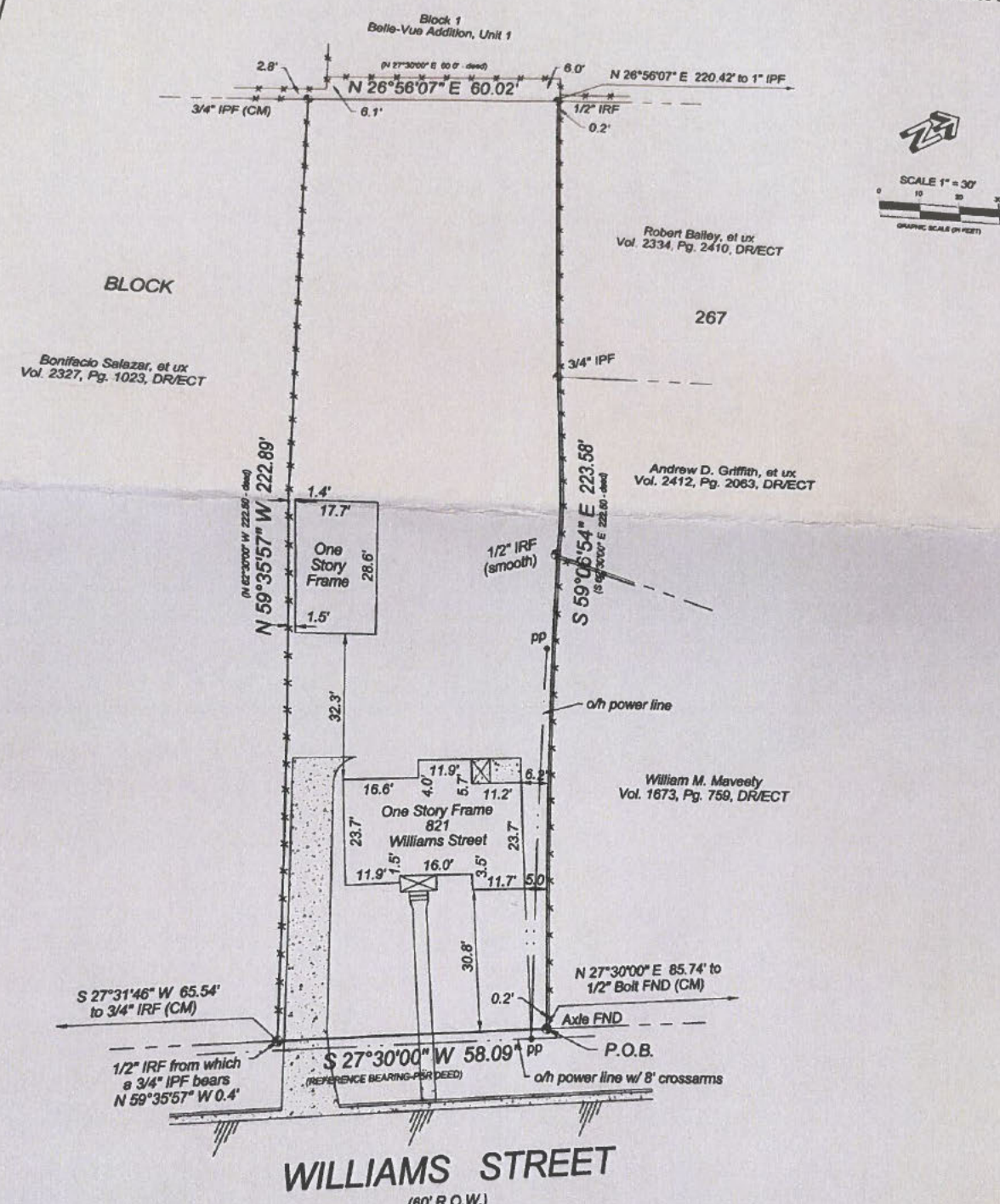


EXHIBIT C - FLOORPLAN



... by degrees 06 minutes 54 seconds East along the north line of said Stroud tract, a distance of 223.58 feet to the PLACE OF BEGINNING and containing 13,160 square feet or 0.3021 acre of land, more or less, and also being known as 821 Williams Street.

(12)



... shown (CM) hereon were used as monuments for the purposes of this survey.

Survey Monument	IRS - Iron Rod Set	IRF - Iron Rod Found	gm - Gas Meter	em - Electric Meter	wm - Water Meter
Light Pole	Fire Hydrant	Man Hole	Sewer Cleanout	Easement Line	Utility Line
Boundary Line	Bldg. Line	Center Line			

PROPERTY SHOWN HEREON IS NOT LOCATED IN A DESIGNATED (100 YEAR FLOOD HAZARD AREA) ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY RATE MAP PANEL NUMBER: 48139C0185 D, DATED: JANUARY 20, 1999. PROPERTY IS LOCATED IN ZONE: X

This drawing represents a true, correct and accurate representation of the results of a survey made on the ground by me or under my direction and supervision. The size, type of all visible and apparent buildings and improvements to the property found on the ground are shown hereon. The record distance to the nearest intersecting street or road center. Except as shown hereon there were no visible and apparent encroachments or protrusions of improvements or physical evidence of easements found on the ground on the property. The subject property has physical access as shown hereon. This survey is subject to all easements and restrictions of record. This is a surface or above ground survey. I do not locate underground utilities or structures of any kind has been made. This certification is an expression of professional opinion regarding the facts of the survey and does not constitute a warranty or guarantee, expressed or implied. The surveyor grants a license to use this drawing exclusively for the original closing or loan transaction for which the survey was made. All Rights Reserved. May not be copied, stored or redistributed without prior, written permission.

Shields and Lee Surveyors

1421 Ferndale Avenue
Dallas, Texas 75224
Phone (214) 942-8496
Fax (214) 941-7229



1" = 30'
August 9, 2012
X26640
NB

Welcome to Your Stay at 821 Williams Street Waxahachie!

We're so glad to host you. To make sure everyone has a comfortable and enjoyable experience, please review and follow these house rules during your stay.

Check-In & Check-Out

- **Check-in:** After 3:00 PM
- **Check-out:** By 11:00 AM
- **Late check-out** must be approved in advance. Unapproved late departures may result in a fee.

Occupancy & Visitors

- Only registered guests (4) are allowed on the property overnight.
- No unregistered guests or parties/events allowed.
- Quiet hours are **10:00 PM – 8:00 AM**. Please respect neighbors and avoid loud music or gatherings.
- Maximum parking is for two (2) vehicles in off-street parking only. No parking in the public street.

Cleanliness & Housekeeping

- Please treat the home with respect and care.
- Remove shoes indoors if possible.
- Clean up spills immediately to avoid stains.
- Place all trash in designated bins.
- **Before checkout**, please:
 - Start the dishwasher (if used).
 - Place used towels in the bathroom or laundry area.
 - Remove food from the fridge.
 - Lock all doors and windows.
 - Put all trash in outdoor bins.

Smoking, Vaping & Candles

- **No smoking or vaping** allowed inside or outside the house.
- No open flames or candles allowed indoors.

Kitchen Use

- Feel free to use the kitchen and cooking supplies.
- Please wash dishes after use or load the dishwasher. Detergent provided for stays less than 7 days.
- Dispose of food waste properly with no grease or food down the drain. There is no disposal in kitchen sink.

Laundry

- The washer and dryer are available for guest use.
- Please do not overload machines.
- Clean lint trap after using the dryer.
- Only use approved laundry detergent (Provided for short term stays less than 7 days).

Pets

- **No pets allowed** unless approved in advance with an additional cleaning fee.
- If approved, please clean up after your pet and keep them off furniture and beds.
- All animal waste to be removed from the yard in order to get a pet deposit returned.

Backyard & Outdoor Spaces

- Enjoy the serene backyard and grill area responsibly.
- Turn off outdoor lights and clean up after use.
- No glass near outdoor furniture or grill.

Safety & Security

- Keep doors and windows locked when leaving.
- Do not tamper with smoke detectors, security systems, or smart locks.
- Report any damages or safety concerns immediately.
- There are security cameras for the front door and back door.

Damage & Breakages

- Accidents happen—please let us know right away.
- Significant damage, missing items, or excessive mess may result in additional charges.

Internet & Streaming

- Wi-Fi is provided for guest use (password in the welcome book).
- No illegal downloads or streaming of pirated content.

Miscellaneous

- No rearranging of furniture.
- Do not flush anything other than toilet paper down the toilet.

Emergency Contacts

- For urgent issues during your stay, contact us at: **Jennifer Smolka, 214-228-7988.**
- In case of emergency, dial **911.**

Thank You!

We truly appreciate you following these rules. It helps us provide a consistently great experience for all our guests. Enjoy your stay and feel free to reach out with any questions!

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-67-2025



MEETING DATE(S)

Planning & Zoning Commission: July 15, 2025

City Council: July 21, 2025

CAPTION

Public Hearing on a request by Andy & Susan Ruebman for a **Specific Use Permit (SUP)** for an **Accessory Structure exceeding seven hundred (700) square feet** use within a Single Family-2 (SF-2) zoning district located at 407 Brown Street, (Property ID 171234) – Owner: Andy Ruebman & Susan Ruebman (ZDC-67-2025)

RECOMMENDED MOTION

- *"I move to approve ZDC-67-2025, a Specific Use Permit (SUP) for an Accessory Structure exceeding seven hundred (700) square feet, 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."*
- *"I move to deny ZDC-67-2025, a Specific Use Permit (SUP) for an Accessory Structure exceeding seven hundred (700) square feet use, within a Single Family-2 (SF-2) zoning district."*

CASE HISTORY

On May 5, 2025 the applicant formally submitted their SUP application. On May 12, 2025, the applicant formally withdrew their application. After further consideration, the applicant decided to reactivate their application on June 4, 2025.

ACTION SINCE THE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting held on July 15, 2025, the Commission voted 5-0 to recommend approval of case number ZDC-67-2025, subject to the initial conditions of the staff report. For clarity, the commission has recommended an additional condition that the applicant shall remove one of their existing accessory structures prior to the approval of a building permit for their proposed carport at 407 Brown Street.

APPLICANT REQUEST

The applicant requests approval of a Specific Use Permit (SUP) for a 1,740 square foot accessory structure.

CASE INFORMATION

Applicant: Andy & Susan Ruebman

Property Owner(s): Andy & Susan Ruebman

Site Acreage: 0.407 acres

Current Zoning: Single Family-2 (SF-2)

Requested Zoning: Single Family-2 (SF-2) with a SUP for an accessory structure exceeding seven hundred (700) square feet.

SUBJECT PROPERTY

General Location: 407 Brown Street

Parcel ID Number(s): 171234

Existing Use: Single family residential

Development History: The subject property is platted as Lot 1A, Block 125 of the Town Addition.

Adjoining Zoning & Uses:

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

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 Brown Street which is identified as an 80' Major Collector.

Site Image:



PLANNING ANALYSIS

The applicant proposes a Specific Use Permit (SUP) to construct an addition to an already existing 500 square-foot accessory structure with an approximately 500 square-foot carport at 407 Brown Street. According to the Ellis County Appraisal District, the primary structure on the subject property is approximately 1,548 square feet. According to the Waxahachie Zoning Ordinance, single family residential structures located in a Single-Family-2 zoning district are limited to two (2) accessory structures. The subject property contains three (3) existing accessory structures. According to Section 5.07 of the Waxahachie Zoning Ordinance, the minimum side setback requirement for an accessory structure located within a SF-2 zoning district, is 5 feet (5'). The existing garage and proposed carport show a side setback of 3 feet (3') according to the applicant's site plan.

Background:

During the review process, staff and the applicant explored multiple options regarding their carport proposal in an effort to avoid the SUP process. The applicant does not want to tear down the existing garage and replace it with the proposed carport as to preserve the garage's historic nature. Additionally, the applicant did not want to attach the proposed carport to the house to protect the existing home's historical significance.

Proposed Use:

The applicant proposes to utilize the structure for personal parking. The structure will be used for the storage and protection of personal vehicles and household materials. According to the applicant's Operational Plan, the proposed carport will be similar in design to the existing garage, which will be architecturally complimentary to the garage and house, and will be consistent with the historical characteristics of the main structure. The applicant will not be extending the water and electrical services from the primary structure to the proposed accessory structure.

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.

Applicant has received zero (0) letters of opposition, and seventeen (17) letters of support. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

RECOMMENDATION

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

Conditions:

1. The accessory structure shall not be used as an accessory dwelling 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.
5. The applicant shall remove one of the existing accessory structures prior to the approval of a building permit for this accessory structure.
6. The property owner shall obtain all necessary permits from the City of Waxahachie Building and Community Services Department before constructing the accessory structure.

ATTACHED EXHIBITS

1. Public Notification Responses
2. SUP Ordinance
3. Location Map (Exhibit A)
4. Site Plan (Exhibit B)
5. Elevation/Façade Plan (Exhibit C)

STAFF CONTACT INFORMATION

Prepared by:

Caleb Ensley
Planner

Caleb.Ensley@waxahachie.com

Reviewed by:

Trenton Robertson, AICP
Senior Director of Planning

Trenton.Robertson@waxahachie.com

Venissat, Michelle

From: Robertson, Trenton
Sent: Wednesday, June 4, 2025 2:56 PM
To: Ensley, Caleb; Venissat, Michelle
Subject: FW:

Here is another one.

Trenton Robertson, AICP
Senior Director of Planning
Planning & Zoning Department
City of Waxahachie
O: 469-309-4291
Trenton.Robertson@waxahachie.com

-----Original Message-----

From: Becky Kauffman
Sent: Wednesday, June 4, 2025 2:55 PM
To: Robertson, Trenton <trenton.robertson@waxahachie.com>
Subject: Re:

[You don't often get email from
<https://aka.ms/LearnAboutSenderIdentification>]

Learn why this is important at

817 w Main
Sent from my iPhone

> On Jun 4, 2025, at 2:31 PM, Robertson, Trenton <trenton.robertson@waxahachie.com> wrote:

>
> Thank you. Do you have an address that we can add to make this part of the record?

>
>
> Trenton Robertson, AICP
> Senior Director of Planning
> Planning & Zoning Department
> City of Waxahachie
> O: 469-309-4291
> Trenton.Robertson@waxahachie.com

> -----Original Message-----

> From: Becky Kauffman
> Sent: Wednesday, June 4, 2025 1:32 PM
> To: Robertson, Trenton <trenton.robertson@waxahachie.com>
> Subject:

>
> [You don't often get email from
<https://aka.ms/LearnAboutSenderIdentification>]

Learn why this is important at

>

(10)

> Yes . I would approve of their carport. It is way back from the street Becky Kauffman Sent from my iPhone

Venissat, Michelle

From: Robertson, Trenton
Sent: Wednesday, June 4, 2025 2:32 PM
To: Corbin Stewart
Cc: Venissat, Michelle; Ensley, Caleb
Subject: RE: 407 Brown St Carport Approval

Received. Thank you. We will add this to the record.

Trenton Robertson, AICP
Senior Director of Planning
Planning & Zoning Department
City of Waxahachie
O: 469-309-4291
Trenton.Robertson@waxahachie.com

From: Corbin Stewart
Sent: Wednesday, June 4, 2025 1:37 PM
To: Robertson, Trenton <trenton.robertson@waxahachie.com>
Subject: 407 Brown St Carport Approval

You don't often get email from

[Learn why this is important](#)

Good afternoon,

My name is Corbin Stewart, I own the property at 405 Brown St, next door to the Reubmans.

I am offering my approval for the Reubmans to erect a car port in front of their garage.

If you have any questions or follow up please reach out.

Thanks,
Corbin Stewart

Venissat, Michelle

From: Robertson, Trenton
Sent: Wednesday, June 4, 2025 1:30 PM
To: Kathleen Bowen
Cc: Venissat, Michelle; Ensley, Caleb
Subject: RE: 407 Brown Street

Received. We will add this to the record. Thank you.

Trenton Robertson, AICP
Senior Director of Planning
Planning & Zoning Department
City of Waxahachie
O: 469-309-4291
Trenton.Robertson@waxahachie.com

-----Original Message-----

From: Kathleen Bowen
Sent: Wednesday, June 4, 2025 1:27 PM
To: Robertson, Trenton <trenton.robertson@waxahachie.com>
Subject: 407 Brown Street

[You don't often get email from <https://aka.ms/LearnAboutSenderIdentification>] [Learn why this is important at](#)

Hi Trenton. I am writing this email in support of the carport request for the Ruebman home. I have gotten to know the Ruebmans through their work in restoring their historic home. They are meticulous in doing proper restoration work as evidenced by how wonderful 407 Brown Street looks now. I am confident any work they do to the property will continue to be high quality and historically appropriate.

Should you have any questions or need further info, feel free to reach out to me.

Regards,

Kathleen Bowen
527 W Jefferson St.

Sent from my iPhone

Venissat, Michelle

From: Robertson, Trenton
Sent: Wednesday, June 4, 2025 1:29 PM
To: Amber Hale
Cc: Venissat, Michelle; Ensley, Caleb
Subject: RE: The Ruebman House at 407 Brown St. (carport)

Received. We will add this to the record. Thank you.

Trenton Robertson, AICP
Senior Director of Planning
Planning & Zoning Department
City of Waxahachie
O: 469-309-4291
Trenton.Robertson@waxahachie.com

-----Original Message-----

From: Amber Hale
Sent: Wednesday, June 4, 2025 1:17 PM
To: Robertson, Trenton <trenton.robertson@waxahachie.com>
Subject: The Ruebman House at 407 Brown St. (carport)

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Hi Mr. Robertson,

I do not have an issue with Mr. and Mrs. Ruebman having a carport at 407 Brown St.

Thanks
Amber Hale
413 Brown St.

Venissat, Michelle

From: Robertson, Trenton
Sent: Wednesday, June 4, 2025 1:29 PM
To: Jennifer Jeter
Cc: Venissat, Michelle; Ensley, Caleb
Subject: RE: 407 Brown St Carport

Received. This will be added to the record. Thank you.

Trenton Robertson, AICP
Senior Director of Planning
Planning & Zoning Department
City of Waxahachie
O: 469-309-4291
Trenton.Robertson@waxahachie.com

-----Original Message-----

From: Jennifer Jeter
Sent: Wednesday, June 4, 2025 12:19 PM
To: Robertson, Trenton <trenton.robertson@waxahachie.com>
Subject: 407 Brown St Carport

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<https://aka.ms/LearnAboutSenderIdentification>]

Learn why this is important at

Good afternoon,

I am a neighbor of the Ruebman's. I believe anything they do will be an improvement to their property & our street. The addition of a carport would be a welcomed addition. I approve of this.

Best Regards,
Jenny Jeter
521 Brown St
Waxahachie, TX
C 214.801.5921
Sent from my iPhone

Venissat, Michelle

From: Robertson, Trenton
Sent: Wednesday, June 4, 2025 1:28 PM
To: Risa Pinto
Cc: Venissat, Michelle; Ensley, Caleb
Subject: RE: The Ruebman Family, 407 Brown Street, Waxahachie, TX 75165

Received. Could you please provide your address for the record? Thank you.

Trenton Robertson, AICP
Senior Director of Planning
Planning & Zoning Department
City of Waxahachie
O: 469-309-4291
Trenton.Robertson@waxahachie.com

-----Original Message-----

From: Risa Pinto
Sent: Wednesday, June 4, 2025 12:26 PM
To: Robertson, Trenton <trenton.robertson@waxahachie.com>
Subject: The Ruebman Family, 407 Brown Street, Waxahachie, TX 75165

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Mr. Robertson,

Sending this email that we have no problem with them building a carport.
Risa Pinto
Sent from my iPhone

Venissat, Michelle

From: Robertson, Trenton
Sent: Wednesday, June 4, 2025 1:26 PM
To: Kyle Klansek
Cc: Ensley, Caleb; Venissat, Michelle
Subject: RE: 407 Brown Street Car Port

Received. Thank you this will be added to the record.

Trenton Robertson, AICP
Senior Director of Planning
Planning & Zoning Department
City of Waxahachie
O: 469-309-4291
Trenton.Robertson@waxahachie.com

-----Original Message-----

From: Kyle Klansek
Sent: Wednesday, June 4, 2025 12:13 PM
To: Robertson, Trenton <trenton.robertson@waxahachie.com>
Subject: 407 Brown Street Car Port

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Hello Trenton,

I own 406 Brown St, Waxahachie, TX 75165. I am writing to express my approval for Susan and Andy Ruebman's proposed car port construction at 407 Brown St.

Please feel free to contact me with any follow up questions.

Thank you,

Kyle Klansek
(214)288-4597



City of Waxahachie, Texas
Notice of Public Hearing
Case Number: ZDC-67-2025
◇◇◇◇

KLANSEK STEVEN K & FEDERWISCH RICHARD
406 BROWN ST
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, July 15, 2025 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, July 21, 2025 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 Andy & Susan Ruebman for a **Specific Use Permit (SUP)** for an **Accessory Structure exceeding seven hundred (700) square feet** use within a Single Family-2 (SF-2) zoning district located at 407 Brown Street, (Property ID 171234) – Owner: Andy Ruebman & Susan Ruebman (ZDC-67-2025)

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

Case Number: ZDC-67-2025

City Reference: 171693

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on July 9, 2025 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:

Steven K. Klasek
Signature

Steven Kyle Klasek
Printed Name and Title Homeowner

6/28/25
Date

406 Brown St.
Address Waxahachie, TX
75165

Venissat, Michelle

From: Robertson, Trenton
Sent: Wednesday, June 4, 2025 1:25 PM
To: Maudine Ruebman
Cc: Venissat, Michelle; Ensley, Caleb
Subject: RE: Approval of carport

Thank you. Can you please provide your address for the record.

Trenton Robertson, AICP
Senior Director of Planning
Planning & Zoning Department
City of Waxahachie
O: 469-309-4291
Trenton.Robertson@waxahachie.com

-----Original Message-----

From: Maudine Ruebman
Sent: Wednesday, June 4, 2025 12:29 PM
To: Robertson, Trenton <trenton.robertson@waxahachie.com>
Subject: Approval of carport

[You don't often get email from
<https://aka.ms/LearnAboutSenderIdentification>]

Learn why this is important at

Carport at 407 Brown st. The Ruebman House, we approve of this action Maudine Ruebman Sent from my iPhone

Venissat, Michelle

From: Robertson, Trenton
Sent: Wednesday, June 4, 2025 3:46 PM
To:
Cc: Ensley, Caleb; Venissat, Michelle
Subject: FW: 407 Brown Street

Received. We will add this to the record. Thank you.

Trenton Robertson, AICP
Senior Director of Planning
Planning & Zoning Department
City of Waxahachie
O: 469-309-4291
Trenton.Robertson@waxahachie.com

-----Original Message-----

From: Rumfield Homestead
Sent: Wednesday, June 4, 2025 3:36 PM
To: Robertson, Trenton <trenton.robertson@waxahachie.com>
Subject: 407 Brown Street

[You don't often get email from
<https://aka.ms/LearnAboutSenderIdentification>]

Learn why this is important at

Mr. Robertson,

I am a homeowner in the West End historic district, I would like to express my approval for a carport located at 407 Brown Street.

Fawn Rumfield
Sent from my iPhone

Venissat, Michelle

From: Robertson, Trenton
Sent: Monday, June 9, 2025 7:51 AM
To: Gina Witherspoon
Cc: Ensley, Caleb; Venissat, Michelle
Subject: RE: Carport for the Ruebmans

Good morning,

We receive your notice. In order to record this as part of the public record could you please include your address? Thank you.

Trenton Robertson, AICP
Senior Director of Planning
Planning & Zoning Department
City of Waxahachie
O: 469-309-4291
Trenton.Robertson@waxahachie.com

From: Gina Witherspoon
Sent: Wednesday, June 4, 2025 9:29 PM
To: Robertson, Trenton <trenton.robertson@waxahachie.com>
Subject: Carport for the Ruebmans

To whom this may concern,

I think this carport will be beneficial to the Ruebman's property for the reason of adding on to improve their property. The Ruebman's have done an exceptional job on renovating their house. Both of them have gone above and beyond their neighborhood with gardening and helping out physically with the neighbors. Thank you for your time.

Gina Witherspoon

[Yahoo Mail: Search, Organize, Conquer](#)

Venissat, Michelle

From: Robertson, Trenton
Sent: Monday, June 9, 2025 7:52 AM
To:
Cc: Ensley, Caleb; Venissat, Michelle
Subject: RE: 407 Brown Street

Good morning,

We receive your notice. In order to record this as part of the public record could you please include your address? Thank you.

Trenton Robertson, AICP
Senior Director of Planning
Planning & Zoning Department
City of Waxahachie
O: 469-309-4291
Trenton.Robertson@waxahachie.com

-----Original Message-----

From: Karen Snow
Sent: Wednesday, June 4, 2025 10:06 PM
To: Robertson, Trenton <trenton.robertson@waxahachie.com>
Subject: 407 Brown Street

[You don't often get email from
<https://aka.ms/LearnAboutSenderIdentification>]

Learn why this is important at

Hello Trenton,

We approve of a carport to be built at 407 Brown Street., The Ruebman home. They have done a beautiful job with their home renovation and I know it will look exceptional with the carport next to it as well.

Have a great day!

Chris and Karen Snow

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE EXCEEDING SEVEN HUNDRED (700) SQUARE FEET USE WITHIN THE SINGLE FAMILY-2 (SF-2) ZONING DISTRICT, LOCATED AT 407 BROWN STREET, BEING PROPERTY ID 171234, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1A, BLOCK 125 OF THE TOWN ADDITION SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as 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-67-2025. 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 Structure exceeding seven hundred (700) square feet use on the following property: Lot 1A, Block 125 of the Town Addition Subdivision, which is shown on Exhibit A, in accordance with the Site Plan attached as Exhibit B, Elevation and Façade Plan attached as Exhibit C.

SPECIFIC USE PERMIT

Purpose and Intent

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

Specific Use Permit

FOR THE OPERATION OF A SPECIFIC USE PERMIT FOR AN ACCESSORY STRUCTURE EXCEEDING SEVEN HUNDRED (700) SQUARE FEET USE IN 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 dwelling without a Specific Use Permit that has been approved by City Council.
2. The accessory structure shall not be used as a short-term rental without a Specific Use Permit that has been approved by City Council.
3. The accessory structure shall not be used for commercial purposes.
4. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
5. The accessory structure shall obtain all necessary permits from the City of Waxahachie Building and Community Services Department before constructing the accessory structure.
6. The applicant shall remove one of the existing accessory structures prior to the approval of a building permit for this accessory structure.
7. 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 – Elevation/Façade Plan.
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 as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C –Elevation/Façade Plan. Where regulations are not specified in Exhibits B and 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.
10. City Council shall have the right to review the Specific Use Permit at any point, if needed.

Compliance

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

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

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

PASSED, APPROVED AND ADOPTED on this 21st day of July, 2025.

MAYOR

ATTEST:

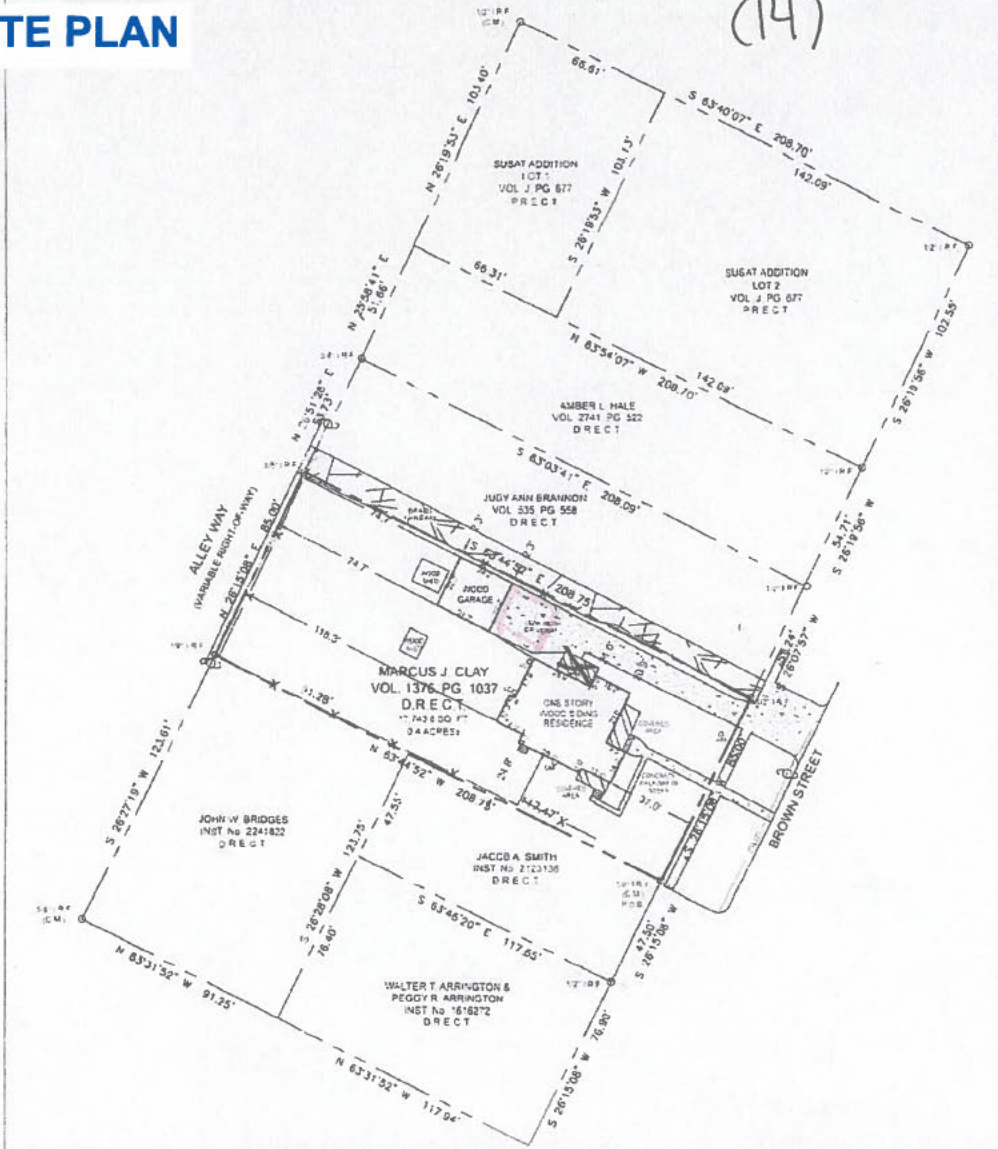
City Secretary

(14)

EXHIBIT A LOCATION MAP



EXHIBIT B SITE PLAN



TO ALL PARTIES INTERESTED IN THE PREMISES SURVEYED:
 I, Michael W. Myers, Registered Professional Land Surveyor, of the State of Texas, do hereby certify that I prepared this map or plan, and the accompanying field notes, from an actual and accurate survey of the land on the ground and to the best of my knowledge and belief is a true and correct delineation of that survey made by me or under my personal direction and supervision, there are no apparent encroachments or preclusions across boundary lines, shortages of area or boundary excess) as shown. The only assessments or rights of way that I, the undersigned has knowledge, are those as shown, however the property described herein is subject to any and all easements, rights of way, restrictions, covenants, conditions, reservations and other matters of record, if any, applicable to said property and any part thereof.

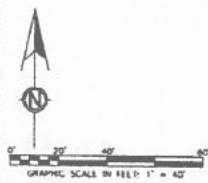
- LEGEND:
- (RFP) - IRON ROD FOUND
 - (RSD) - IRON ROD SET
 - (CR) - CAPPED IRON ROD
 - △ (CM) - CONTROL MONUMENT
 - K-K- FENCE LINE
 - OH- OVERHEAD UTILITY LINES
 - U.E. - UTILITY EASEMENT
 - D.E. - DRAINAGE EASEMENT
 - BL - BUILDING LINE
 - ⊙ SEWER/SEPTIC
 - ⊠ UTILITY RISER/BOX
 - ⊞ ELECTRIC TRANSFORMER
 - ⊞ WATER METER
 - ⊞ GAS METER
 - ⊞ AIR CONDITIONER
 - ⊞ UTILITY POLE
 - ⊞ FIRE HYDRANT
 - ⊞ PIPELINE MARKER

GENERAL NOTES:

- 1) Basis for Bearings being the Texas State Plane Coordinates System, North Central Zone (4202) NAD83
- 2) All building dimensions, side lines and set backs are to the building foundation unless otherwise noted.

PROPERTY ADDRESS:
 407 BROWN STREET

Note: This survey was performed in connection with the transaction described in SURVEY FOR TITLE RESOURCES GUARANTY COMPANY OF, No. 840-25-13119
 ATTY: Frederick Andrew Ruetteman & Susan Rose Ruetteman
 DRAWN BY: VAF JOB NO. 23-1143

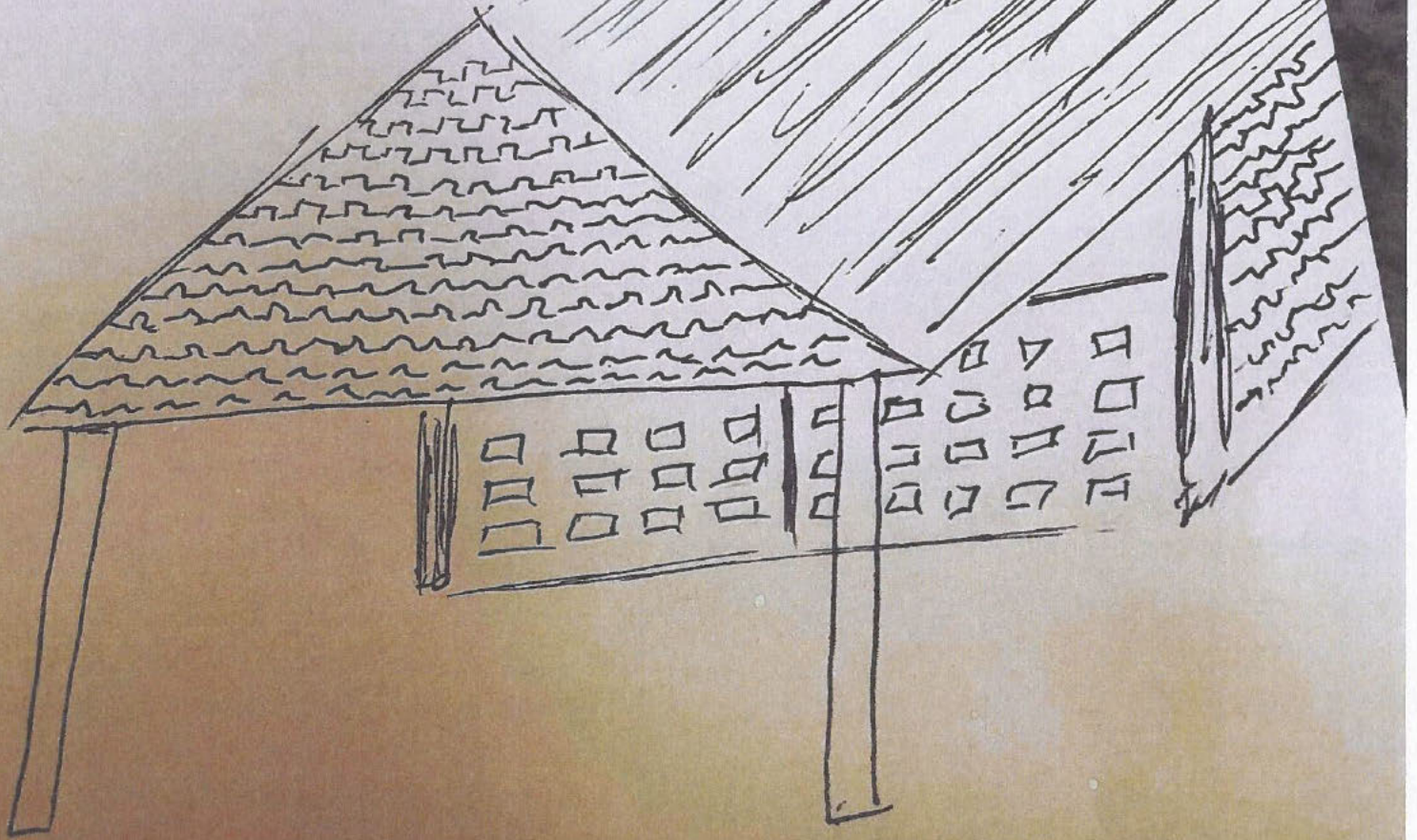
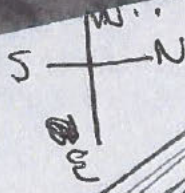


Michael W. Myers, R.P.L.S.
 Texas Registration No. 5803
 Surveyed on the ground 11/01/23



PROSPECT SURVEYING
 9231 BOAT CLUB RD., FORT WORTH TX 76178
 PH: 817-999-7385 FIRM NO 10184267

(14)



width 22.3'
 length - 22.6
 height - 8'

Materials:

siding: GAF WeatherSide
 Purity Shingle Waxy
 from Home Depot

Roof : GAF Certified Timberline
 HDZ 30 yr roof w/
 2 Ridge Cap, leak barrier,
 roof deck protection

framing: treated Lumber
 gutters - cedar erosion

Planning & Zoning Department Zoning Staff Report

Case: ZDC-74-2025



MEETING DATE(S)

Planning & Zoning Commission: July 15, 2025
City Council: July 21, 2025

CAPTION

Public Hearing on a request by Ryan Blevins for a **Specific Use Permit (SUP)** for an Accessory Structure +700 square feet within a Single Family-1 (SF-1) zoning district located at 601 North Grand Avenue (Property ID 176840) – Owner(s): Thomas & Veronica Schaeffer (ZDC-74-2025)

RECOMMENDED MOTION

"I move to recommend approval of ZDC-74-2025, a Specific Use Permit (SUP) for Accessory Structures exceeding 700 square feet in combined floor area use, subject to the conditions the staff report, authorizing the Mayor and/or City Manager to execute all documents accordingly."

ACTION SINCE THE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting held on July 15, 2025, the Commission voted 5-0 to recommend approval of case number ZDC-74-2025, subject to the initial conditions of the staff report.

APPLICANT REQUEST

The Applicant requests a specific use permit for Accessory Structures exceeding 700 square feet in combined floor area use.

CASE INFORMATION

Applicant: Ryan Blevins
Property Owner(s): Thomas & Veronica Schaeffer
Site Acreage: 1.113 acres
Current Zoning: Single Family-1 (SF-1)
Requested Zoning: SF-1 with a specific use permit (SUP) for an Accessory Structure exceeding 700 square feet in combined floor area use

SUBJECT PROPERTY

General Location: 601 North Grand Avenue
Parcel ID Number(s): 176840
Existing Use: Residential use
Development History: The subject property is platted as Lot 1B, Block 27 of the West End Addition in 1946

Adjoining Zoning & Uses:

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

Future Land Use Plan:

Mixed Use Neighborhood

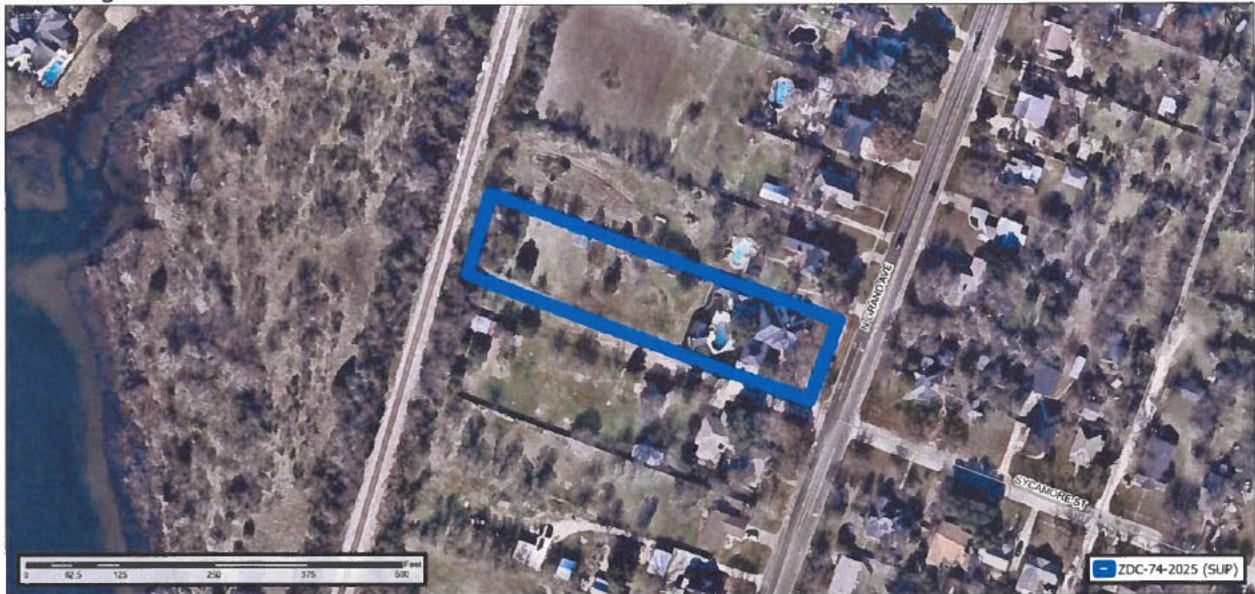
Comprehensive Plan:

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 can be accessed via N. Grand Avenue.

Site Image:



PLANNING ANALYSIS

The applicant requests a Specific Use Permit for an accessory structure exceeding 700 square feet. According to the Ellis County Appraisal District, the primary structure on the subject property is approximately 3,843 square feet. The subject property has three (3) existing accessory structures, with one structure exceeding 700 square feet, being used as a pool house, which was authorized via an SUP (Ordinance No. 3348) that was passed by City Council on November 7th, 2022. Per the City of Waxahachie Zoning Ordinance, accessory structures exceeding 700 square feet requires an SUP to be approved by the City Council. The applicant has provided a Site plan for the proposed accessory structure that verifies all setback requirements established by the Waxahachie Zoning Ordinance are being met.

Proposed Use:

The applicant proposes to partition the proposed accessory structure and utilize the structure for storage, a gym area, and a personal workshop. The accessory structure will not be accessible to vehicles or used to store vehicles. The proposed structure is comprised of corrugated Metal R Panel and a metal roof. According to the applicant’s operational plan and site plan, the proposed structure will be accessed via a motorized gate that matches the existing fence, which is directly adjacent to the unimproved right-of-way “Sycamore Street.” According to the applicant’s electrical plans, electrical services to this accessory structure will be extended, while plumbing and water services are not proposed to be extended at this time. The applicant has provided an Operational Plan that confirms that this accessory structure will not be separately metered. Additionally, according to the applicant’s site plan, it confirms that the accessory structure shall not be used for commercial purposes, shall not be used as a Short-Term Rental (STR), shall not be leased or sold separately from the primary home, and shall not be separately metered. In addition to the proposed accessory structure, the applicant is also proposing a concrete basketball court. Staff has confirmed that the proposed exterior lighting associated with the basketball court meets the City of Waxahachie’s Zoning Ordinance as well as the City of Waxahachie’s Light & Glare standards. Due to the location of the light fixtures, and their proximity to adjacent residential homes, the required shielding for these fixtures will be 360-degrees to prevent light pollution and glare.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, 13 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 zero (0) letters of support and zero (0) letters of opposition.

RECOMMENDATION

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

Conditions:

1. The accessory structure shall not be used as an accessory dwelling or 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 accessory structure shall obtain all necessary permits from the City of Waxahachie Building and Community Services Department before constructing the accessory structure.
5. 360-degree shielding will be required for all proposed exterior light fixtures.

ATTACHED EXHIBITS

1. SUP Ordinance
2. Property Owner Notification Responses
3. Location Map (Exhibit A)
4. Site Plan (Exhibit B)
5. Elevation/Façade (Exhibit C)
6. Operational Plan (Exhibit D)

STAFF CONTACT INFORMATION

Prepared by:

Caleb Ensley
Planner

Caleb.Ensley@waxahachie.com

Reviewed by:

Trenton Robertson, AICP
Senior Director of Planning

trenton.robertson@waxahachie.com

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY STRUCTURE EXCEEDING SEVEN HUNDRED (700) SQUARE FEET USE WITHIN THE SINGLE FAMILY-1 (SF-1) ZONING DISTRICT, LOCATED AT 601 NORTH GRAND AVENUE, BEING PROPERTY ID 176840, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1B, BLOCK 27 OF THE WEST END ADDITION SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, the described property is classified in said ordinance and any amendments thereto as SF-1; and

WHEREAS, a proper application for a SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-74-2025. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from SF-1 to SF-1, with a SUP in order to permit an Accessory Structure exceeding seven hundred (700) square feet use on the following property: Lot 1B, Block 27 of the West End Addition Subdivision, which is shown on Exhibit A, in accordance with the Site Plan attached as Exhibit B, Elevation and Façade Plan attached as Exhibit C, and the Operational Plan attached as Exhibit D.

SPECIFIC USE PERMIT

Purpose and Intent

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

(16)

Specific Use Permit

FOR THE OPERATION OF A SPECIFIC USE PERMIT FOR AN ACCESSORY STRUCTURE EXCEEDING SEVEN HUNDRED (700) SQUARE FEET USE IN A SINGLE FAMILY-1 (SF-1) ZONING DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The accessory structure shall not be used as a dwelling without a Specific Use Permit that has been approved by City Council.
2. The accessory structure shall not be used as a short-term rental without a Specific Use Permit that has been approved by City Council.
3. The accessory structure shall not be used for commercial purposes.
4. The accessory structure shall not be leased or sold separately from the primary residence and shall not be separately metered.
5. The accessory structure 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, Exhibit C – Elevation/Façade Plan, Exhibit D – Operational Plan.
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, Exhibit C –Elevation/Façade Plan, and Exhibit D – Operational Plan. Where regulations are not specified in Exhibits B, C, and D or this Zoning Ordinance, the regulations of the Single Family-1 (SF-1A) 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.

(16)

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 21st day of July, 2025.

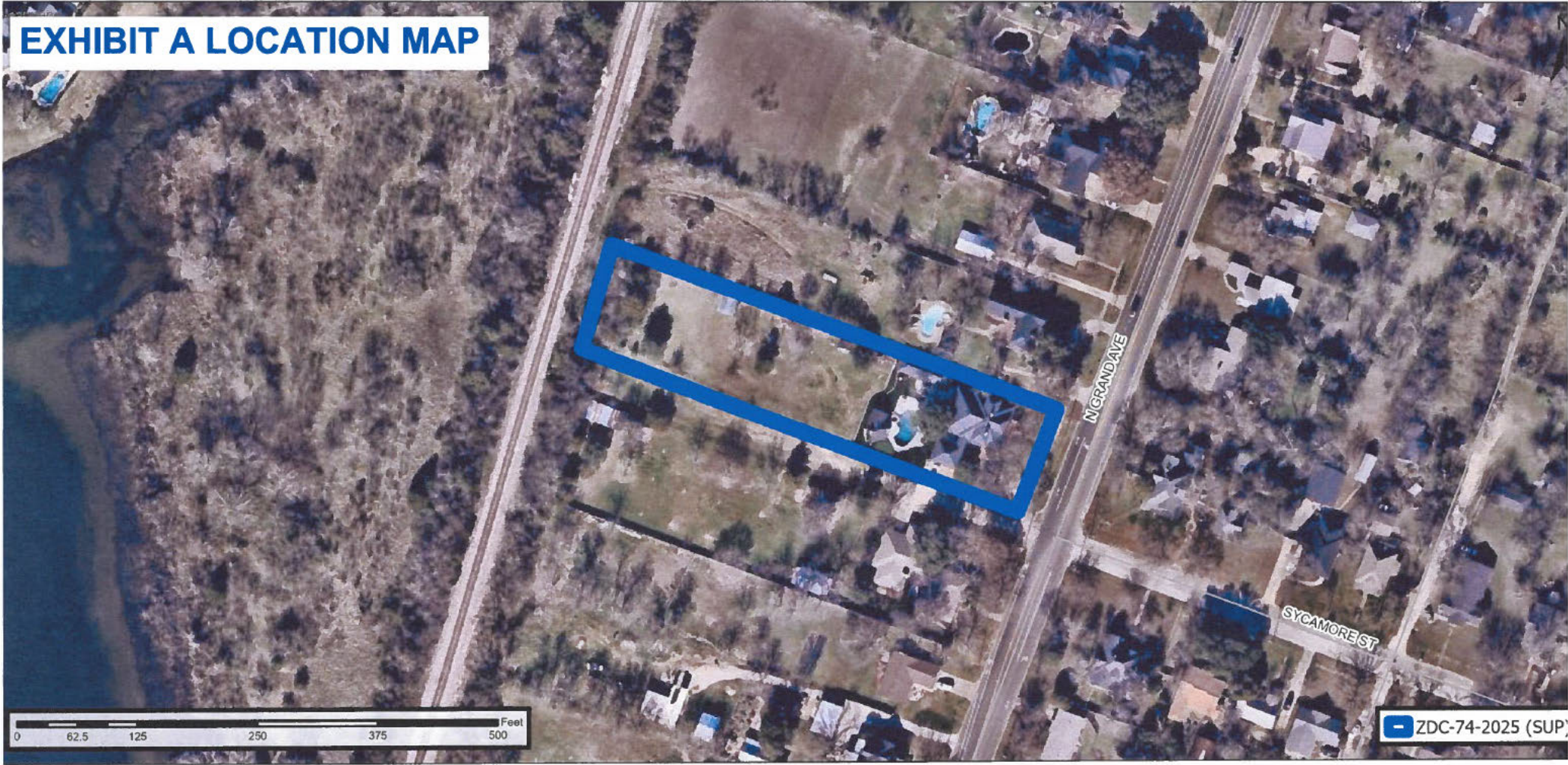
MAYOR

ATTEST:

City Secretary

(16)

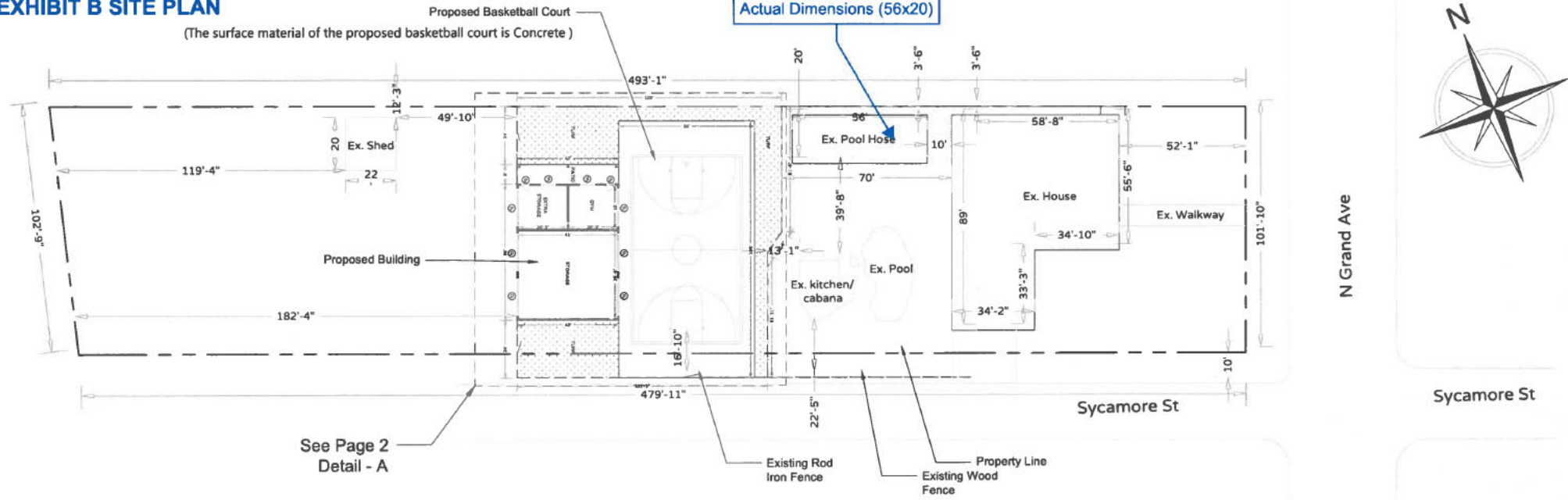
EXHIBIT A LOCATION MAP



(16)

Proposed Building , Overhand & Basketball Court Site Plan - 601 N Grand Ave, Waxahachie, TX 75165, USA

EXHIBIT B SITE PLAN



See Page 2
Detail - A

1 | Site Plan
Scale : 1" = 40'

- The accessory structure(s) shall not be used as a dwelling.
- The accessory structure(s) shall not be used for commercial purposes.
- The accessory structure(s) shall not be leased or sold separately from the primary residence
- The accessory structure(s) shall not be used as a short-term rental (STR).
- The accessory structure(s) will not hold cars, tractors or any heavy equipment

Structure Heights:

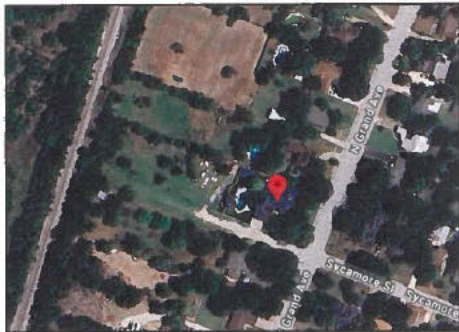
- Existing Structure (House) is 25'-0" tall at the peak
- Primary: 12'-0" Walls & 16'-0" peak

Exterior Material:

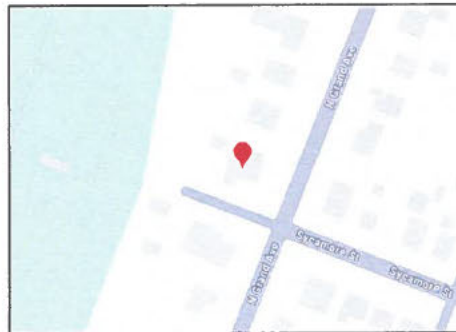
- Corrugated R-panel metal

Utilities (Accessory Structure):

- 200A service panel (not separately metered)
- Lighting: Yes ** Inc. Light Shields as needed.



2 | Aerial View
Scale : NTS



3 | Vicinity Map
Scale : NTS

PROJECT INFO.

601 N Grand Ave, Waxahachie,
TX 75165, USA

ENGINEER OF RECORD

REVISION BLOCK

DESCRIPTION	DATE
1) Initial Draft of Plans	03/13/202

DESIGNER : Simiyoo

CHECKED BY :

PAPER SIZE : 17"X11"

(16)

Proposed Building , Overhand & Basketball Court Plan

PROJECT INFO.

601 N Grand Ave, Waxahachie,
TX 75165, USA

CONTRACTOR INFO.

Independent Property Owner

ENGINEER OF RECORD

REVISION BLOCK

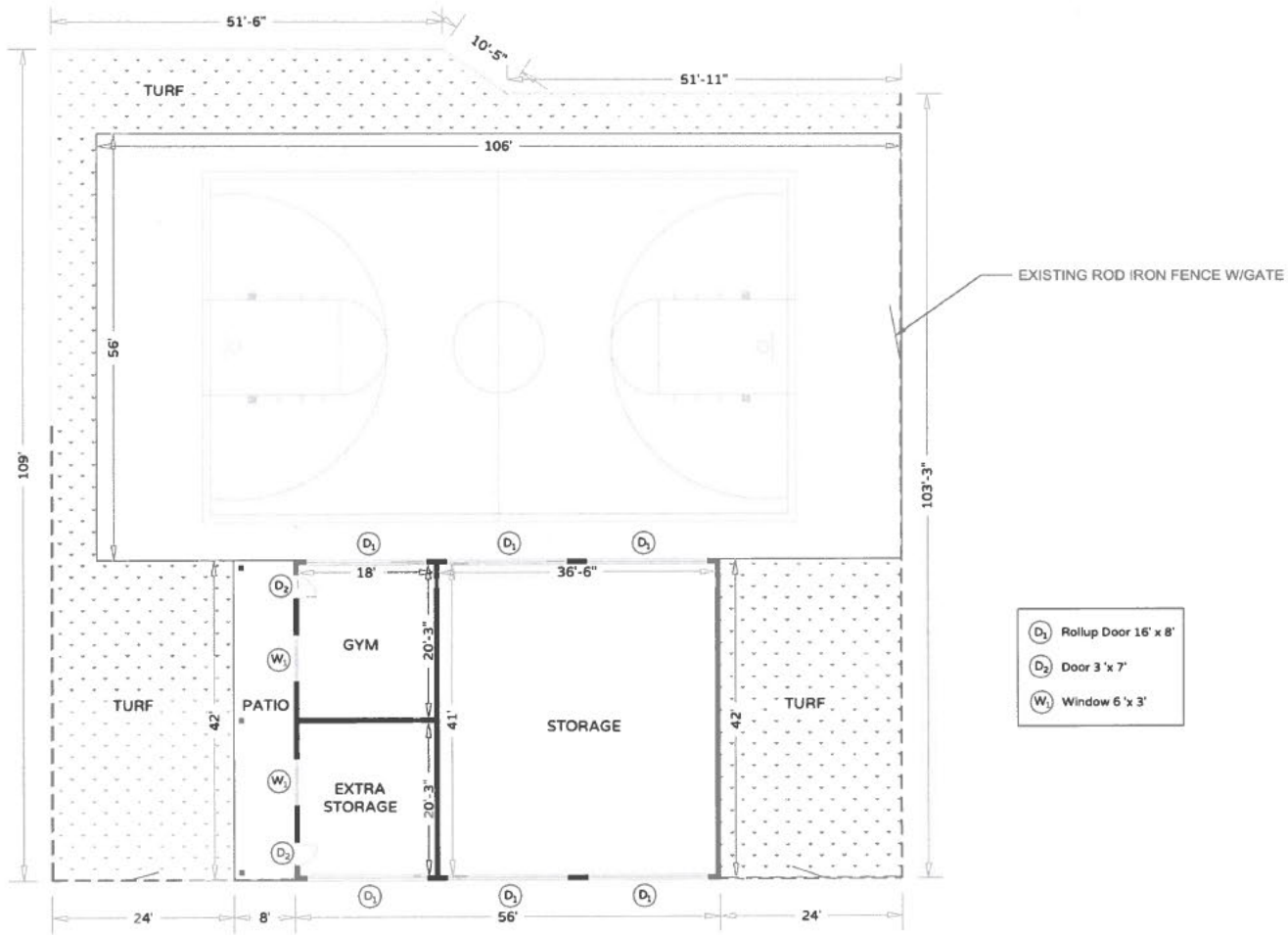
DESCRIPTION	DATE
1) Initial Draft of Plans	03/13/202

DESIGNER : Simiyoo

CHECKED BY :

PAPER SIZE : 17'X11"

Detail-A



Mueller Inc. 3D Design Tool

Project Specifications

Project Email:

Project Name: **Building1**

Project Date: **2024-12-30 12:03:01**

Customer Mailing Address

(only visible to logged in user, not visible if project shared)

Thomas Schaeffer

601 N Grand Ave
Waxahachie, TX 75165 Phone/Email:
9727434967/

Building Details MATERIAL IS CORRUGATED METAL R PANEL

Basics (in ft.)

width X length X height: **60 X 42 X 12** Wall X 16' Peak

Pitch: **4**

Overhang sides: **0**

Overhang end: **0**

Gutter: yes

Leanto right: width: 8, pitch: 1, drop: 2, cut front:

0, cut back: 0

Single slope: false

Wainscot: yes

Colors

Wall Liner Panels: none

Wall: Bright White

Roof: Charcoal

Trim: Black

Roll up: Bright White

Vent: Black

Wainscot: Light Gray

Accessories



[PDF Spec Sheet](#)

3D QUOTE DATA

(NOTE: Quote details are only visible to logged in user, not visible if shared.)

(16)

Insulation: yes
Translucent Panel Qty: 0

Ridge vent type: standard
Ridge vent mode: continuous

Rollup_16x8, wall: front , horizontal: 0, vertical: 4
Rollup_16x8, wall: front , horizontal: -20, vertical: 4

Rollup_16x8, wall: front , horizontal: 20, vertical: 4
Door_3x7, wall: right , horizontal: 17.4065685165, vertical: 3.5

Door_3x7, wall: right , horizontal: -17.4065685165, vertical: 3.5

Window_6x3, wall: right , horizontal: 7.7120004135122, vertical: 5.5005

Window_6x3, wall: right , horizontal: -8.2185615116762, vertical: 5.5005

Rollup_16x8, wall: back , horizontal: 0, vertical: 4
Rollup_16x8, wall: back , horizontal: 20, vertical: 4
Rollup_16x8, wall: back , horizontal: -20, vertical: 4

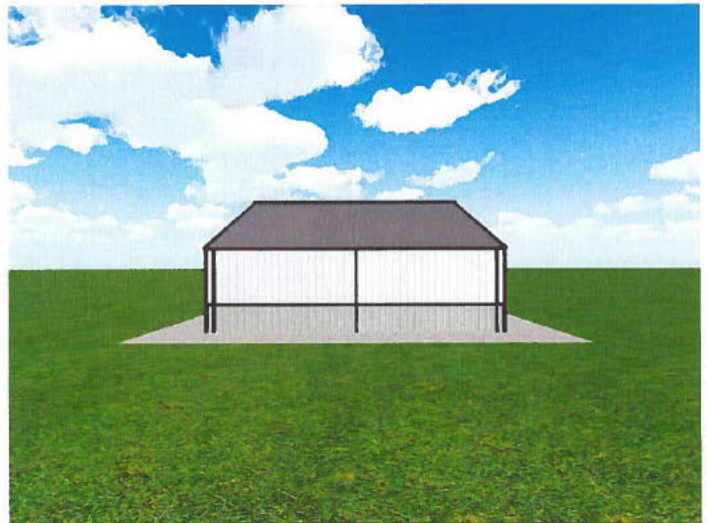
Window_6x3, wall: back , horizontal: -0.052007194015486, vertical: 16.5015

Window_6x3, wall: front , horizontal: 1.5739055734934E-13, vertical: 16.5015



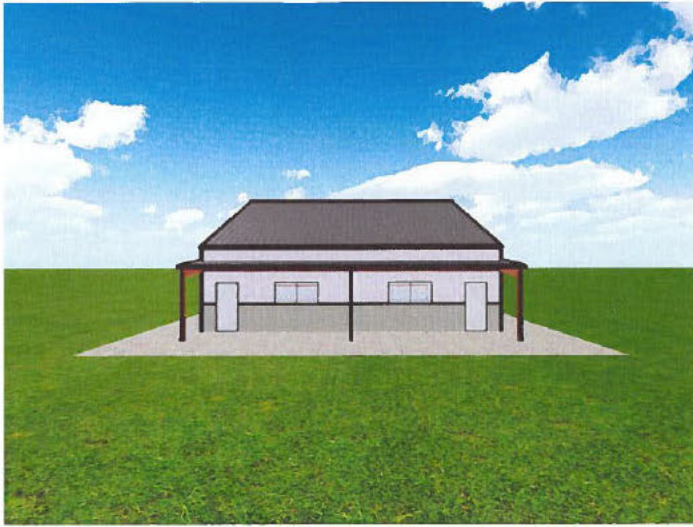
FRONT VIEW

Wall Height 12'-0 Peak / Height 16'-0



LEFT VIEW

Wall Height 12'-0 Peak / Height 16'-0



RIGHT VIEW

Wall Height 12'-0 Peak / Height 16'-0

[Print Specsheel](#)



BACK VIEW

Wall Height 12'-0 Peak / Height 16'-0

[Close Window](#)

(16)

Thomas and Veronica Schaeffer, the owners of 601 N Grand Ave, propose adding a multi-purpose accessory structure to the property. The structure itself will be partitioned into three parts to be used as a storage, additional storage and a gym area. The building will be used for general storage of common household items, tools, my wife's seasons of décor, etc. The building will be accessed from the Sycamore ROW through a motorized gate to match existing fence. Currently, Sycamore ROW consists of dirt/gravel which gives way to grass. This dirt/gravel ROW may be extended appropriately (approximately 80 feet) in order to access gate. Current access and utility easements as well as landscaping of the Sycamore ROW will continue to be maintained by the owners of 601 N Grand Ave. Utilities for the proposed building will not be metered separately, it will be from the existing primary structure that has more than enough space for additional use. The new structure peak does not exceed the existing primary house structures peak, as its peak height is 25'-0.

No driveway is needed, as this is not to support any of the following:

- a. The accessory structure(s) shall not be used as a dwelling.
- b. The accessory structure(s) shall not be used for commercial purposes.
- c. The accessory structure(s) shall not be leased or sold separately from the primary residence
- d. The accessory structure(s) shall not be used as a short-term rental (STR)
- e. The accessory structure shall not be used to store any vehicles and or heavy equipment.

(17 + 18)



Memorandum

To: Honorable Mayor and City Council
From: Trenton Robertson, Senior Director of Planning
Thru: Ricky Boyd, Interim City Manager *RB*
Date: July 16, 2025
Re: ZDC-174-2024 – Heritage Square Townhouse Ph 2

On July 15, 2025, the Planning & Zoning Commission requested to continue this application to the August 12, 2025 Planning and Zoning Commission and the September 2, 2025 City Council meetings to address concerns regarding amenities and elevations from the Planning & Zoning Commission.

Planning & Zoning Department Zoning Staff Report

Case: ZDC-195-2024



MEETING DATE(S)

Planning & Zoning Commission: July 15, 2025
City Council: July 21, 2025

CAPTION

Public Hearing on a request by Urpi Arriola, MWSW Texas, for a **Zoning Change** from a Planned Development-14-Heavy Industrial (PD-14-HI) zoning district to Planned Development-Commercial (PD-C) zoning district, for the Crossroads 287 mixed-use development, located at 1601 W US Highway 287 Bypass, (Property ID 239122) - Owner: CSW Waxahachie LP (ZDC-195-2024)

RECOMMENDED MOTION

"I move to approve ZDC-195-2024, a Planned Development request for the Crossroads 287 mixed-use development, subject to the conditions the staff report, authorizing the Mayor and/or City Manager to sign the associated documents accordingly."

ACTION SINCE THE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting held on July 15, 2025, the Commission voted 5-0 to recommend approval of case number ZDC-195-2024, subject to the initial conditions of the staff report.

APPLICANT REQUEST

The applicant requests approval of a Planned Development to allow for Crossroads 287, a mixed-use development with 35,500 square feet of medical office space, 14,950 square feet of retail space, two stand-alone restaurants, and two 4-story hotels with a combined total of 263 rooms.

CASE INFORMATION

Applicant: Urpi Arriola, MWSW Texas
Property Owner(s): CSW Waxahachie LP
Site Acreage: 13.116 acres
Current Zoning: Planned Development-14-Heavy Industrial (PD-14-HI)
Requested Zoning: Planned Development-Commercial (PD-C)

SUBJECT PROPERTY

General Location: 1601 W US Highway 287 Bypass
Parcel ID Number(s): 239122
Existing Use: The subject property is currently undeveloped
Development History: The subject property is the former location of the Magnablend facility.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	N/A	W US Highway 287 Bypass
East	PD-C	Auto-Repair & Office/Warehouse
South	LI-1	Navarro College
West	LI-1	Navarro College (Undeveloped)

Future Land Use Plan:

Mixed Use Neighborhood

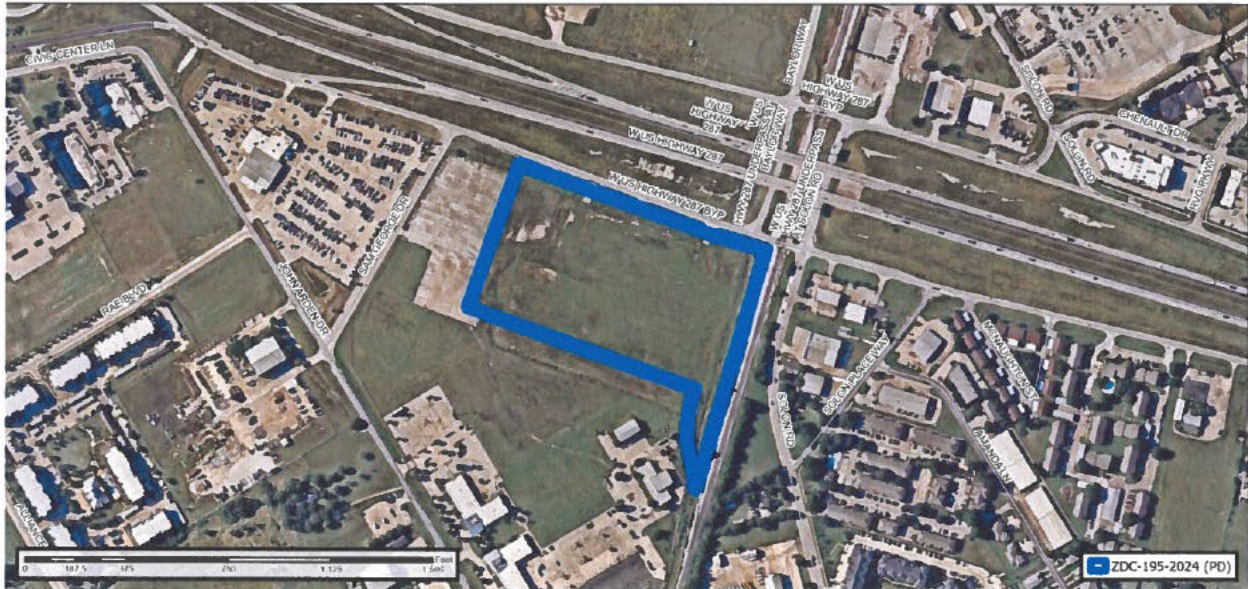
Comprehensive Plan:

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 W US Highway 287 Bypass.

Site Image:



PLANNING ANALYSIS

The applicant proposes a Planned Development (PD) to allow for Crossroads 287, a mixed-use development with 35,500 square feet of medical office space, 14,950 square feet of retail space, two stand-alone restaurants, and two 4-story hotels with a combined total of 263 rooms. The proposed uses can be referenced in greater detail on the Concept Plan attached as Exhibit D below. The design of the concept plan is consistent with the concept approved by City Council as part of the Development Agreement for the property. A base zoning district of Commercial (C) is proposed for the development.

Planning Analysis (continued):

The subject property is the site of the former Magnablend facility; which was destroyed in a 2011 fire. The City of Waxahachie acquired the subject property in 2018. In August of 2024, City Council approved a Development Agreement for the subject property with CSW Development. As part of the agreement, CSW agreed to develop the site for a combination of office, retail, sit down restaurant, and hotel uses and provided a very general concept plan to represent their development proposal. As part of the agreement, City Council transferred ownership of the property to CSW; but required to the group to return for approval of a Planned Development zoning district for the property. The PD proposal is consistent with the requirements of the Development Agreement for the subject property.

Proposed Use:

The Planned Development includes a total of seven (7) buildings that will each be situated on individually platted lots. An additional 8th lot is proposed to exclusively accommodate drainage and detention areas for the development. The applicant has exceeded the minimum parking requirement of 611 spaces and proposes to provide a total of 661 parking spaces. Each proposed lot on the subject property has been designed so that it can meet its individual minimum parking requirement.

With this Planned Development request, the applicant proposes a few modified development standards from those required with the base Commercial (C) zoning district. The modified standards are tailored to facilitate a more compact retail development pattern. The table below can be referenced for a comparison of the standard C requirements versus the development standards proposed with this application. (***Bold text indicates a deviation from typical development standards.***)

<u>Development Standard</u>	<u>C Zoning</u>	<u>Proposed Development Standard</u>
Min. Lot Size	5,000 SqFt.	5,000 SqFt.
Front Setback	25'	25' Exterior, 0' Interior
Side Setback	25'	20' (ROW), 0' (Retail)
Rear Setback	20'	20' Exterior, 0' Interior
Maximum Height	3-stories	4-stories
Max. Lot Coverage (Buildings)	40%	40%

In addition to the modification identified above, the applicant has also proposed development standards that restrict permissible uses in the PD district. The base Commercial zoning district typically allows for a wide range of uses; but not all of these uses are appropriate for the office/retail-oriented development proposed by the applicant. With this in mind, the applicant has prohibited 56 uses that were identified as incompatible or too intense for their proposed development. A few examples of proposed prohibited uses include: Outdoor Building Material Sales, Storage Warehouses, Heavy Machinery Rental/Sales, Drive-Through Establishments, and Light Manufacturing. The full list of prohibited uses may be referenced in Exhibit B below.

Medical Office Uses:

The applicant proposes to utilize two lots on the western side of the property for the medical offices uses. The proposed lots are 2.5 acres and 0.8 acres in size and can accommodate a combined 35,500 square feet of one-story medical offices. Baylor and Touchstone Imaging are the proposed end users for the two medical office lots.

Hotel Uses:

The applicant proposes to utilize two lots on the southern portion of the property for the hotel uses. The hotels lots are proposed to be 2.48 acres and 2.21 acres and are designed to accommodate 150 rooms and 113 rooms respectively. No end-users are currently proposed for the hotel site; but each hotel is proposed to be 4-stories in height.

Restaurant Uses:

The applicant proposes to lots on the northern portion of the property immediately adjacent to US Highway 287 Bypass for restaurant uses. The applicant has not identified end-users for the restaurant sites. However, each lot is designed to accommodate sit-down restaurants exclusively as opposed to drive-through restaurants. A minimum of one of the sit-down restaurants is required to include an outdoor patio that flanks a central courtyard amenity that is proposed in the center of the development.

Retail Uses:

The applicant proposes to utilize the final lot on the site for a multi-tenant retail building. The retail lot is situated on the northern portion of the property along US Highway 287 Bypass and adjacent directly adjacent to the central courtyard amenity. No specific tenants are identified at this time for the retail building. However, the retail site is designed to accommodate a range of tenants that include, but are not limited to, personal services, retail stores and shops, and small restaurants.

Access & Traffic:

The development is proposed to include two (2) direct connections to the US Highway 287 Bypass access roads. The proposed connections meet the minimum TxDOT spacing requirements for new driveways. The eastern most driveway is proposed to align with the existing service road and connector road intersection. The applicant has provided a Traffic Impact Analysis (TIA) with the PD Application, as required by the Development Agreement for the subject property. The TIA recommends the installation of a traffic signal at the intersection mentioned above and the applicant proposes to install the traffic signal accordingly. To facilitate cross connectivity between lots, the applicant proposes to execute mutual access easements throughout the subject property. Mutual access easements are also proposed to extend to the Navarro College properties to the south and west in order to facilitate future connectivity at the time these properties develop. The TIA will continue to be reviewed by the Public Works & Engineering Department with future Civil Construction Permits for the subject property.

Courtyard:

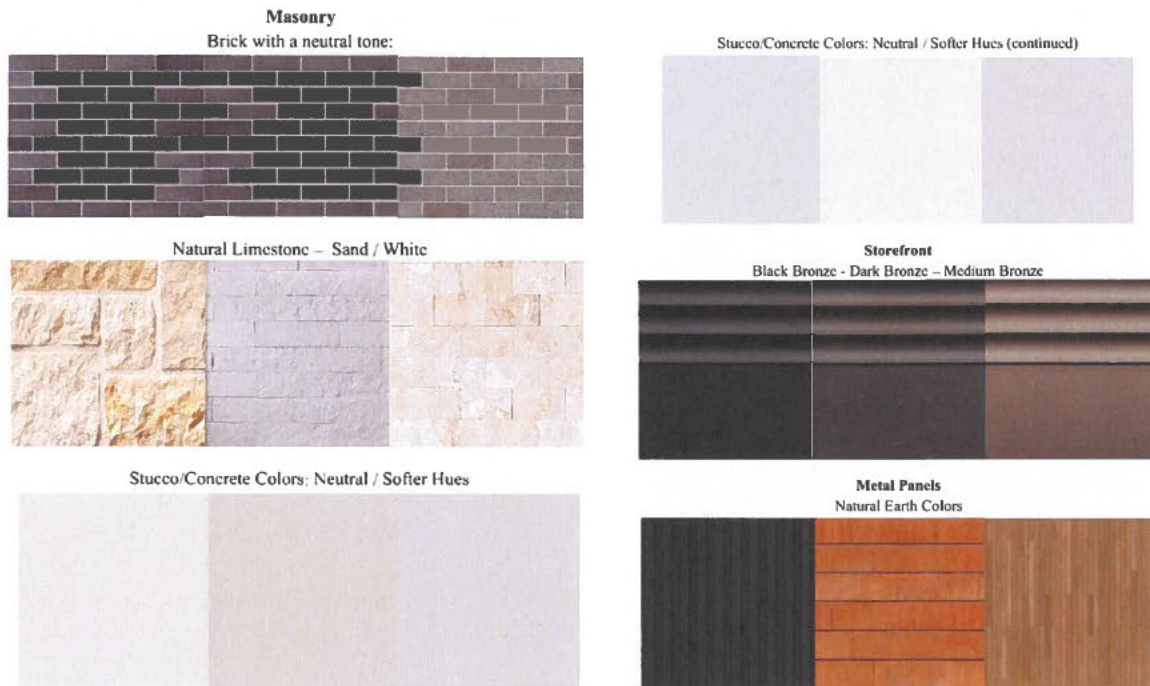
The applicant proposes to construct an amenitized courtyard near the center of the property between multi-tenant retail building and sit-down restaurant. The courtyard is in item included in the Development Agreement that was approved for the property in August of 2024. The area will be flanked by an outdoor patio for the sit-down restaurant and is intended to be a public gathering space for patrons of the development. Proposed amenities for the courtyard include specialty lighting, a shade structure, outdoor seating and tables, and high-end landscaping. Per the proposed Development Standards, the courtyard is required to be completed prior to the issuance of a CO for the first building on the property.

Landscaping:

The applicant has proposed specific landscaping requirements as part of the PD Development Standards for the property. The proposed standards result in an overall reduction in total plantings from that which would be required under the typical minimum landscape standards of the Waxahachie Zoning Ordinance. To offset the overall reduction in landscaping, the applicant has proposed to plant larger, 6" caliper, street trees along US Highway 287 Bypass as opposed to the typically required 4" caliper street trees. A detailed Landscape Plan is required to be submitted as part of the Site Plan Application for each individual lot within the subject property.

Elevation/Façade:

The applicant has proposed detailed exterior construction and building articulation requirements as part of the PD Development Standards. The proposed standards include varying requirements for the retail, restaurant, hotel, and medical office buildings within the development. Final Elevation/Façade Plans are not included with this PD, as end users have not yet been identified. However, each building is required to utilize exterior construction materials that are similar or complementary to the examples shown below, with exceptions for national or regional restaurant brands. As part of the PD Development standards, the applicant has also provided example renderings for the proposed medical office, hotel, and retail buildings. A final Elevation/Façade Plan is required to be submitted as part of the Site Plan Application for each individual building on the subject property.



Signage:

The applicant proposes to allow two (2) monument signs and one (1) pylon sign for the subject property with this PD application. Each of these signs are proposed to be located along US Highway 287 Bypass.

The monument signs are proposed to meet the standard height and size requirements of the Waxahachie Zoning Ordinance. The pylon sign is proposed to be a maximum of between 50' and 75' in height and provide a total of 300 square feet of advertising space per side. The base of the pylon sign is proposed to utilize masonry material complimentary to that used for the retail buildings on the site. The design of the proposed pylon sign can be referenced further in Exhibit E below.

Detention & Utilities:

The applicant has designed the Concept Plan for the property to accommodate two (2) dedicated detention areas in the southeast corner of the site. Each detention area is proposed to be fenced by 4' ornamental metal fence.

As part of this development, the applicant is required to extend private water and sanitary sewer lines across the subject property. The applicant has submitted a Civil Construction Permit to account for these utility extensions. The Civil Construction Permit is currently under technical review by staff.

Photometric Plan:

The property is subject requirements of the Lighting and Glare Standards from Section 6.03 of the Waxahachie Zoning Ordinance. To verify compliance with these standards, the applicant shall be required to provide a Photometric Plan as part of the detailed Site Plan Application for each individual lot.

Phasing:

The applicant proposes to develop the infrastructure (water, wastewater, stormwater, shared drive-aisles) for the subject property in a single phase. Individual lots on the site are proposed to develop as determined by the market.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 9 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 zero (0) 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 for the development shall be required to be filed within 30-days of City Council approval of ZDC-195-2024.
2. The retail/restaurant courtyard shall be completed prior to the first completed building. This shall include specialty lighting, shade structure, benches, tables and high-end landscaping as reasonably determined by the Director of Planning.
3. The applicant shall receive all necessary building permits from the Building & Community Services Department prior to construction.

ATTACHED EXHIBITS

1. Approved Development Agreement (8/9/24)
2. Proposed Development Agreement
3. Planned Development (PD) Ordinance
4. Location Map – Exhibit A
5. Planned Development Standards – Exhibit B
6. Concept Facades – Exhibit C
7. Concept Plan – Exhibit D
8. Pylon Sign Rendering – 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 plans.

STAFF CONTACT INFORMATION

Prepared by:

Zack King, AICP
Planning Manager
zking@waxahachie.com

Reviewed by:

Trenton Robertson, AICP
Senior Director of Planning
trenton.robertson@waxahachie.com

MASTER DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is entered into effective as of August 9, 2024 (the "Effective Date") between Central Southwest Texas Development, LLC, a Texas limited liability company ("Developer"), and the City of Waxahachie, Texas ("City"). Developer and the City are sometimes referred herein together as the "Parties" and individually as "Party."

RECITALS

- A. The City owns that certain approximately 13-acre tract more particularly described on Exhibit A attached hereto (the "Property").
- B. The City no longer envisions using the Property for public use or facilities.
- C. Developer intends to develop the Property as a mixed-use retail-hotel-office-medical development (the "Project"), as generally described on Exhibit B, attached hereto and incorporated herein for all purposes.
- D. The City is willing to convey the Property to Developer in exchange for Developer developing the property as generally depicted in Exhibit B and the construction of onsite roadway improvements as required and approved by the City and any offsite roadway improvements as required and approved by the Texas Department of Transportation (TxDOT), including a traffic signal (the "Roadway Improvements").
- E. This Agreement clearly is in the best interests of the City and Developer and it is deemed mutually beneficial to each.
- F. Chapter 380 of the Texas Local Government Code provides that Texas municipalities may create programs to promote local economic development.
- G. The City has concluded and hereby finds that this Agreement clearly promotes economic development in the City and, as such, meets the requisites under Chapter 380 of the Texas Local Government Code.

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth herein, including a payment by the Developer to the City in the sum of One Hundred Dollars (\$100), the receipt and sufficiency of which are hereby acknowledged and confessed, the Parties hereby agree as follows:

ARTICLE I GLOBAL BASIC TERMS

- 1.1 Effective Date. This Agreement shall be effective as of the date first written above.
- 1.2 Chapter 245. Except as modified by this Agreement, the Project and the Property will be developed in accordance with all applicable local, state, and federal regulations, including

but not limited to the City's ordinances and the zoning regulations applicable to the Property in effect on the date hereof, subject to those exceptions contained in Chapter 245, Texas Local Government Code (the "Applicable Regulations"). If there is a conflict between this Agreement and the Applicable Regulations, this Agreement shall control.

ARTICLE II REPRESENTATIONS

2.1 Representations of the City. The City represents to Developer as follows:

- (A) Title. The City presently has and will be able to convey to Developer good and indefeasible title to the Property on the Closing Date.
- (B) Parties in Possession. On the Closing Date, there will not be any third party in possession of the Property and no third party will have a then-current right or any future right to occupy any portion of the Property.
- (C) Proceeding by Governmental Authority. There is no pending or, to the City's actual knowledge, threatened condemnation or similar proceeding or special assessment affecting the Property or any part thereof.
- (D) Litigation or Administrative Proceeding. To the City's actual knowledge, the City has received no service of process or other written notification of any litigation or administrative proceedings which would materially and adversely affect title to the Property or the ability of the City to perform any of its obligations hereunder.
- (E) Performance Will Not Result in Breach. Performance of this Agreement pursuant to the terms hereof will not result in any breach of, or constitute any default under, or result in the imposition of any lien or encumbrance upon the Property under, any agreement or other instrument to which the City is a party or by which the City or the Property is bound, if the remedy for the breach of defaults would materially and adversely affect title to or the permitted use of the Property.
- (F) Execution. The execution and delivery of, the City's performance under, this Agreement are within the City's powers and have been duly authorized by all requisite municipal action. The person executing this Agreement on behalf of the City has the authority to do so. This Agreement constitutes the legal, valid, and binding obligation of the City enforceable in accordance with its terms.
- (G) No Third Party Agreements. To the City's actual knowledge, the City has not entered into any unrecorded agreements with neighboring property owners that will affect the Property.

2.2 Representations of Developer. Developer represents to the City as follows:

- (A) Authorization. Developer is duly organized and legally existing under the laws of the State of Texas. Developer is duly qualified to do business in the State of Texas.

- (B) Performance. Performance of this Agreement will not result in any breach of, or constitute any default under, any agreement or other instrument to which Developer is a party or by which Developer is bound.
- (C) Execution. The execution and delivery by Developer of, and Developer's performance under, this Agreement are within Developer's powers and have been duly authorized by all requisite organizational action. The person executing this Agreement on behalf of Developer has the authority to do so. This Agreement constitutes the legal, valid, and binding obligation of Developer enforceable in accordance with its terms.

2.3 Covenants of the City. The City covenants to, and agrees with, Developer as follows:

- (A) Litigation. The City will notify Developer of any litigation or administrative proceeding, of which the City has actual knowledge, affecting the Property.
- (B) No Further Sales. The City will not voluntarily sell or otherwise transfer all or any portion of the Property to a party other than Developer, without the prior written consent of Developer which Developer may grant or deny in its sole and absolute discretion.
- (C) No Further Leases. Without the prior written consent of Developer (which Developer may grant or deny in its sole and absolute discretion), the City will not enter into a lease or otherwise grant a possessory interest to third parties concerning all or any portion of the Property.
- (D) Easements. The City will cooperate, at no expense to the City, with Developer to terminate or modify any City-held easements identified as requiring change as part of the title review under Article III. Without the prior written consent of Developer or unless requested by Developer, the City will not enter into an easement, restriction, or other agreement that will affect the Property after Closing.
- (E) Use of Site. The City will not use the Property to store any debris or other materials that would create impediments to the development of the Property in accordance with the terms of this Agreement.

2.4 Covenants of Developer.

- (A) Design of the Roadway Improvements. Within ninety (90) days after Closing (defined below), the City hereby agrees to provide the Developer with the design specifications (the "**City Design Specifications**") required in order for the Developer to commence the engineering design work necessary to construct the Roadway Improvements and related improvements (the "**Engineering Design Drawings**"). Within ninety (90) days after the Developer's receipt of the City Design Specifications the Developer shall complete the design of the Engineering Design Drawings and provide the same to the City and TxDOT. Once the Engineering Design Drawings are approved by the City (or deemed approved) the Developer shall apply for all necessary permits to construct the Roadway

Improvements in accordance with the approved Engineering Design Drawings. The City agrees to diligently process and approve any such permits. After all necessary permits are obtained, Developer shall commence construction of the Roadway Improvements within 180 days after receipt of the permits. Once the Roadway Improvements are complete, Developer shall dedicate offsite improvements to the City or TxDOT, whichever is appropriate based on the improvements and location.

- (B) No Work On Site. Developer may not perform any construction work, including grading, until after the Closing under this Agreement. The preceding sentence does not prohibit the investigations permitted under Section 3.2 because they are not construction work.

ARTICLE III AGREEMENT TO CONVEY

- 3.1 Agreement to Convey. The City agrees to sell the Property to Developer.
- 3.2 Inspections. Upon prior written request to the City and approval, Developer and representatives shall be permitted to go on the Property and conduct all necessary inspections, soil test, engineering tests, assessments and other studies desired by Developer, but may not conduct any invasive tests without City's prior approval, which approval shall not be unreasonably withheld, conditioned or delayed. If Developer is unsatisfied with any aspect of the Property for any reason, then Developer may terminate this Agreement by written notice to the City prior to the Closing Date.
- 3.3 Title Commitment and Survey. Within 20 days following the Effective Date, the Developer, at the Developer's sole expense, must cause the Title Company to furnish to Developer a current Commitment for Title Insurance (the "Commitment"), effective as of a date which is on or after the Effective Date of this Agreement, together with readily legible copies of all documents and plats, if any, which the Commitment specifies as exceptions on the Commitment (the "Title Documents"), and contain the terms upon which the Title Company agrees to issue to or for Developer a standard owner's policy of title insurance (the "Title Policy") insuring good and indefeasible fee simple title to the Property to be vested in Developer, subject to the terms of and exceptions specified in the Title Policy. Within 20 days following the Effective Date Developer at its sole cost and expense shall order a survey of the Property (the "Survey").
- (A) Title Review Period. Developer has a period (the "Title Review Period") ending 21 days after the date on which Developer receives the last to be received of the Survey Commitment and the Title Documents, in which to notify the City of any objections Developer has to any matters shown or referred to in the Commitment or on the Survey, (an "Objection" and collectively, the "Objections"). Developer has a continuing right to update the Commitment and Survey after the Title Review Period up until Closing and may give objections to any new exceptions that appear on an updated Commitment within 14 days after Developer receives the updated Commitment or survey (this time period is deemed included in the term "Title Review Period"). Any such objection is also an "Objection" under this Agreement. The City has no obligation to cure any Objection except

liens disclosed in the Commitment (or any subsequent commitment); items on Schedule C that are exclusively within the City's control; all other exceptions disclosed in the Commitment (or any subsequent commitment) which arise on or after the Effective Date of this Agreement and are not attributable to actions by Developer; and Objections that the City agrees in writing to cure at or prior to Closing (collectively, the "Mandatory Cure Items").

- (B) Objections to Status of Title. If Developer makes an Objection to any matters referred to in the Commitment or on the Survey other than the Permitted Encumbrances during a Title Review Period, the City has a period of 14 days (the "Cure Period") within which to notify Developer whether or not the City will cure the Objections (except Mandatory Cure Items, which the City must cure). If the City does not notify Developer in writing that the City will cure an Objection, then the City will be deemed to have advised Developer that it will *not* cure the Objection. Except for the Mandatory Cure Items, the City has no obligation to cure any Objection raised by Developer during any Title Review Period. If the City fails to cure any Objection (other than an objection to a Permitted Encumbrance) within the Cure Period, Developer may, on before the date which is 14 days following the expiration of the Cure Period (as its sole and exclusive remedies), either (x) terminate this Agreement in writing or (y) accept such title to the Property as the City can deliver and such objectionable matters will be deemed approved by Developer as Permitted Encumbrances and Developer may attempt to cure on its own, without involvement of the City, such objectionable matters.
- (C) Mandatory Cure Items. All Mandatory Cure Items must be satisfied, cured or removed by the City, at the City's sole cost and expense, at or prior to the Closing, as a condition precedent to Developer's obligation to purchase the Property.
- 3.4 Option Fee. Developer must pay the City \$100.00 (the "Option Fee") as non-refundable consideration for Developer's exclusive right to inspect the Property, and for the City's execution, delivery, and performance of this Agreement.

ARTICLE IV CLOSING

- 4.1 Closing and Closing Date.
- (A) "Closing" means the execution and delivery of all the documents and instruments necessary to complete the sale under Section 4.3 (the "Closing Documents"), and the Title Company releasing and recording in accordance with this Agreement and the City's instructions the Closing Documents. The Closing must be coordinated through Town Square Title - Waxahachie (the "Title Company") and may be in-person or remote.
- (B) "Closing Date" means the date that is 90 days after the Effective Date of this Agreement. The Closing Date may be extended by 30 days for a total of 120 days, by Developer, at no cost to Developer.
- (C) Developer's obligation to close is conditioned upon the following.

- (1) The Property shall be zoned by the developer with a planned development and development agreement that allows the construction and operation of the Project as generally described on the Concept Plan, attached hereto as Exhibit B, and as mutually agreed upon by the City and Developer.
- (2) All City representations and warranties are true in all material and respects, and there is no existing Event of Default by the City under this Agreement.

4.2 Closing Matters.

- (A) The City's Closing Obligations. At closing, the City shall provide the following:
 - (1) Special Warranty Deed ("Deed") executed by the City conveying to Developer good and indefeasible title in fee simple to the Property, subject only to the Permitted Encumbrances;
 - (2) Execute and deliver any and all other items contemplated by this Agreement or reasonably required by Developer's legal counsel, or the Title Company.
 - (3) Deliver possession of the Property to Developer's, subject only to the Permitted Encumbrances.
- (B) Developer Closing Obligations. As part of Closing, Developer must do the following:
 - (1) Deliver such evidence of the authority and capacity of Developer and its representatives as the City and City's legal counsel may reasonably require; and
 - (2) Execute and deliver such other documents as may be reasonably required by the Title Company.
 - (3) Pay for the Title Policy, pay for all of its investigations of the Property, pay for all recording fees (including the recording of the Deed), for all of the other costs and expenses of Closing.
- (C) Taxes and Assessments. Real estate taxes and assessments, if any, concerning the Property for the calendar year of closing, to the extent the City is obligated to pay such items, will be apportioned between the City and Developer at the Closing as of midnight of the day preceding the Closing Date.

**ARTICLE V
REPURCHASE OPTION**

- 5.1 General. The City hereby reserves the right and exclusive option to repurchase the Property (the "Repurchase Right") under the circumstances set forth below.
- 5.2 Repurchase Price. In the event of an exercise of the Repurchase Right, the price to repurchase the Property and all Improvements constructed to-date shall be equal to 75% of the sum of all engineering, material, and vertical construction costs incurred by Developer

to construct all improvements to the Project and the Roadway Improvements. Value of the land shall not be included or considered in the repurchase price.

- 5.3 Manner of Exercise. The Repurchase Right may be exercised by the City during the period set forth below upon written notice delivered to Developer which shall contain a statement by City of its election to exercise the Repurchase Right and shall designate a date of closing (“Notice of Exercise”). Where used herein, the term “Closing” shall mean the event and time at which the City delivers the Repurchase Price to Developer and at which Developer conveys the property to City with a deed in substantially the same form as the deed by which Developer received title from the City. The property must be free of liens prior to conveyance back to the City. The conveyance shall be “as is” with no representations, except that it must be lien free and any warranties, maintenance bonds, or other sureties shall be transferred to the City. The Closing Date so designated by the Seller shall be no more than ninety (90) days following the effective date of the Notice to Exercise.
- 5.4 Opportunity to Satisfy Requirements to Avoid Repurchase: Upon receipt of any Notice of Exercise, if Developer commences Construction within thirty (30) days, such Notice of Exercise shall be null and void.
- 5.5 Construction Commencement Repurchase Period. Subject to Permitted Delays approved by the City, if the Developer has not commenced pouring concrete footings or slabs for construction of 100,000 square feet of commercial buildings or at least four (4) pad sites (“Construction”) on the Property on or before the date which is thirty-six (36) months after the Effective Date of this Agreement (the “Required Construction Commencement Date”), the City may elect to exercise its Repurchase Right pursuant to the terms of Section 5.3 above within five (5) years after the Required Construction Commencement Date.
- 5.6 Expiration of Time Periods. If the Repurchase Right is not exercised within the required time period, the Repurchase Right will terminate and be of no further force and effect. Upon termination of a Repurchase Right and receipt of a written request from the Developer, the City will promptly execute in recordable form a notice of termination of that Repurchase Right.

ARTICLE VI EVENTS OF DEFAULT AND REMEDIES

- 6.1 Each of the following shall constitute an Event of Default under this Agreement:
- a. Failure of Developer or the City to comply with or to perform any term, obligation, covenant, or condition contained in this Agreement.
 - b. Any warranty, representation, or statement made or furnished to a party that is false or misleading in any material respect, as of the time made or furnished is another party an Event of Default.
 - c. Developer’s insolvency, appointment of receiver for any part of Developer’s property, any assignment for the benefit of creditors of Developer, any type of

creditor workout for Developer, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against Developer is an Event of Default.

- 6.2 If an Event of Default occurs under Section 6.1 of this Agreement, the non-defaulting party shall give written notice to the other party of an Event of Default, and the defaulting party shall have thirty (30) days to cure a monetary default and ninety (90) days to cure a non-monetary default; provided however, if such Event of Default cannot be reasonably cured within ninety (90) days, the defaulting Party should have such time as necessary to cure so long as the cure is diligently pursued. Should said Event of Default remain uncured as of the last day of the applicable cure period, the non-defaulting party shall have the right to enforce specific performance as appropriate, or maintain a cause of action for damages caused by the Event(s) of Default.

**ARTICLE VII
MISCELLANEOUS PROVISIONS**

- 7.1 Notices. Formal notices, demands and communications between the parties will be sufficiently given if, and will not be deemed given unless, delivered personally, dispatched by certified mail, postage prepaid, return receipt requested, or sent by a nationally recognized express delivery or overnight courier service, to the office of the parties shown as follows, or such other address as the parties may designate in writing from time to time:

Developer: Central Southwest Texas Development, LLC.
1703 W. 5th Street, 8th Floor
Austin, TX 78703
Attention: Robert O'Farrell

with a copy to: Metcalfe Wolff Stuart & Williams
221 W. 6th Street
Suite 1300
Austin, Texas 78701
Attention: Steven Metcalfe

The City of Waxahachie: City of Waxahachie
ATTN: Michael Scott
401 S. Rogers

P.O. Box 757
Waxahachie, TX 75165

with a copy to: Brown & Hofmeister, L.L.P.
ATTN: Terrence S. Welch
740 East Campbell Road
Suite 800
Richardson, TX 75081

Such written notices, demands, and communications will be effective when received or, if earlier, on the contracted-for delivery date or, in the case of certified mail, 2 days following deposit of such instrument in the United States Mail.

- 7.2 Limitation on Liability. No member, official or employee of the City is personally liable to Developer in the event of any default or breach by the City, or for any amount which may become due to Developer, or on any obligations under the terms of this Agreement. No officer, director, partner, member, official or employee of Developer or any Affiliate of Developer is personally liable to the City in the event of any default or breach by Developer, or for any amount which may become due to the City, or on any obligations under the terms of this Agreement.
- 7.3 Severability. If any term or provision of this Agreement or the application of any term or provision of this Agreement to a particular situation, is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of this Agreement or the application of such term or provision of this Agreement to other situations, remains in full force and effect unless amended or modified by mutual consent of the parties; provided that, if the invalidation, voiding or unenforceability would deprive either the City or Developer of material benefits derived from this Agreement, or make performance under this Agreement unreasonably difficult, then the City and Developer must meet and confer and must make good faith efforts to amend or modify this Agreement in a manner that is mutually acceptable to the City and Developer.
- 7.4 Construction of Agreement. This Agreement has been reviewed and revised by legal counsel for both Developer and the City, and no presumption or rule that ambiguities are construed against the drafting party applies to the interpretation or enforcement of this Agreement.
- 7.5 Entire Agreement. This Agreement and all the documents, agreements, exhibits and schedules referenced herein constitute the entire understanding and agreement of the parties and supersede all negotiations or previous agreements between the parties with respect to the subject matter of this Agreement.
- 7.6 No Waiver. No delay or omission by either party in exercising any right or power accruing upon non-compliance or failure to perform by the other party under any of the provisions of this Agreement impairs any such right or power or be construed to be a waiver thereof. A waiver by either party of any of the covenants or conditions to be performed by the other party must be in writing and signed by a duly authorized representative of the party against

whom enforcement of a waiver is sought, and any such waiver cannot be construed as a waiver of any succeeding breach or non-performance of the same or other covenants and conditions hereof.

- 7.7 Time Is of the Essence. Time is of the essence for each provision of this Agreement for which time is an element.
- 7.8 Governing Laws. This Agreement must be construed and enforced in accordance with the laws of the State of Texas. This Agreement is performable in Ellis County, Texas.
- 7.9 Attorneys' Fees and Interest. Should any legal action be brought by either party because of a breach of this Agreement or to enforce any provision of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees and such other costs as may be found by the court. If any party hereto fails to pay any amount under this Agreement when it is due, that amount will bear interest from the date it is due until the date it is paid at the lesser of 18% per annum or the maximum rate of interest permitted under Applicable Laws.
- 7.10 No Third-Party Beneficiaries. The City and Developer hereby renounce the existence of any third-party beneficiary to this Agreement and agree that nothing contained herein may be construed as giving any other person or entity third party beneficiary status.
- 7.11 Counterparts and Facsimile Execution; Electronic Mail Transmission: This Agreement may be executed in any number of counterparts, each of which is an original and all of which constitute one and the same document. It is not necessary that the signature or acknowledgment of, or on behalf of, any of the parties to this Agreement appear on each counterpart. All counterparts collectively constitute one instrument. It is not necessary in making proof of this Agreement to produce or account for more than a single counterpart containing the respective signatures and acknowledgments of, or on behalf of the parties to this Agreement. Any signature or acknowledgment page to any counterpart may be detached from a counterpart and attached to another counterpart in order that all signatures and acknowledgments appear on one document, although such action is not necessary to make this Agreement enforceable. The parties intend that any facsimile or electronic copy of a signature to this Agreement or any execution through DocuSign or similar companies will have the effect of an original and it is not necessary to confirm facsimile execution or electronic mail delivery by delivery of the original that was transmitted by facsimile or electronic mail.
- 7.12 Time of Performance. All performance dates (including notice dates and cure dates) expire at 5:00 p.m. Central Standard Time, on the performance, notice, or cure date. A performance or cure date which falls on a Saturday, Sunday, or Official City Holiday will be deemed to have been extended to the next day that is not a Saturday, Sunday or Official City Holiday. The City of Waxahachie designates Official City Holidays each year.
- 7.13 Estoppel Certificates. Upon 30 days' prior written notice and not more than twice in any 12-month period, the City and Developer each agree to sign and deliver to the other party a statement certifying (a) that this Agreement is unmodified and in full force and effect (or, if that is not the case, so stating and setting forth any modifications), (b) that, to the responding party's knowledge, the requesting party is not in breach of this Agreement (or,

if that is not the case, so stating and setting forth any alleged breaches), and (c) any other information reasonably related to the status of this Agreement. This certificate may only be used by the parties specifically identified by name in the request (which cannot include any party to this Agreement) to estop the responding party from claiming that the facts are other than as set forth in the certificate, and may not be relied upon by any person or entity, even if named in such estoppel certificate, who knows or should know that the facts are other than as set forth in such certificate.

7.14 Successors and Assigns.

- (A) General. Except as provided in this Agreement, this Agreement will be binding upon and inure to the benefit of the permitted successors and assigns of the City and Developer and where the terms "Developer" or "the City" are used in this Agreement, they mean and include their respective permitted successors and assigns.
- (B) Developer Assignment. Developer may not assign this Agreement without the City's prior written consent. The City shall not unreasonably withhold consent to assignment if the Developer can demonstrate that the assignee has the capacity, sophistication, and ability to assume rights and obligations described herein without modification or amendment. Developer must provide the City a copy of all of its assignment documents, together with proof that an assignee meets the requirements set forth above. This information includes, but is not limited to, the identity of the assignee, all nonproprietary and nonconfidential financial information and pertinent operational information about the assignee, and the terms of the assignment.
- (C) As used in this Agreement, "Affiliate" means any person or entity controlling, controlled by or under common control with any other person or entity. For purposes of this definition, the term "control" when used with any respect to any person or entity means the power to direct the management or policies of such person or entity, directly or indirectly, whether through the ownership of voting securities, by law, regulation, contract or otherwise, and the terms "controlling" and "controlled" have meanings correlative to the foregoing.

7.15 The Parties agree and acknowledge that this Agreement must be filed with the Office of the Texas Comptroller, pursuant to Section 380.004 of the Texas Local Government Code, as amended.

7.16 Effects of Permitted Delay. If Developer or the City is delayed or prevented from performance of any of its respective non-monetary obligations under this Agreement by reason of any Permitted Delay, the time for performance of such obligation is automatically extended for the period of such delay, subject to the remainder of this paragraph. No party may use this provision to delay payment of money. "Permitted Delay" means Force Majeure or City-Caused Delay, or both.

- (A) "Force Majeure" means any event, such as pandemics, strikes, riots, war, governmental laws, regulations, or restrictions that are beyond the reasonable control of the affected party (other than (a) financial inability to perform unless

such event, act or cause results primarily from the occurrence of a force majeure event described above, or (b) acts of the party claiming the delay) and if such party has not otherwise committed an Event of Default hereunder which is continuing, the time for performance of such obligation. Any government-mandated closure of all or most business operations in the City of Waxahachie constitutes Force Majeure.

(B) “City-Caused Delay” constitutes a Permitted Delay for Developer and means any actual delay to the extent caused solely by the City and described below:

- (1) With respect to the City’s obligations outside of this Agreement and solely in its capacity as a governmental entity to timely approve a plat, site development permit, or issue any other permits or approvals or inaction.
- (2) With respect to the City’s obligations in this Agreement by its unreasonable delay in such action or inaction, or
- (3) In the City’s capacity as a landowner (such as design approval and financial approvals), by its failure to meet the specific time frames for action set forth in this Agreement.

(C) Pre-Conditions to Claiming Permitted Delay. The party claiming a Permitted Delay will not be entitled to do so unless that party complies with the following requirements:

- (1) The claiming party gives prompt written notice of such occurrence to the other party, with “prompt” meaning no less than business 10 days; and
- (2) The claiming party diligently attempts to remove, resolve, or otherwise eliminate such the delaying effects of the Permitted Delay, keeps the other party advised with respect to its efforts and the results of its efforts, and commences performance of its affected obligations under this Agreement immediately upon such removal, resolution, or elimination.

7.17 Further Acts. In addition to the acts and deeds recited in this Agreement and contemplated to be performed, executed, and/or delivered by the parties, the City and Developer agree to perform, execute, and/or deliver or cause to be performed, executed, and/or delivered at the Closing or at such other time or times as may be necessary or appropriate under this Agreement any and all further lawful acts, deeds, and assurances as are reasonably necessary or appropriate to consummate and implement the transactions and agreements reasonably contemplated hereby. Further, nothing in this Agreement shall prohibit the City Manager or designee from authorizing minor variations to provisions of this Agreement, any site plan contemplated by this Agreement or other minimal variations of standards or timelines deemed necessary to meet the objectives of the Parties and in harmony with the general purpose and intent of this Agreement.

7.18 Consents and Approvals. Unless expressly stated otherwise herein to the contrary, any approval, agreement, determination, consent, waiver, estoppel certificate, estimate or joinder by the City required hereunder may be given by the City Manager of the City or its designee. However, the City Manager does not have the authority to execute any

substantial modification or amendment of this Agreement that conflicts with the Council-approved Term Sheet without approval of the Waxahachie City Council.

- 7.19 Correction of Technical Errors. If, by reason of inadvertence, and contrary to the intention of the City and Developer, errors are made in this Agreement in the legal descriptions or the references thereto or within any exhibit with respect to the legal descriptions, in the boundaries of any parcel in any map or drawing which is an exhibit, or in the typing of this Agreement or any of its exhibits or any other similar matters, the parties by mutual agreement may correct such error by memorandum executed by them without the necessity of amendment of this Agreement.
- 7.20 Interstate Land Sales Full Disclosure. The City and Developer acknowledge and agree that the sale of each portion of the Property in accordance with this Agreement will be exempt from the provisions of the Interstate Land Sales Full Disclosure Act in accordance with the exemption applicable to the sale or lease of property to any person or entity who acquires such property for the purpose of engaging in the business of constructing residential, commercial or industrial buildings or for the purpose of resale of such property to person or entity engaged in such business.
- 7.21 References and Titles. All references in this Agreement to exhibits, articles, paragraph, subparagraph, sections, subsections and other subdivisions refer to the exhibits, articles, paragraphs, subparagraphs, sections, subsections and other subdivisions of this Agreement unless expressly provided otherwise. Titles appearing at the beginning of any subdivisions are for convenience only and do not constitute any part of such subdivisions and are disregarded in construing the language contained in such subdivisions. The words "this Agreement", "herein", "hereof", "hereby", "hereunder" and words of similar import refer to this Agreement as a whole and not to any particular subdivision unless expressly so limited. The phrases "this paragraph" and "this subparagraph" and similar phrases refer only to the paragraphs or subparagraphs hereof in which such phrases occur. The word "or" is not exclusive, and the word "including" (in its various forms) means "including without limitation." Pronouns in masculine, feminine and neuter genders must be construed to include any other gender, and words in the singular form must be construed to include the plural and vice versa, unless the context clearly otherwise requires. References to any constitutional, statutory, or regulatory provision means such provision as it exists on the Effective Date and any future amendments thereto or successor provisions thereof.
- 7.22 Disclosure of Interested Parties. Developer hereby certifies that it has filed a Certificate of Interested Parties form in compliance with Texas Government Code, Section 2252.908, if required, and shall update such certificate if required by law.
- 7.23 Verifications of Statutory Representations and Covenants. Developer makes the following representations and covenants pursuant to Chapters 2252, 2271, 2274, and 2276, Texas Government Code, as heretofore amended (the "Government Code"), in entering into this Agreement. As used in such verifications, "affiliate" means an entity that controls, is controlled by, or is under common control with the Developer within the meaning of SEC Rule 405, 17 C.F.R. § 230.405, and exists to make a profit. Liability for breach of any such verification during the term of this Agreement shall survive until barred by the applicable statute of limitations, and shall not

be liquidated or otherwise limited by any provision of this Agreement, notwithstanding anything in this Agreement to the contrary.

- (A) **Not a Sanctioned Company.** The Developer represents that neither it nor any of its parent company, wholly- or majority-owned subsidiaries, and other affiliates is a company identified on a list prepared and maintained by the Texas Comptroller of Public Accounts under Section 2252.153 or Section 2270.0201, Government Code. The foregoing representation excludes the Developer and each of its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, that the United States government has affirmatively declared to be excluded from its federal sanctions regime relating to Sudan or Iran or any federal sanctions regime relating to a foreign terrorist organization.
- (B) **No Boycott of Israel.** The Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not boycott Israel and will not boycott Israel during the term of this Agreement. As used in the foregoing verification, “boycott Israel” has the meaning provided in Section 2271.001, Government Code.
- (C) **No Discrimination Against Firearm Entities.** The Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate against a firearm entity or firearm trade association during the term of this Agreement. As used in the foregoing verification, “discriminate against a firearm entity or firearm trade association” has the meaning provided in Section 2274.001(3), Government Code.
- (D) **No Boycott of Energy Companies.** The Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not boycott energy companies and will not boycott energy companies during the term of this Agreement. As used in the foregoing verification, “boycott energy companies” has the meaning provided in Section 2276.001(1), Government Code.

7.24 Exhibits. The following exhibits are attached to this Agreement, and made a part hereof for all purposes, provided, however, it is hereby acknowledged that they are conceptual in nature, intended to provide the look and feel for those improvements depicted. Exact locations of improvements and uses of the Property will be determined in connection with site plan approval:

- Exhibit A** The Property
- Exhibit B** Concept Plan


[END OF TEXT-SIGNATURES ON FOLLOWING PAGE]

(19)

IN WITNESS WHEREOF, the parties have executed this Agreement to be effective as of the Effective Date.

CITY:


THE CITY OF WAXAHACHIE, a Texas home rule city and municipal corporation

By: 
Name: Michael Scott
Title: CITY MANAGER

(19)

DEVELOPER:

Central Southwest Texas Development, LLC

By: 
Name: Robert O'Farrell, III
Title: Manager

(19)

EXHIBIT "A"

(the "Property")

[See attached.]

EXHIBIT A

(19)

EXHIBIT A

LEGAL DESCRIPTION OF LAND

BEING all that certain lot, tract, or parcel of land being known and designated as a part of LOT 1, BLOCK A, of the SPIROLITE ADDITION to the City of Waxahachie, Texas, according to the plat thereof recorded in Cabinet B, Slides 623 & 624 of the Plat Records, Ellis County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8" capped steel rod found for the east corner of the aforesaid Lot 1 and being the same for this tract, said point also being in the intersection of the southwest right-of-way line of U. S. Highway 287 (variable width right-of-way) with the northwest right-of-way line of the M K & T Railroad (100' width);

THENCE S 17°15'29" W, 918.22 feet (Deed - Record bearing basis) along the southeast line of the aforesaid Lot 1 and the northwest line of said M K & T Railroad to a 1/2" steel rod set for the south corner of this tract and being in the beginning of a non-tangent curve oriented counter clockwise and whose radius point bears S 75°18'17" W;

THENCE into the said Lot 1 and the west, southwest, and northwest line of this tract as follows: 71.06 feet along the arc of said curve (Central Angle = 07°34'16" ; Radius = 537.80 feet; Long Chord = N 06°57'13" W, 71.01 feet) to a 1/2" steel rod set for corner; N 10°59'58" W, 60.08 feet to a 1/2" steel rod set in the beginning of a non-tangent curve oriented clockwise and whose radius point bears N 78°50'34" E; 205.42 along the arc of said curve (Central Angle = 28°25'46" ; Radius = 414.00 feet; Long Chord = N 03°03'26" E, 203.32 feet) to a 1/2" steel rod set for corner; and N 17°16'19" E, 38.86 feet to a 1/2" steel rod set for an interior corner of this tract; N 69°17'00" W, 884.25 feet to a "+" mark in concrete set for the west corner of this tract; and N 20°28'30" E, 560.00 feet to a 1/2" steel rod set in the northeast line of the aforesaid Lot 1, Block A, and in the southwest line of said U.S. Highway 287 for the north corner of this tract;

THENCE along said north line of the aforesaid Lot 1 and the south line of U.S. Highway 287, S 69°04'26" E, 752.91 feet (Deed - S 69°04'31" E) to an "x" cut in concrete for corner and S 72°49'10" E, 207.28 feet (Deed - S 72°47'31" E) to the POINT OF BEGINNING, and containing approximately 13.116 acres of land.

(19)

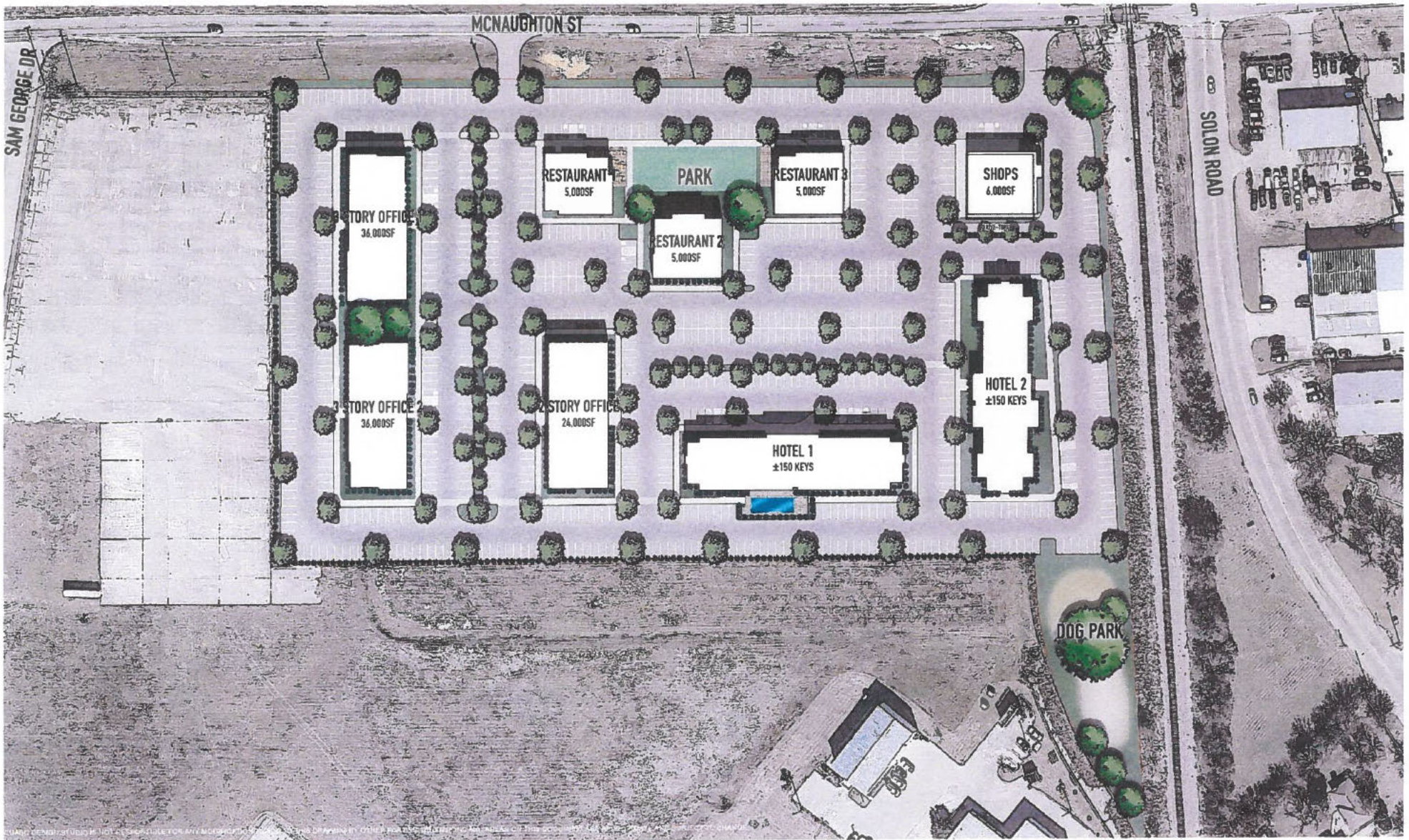
EXHIBIT "B"

CONCEPT PLAN

[See attached.]

EXHIBIT B

(19)



ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-14-HEAVY INDUSTRIAL (PD-14-HI) TO PLANNED DEVELOPMENT-COMMERCIAL (PD-C) LOCATED AT 1601 W US HIGHWAY 287 BYPASS IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING APPROXIMATELY 13.116 ACRES KNOWN AS LOT 1R, BLOCK A OF THE ORIGINAL SPIROLITE ADDITION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, a proper application for a 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-195-2024. 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-14-HI to PD-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 PD-14-HI to PD-C in order to facilitate development of the subject property in a manner that allows multi-tenant retail, restaurant, medical office, and hotel uses on the following property: Lot 1R, Block A of the Spirolite Addition, which is shown on Exhibit A, in accordance with the Planned Development Standards attached as Exhibit B, Concept Facades attached as Exhibit C, Concept Plan attached as Exhibit D, and Pylon Sign Rendering attached as Exhibit E.

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development is to allow for the development of a mixed use 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 drives, driveways, parking, signage, fencing, and amenity areas shall substantially conform to the locations shown on the approved Concept Plan (Exhibit D).

Development Regulations

1. A mutually agreed upon Development Agreement for the development shall be required to be filed within 30-days of City Council approval of ZDC-195-2024.
2. The development shall conform as approved by the City Council under case number ZDC-195-2024.
3. The development shall adhere to the City Council approved in Exhibit A- Location Map, Exhibit B – Planned Development Standards, Exhibit C – Concept Facades, Exhibit D – Concept Plan, and Exhibit E – Pylon Sign Rendering.
4. The Property Owner shall provide a permanent irrigation system for all required landscaping 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 Planned Development Standards (Exhibit B) and Concept Facades (Exhibit C).
6. The retail/restaurant courtyard shall be completed prior to the first completed building. This shall include specialty lighting, shade structure, benches, tables and high-end landscaping as reasonably determined by the Director of Planning.
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.

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.

(20)

PASSED, APPROVED AND ADOPTED on this 21st day of July, 2025.

MAYOR

ATTEST:

City Secretary

LOCATION MAP - EXHIBIT A



(20)

PLANNED DEVELOPMENT

Purpose and Intent

The purpose of this planned development is to create a development that allows commercial uses, 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 as described on **Exhibit A** (the “Property”) shall adhere to the rules and regulations set forth in the Code of Ordinances and the Commercial District (C), except as otherwise provided in this ordinance. The buildings, driveways, parking areas, fencing, and other common areas shall be consistent with those shown on **Exhibit B** (the “Concept Plan”).

The Concept Plan is the general layout of what is intended to be constructed on the Property. It is conceptual in nature and is not a final site plan. The final site plans shall be generally in accordance with Exhibit B; however, building sites, shapes and locations, as well as parking areas, driveways, landscaping, etc. may be adjusted.

Allowed Uses: All permitted uses in the Commercial District (C), including those typically requiring a SUP (such as clinics—dental, medical, or chiropractic—medical facilities, and taverns), shall not require a SUP and are allowed on the Property except for the following prohibited uses:

- Adult Daycare Facility
- Bed and Breakfast Inn
- Cemetery or Mausoleum
- Community Home
- Crematorium
- Dormitory
- Institution for Alcoholic, Narcotic, or Psychiatric Patients
- Juvenile Detention Center
- Rehabilitation Care Facility or Halfway House
- Airport
- Alternative Financial Services
- Animal Pound
- Auto Leasing or Rental
- Auto Parking Lot, Commercial
- Auto Parking Lot, Trucks and Trailers
- Auto Repair, Major
- Auto Repair, Minor or Automotive Care Center
- Auto Sales, Used

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- Bail Bond Agency
- Building Materials and Hardware Sales, Outdoor
- Bus Station or Terminal
- Cabinet or Upholstery Shop
- Car Wash
- Country Club, Private
- Drive-Through Establishment
- Dry Cleaning Establishment, On-Site
- Funeral Home or Mortuary
- Gasoline Sales
- Golf Course
- Hauling, Storage, or Motor Freight Terminal
- Heavy Machinery and Equipment, Rental, Sales or Storage
- Landscape Sales and Installation
- Laundromat
- Metal Recycling Center
- Outside Storage
- Pawn Shop
- Portable Building Sales
- Railroad Freight Depot
- RV Sales
- Specialty Paraphernalia
- Stables, Public
- Tattoo or Body Piercing Shop
- Tire Installation or Repair
- Tool and Equipment Rental
- Truck Stop
- Zoo, Public
- Electrical Generating Plant
- Food Manufacturing or Processing Plant
- Storage Warehouse
- Searchlights
- Dry Cleaning Establishment, Off-Site, except for dry cleaners with retail drop-off and pick up only.
- Animal Hospitals or Kennel, Outdoor Pens.
- Auto Parts and Accessory Sales
- Massage Parlor
- Mini-Warehouse or Self-Storage Facility
- Light Manufacturing

Development Regulations

1. The Property is subject to existing Master Development Agreement dated August 9, 2024 by and between the City of Waxahachie and CSW Waxahachie, LP (“MDA”) including those provisions regarding design and construction of Navarro College Road.
2. A Detailed Site Plan Application per Section 7.01 shall be administratively reviewed and approved in accordance with the Concept Plan. The land uses within the Concept Plan shall generally conform to the Concept Plan as shown on the attached **Exhibit B** incorporated herein by reference.
3. Building and area regulations for all structures are the same standards as set forth in table under Section 3.18 – Commercial (C) unless noted below:

Height Regulations:

Maximum Height: 4 story (60 feet maximum)

Area Regulations:

The setbacks shall only apply to boundary lot lines and not internal lot lines.

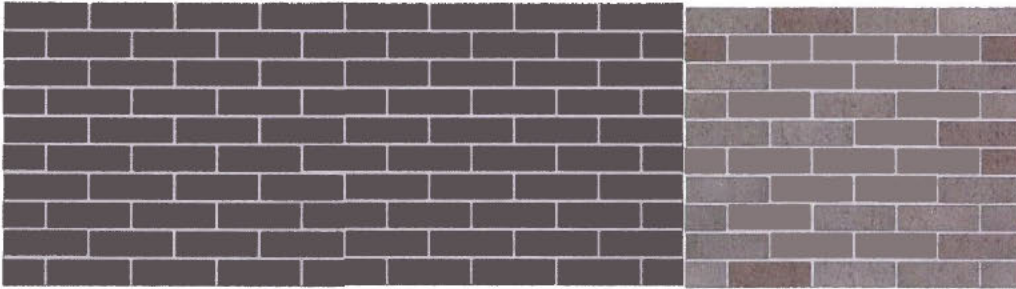
4. Exterior Construction and Building Articulation Requirements. This PD shall meet the exterior construction requirements from Section 5.01 of the zoning ordinance with the following exceptions:
 - a. Section 5.01 (b)(iv)(1)(a) - Metal exterior construction is not allowed unless when the area is not facing or visible from an existing or planned public right-of-way, as identified on the City's Thoroughfare Plan or plat records.
 - b. The Medical Office Buildings (MOBs) will be consistent with Baylor Scott & White and Touchstone Imaging's standard prototype, as shown in the attached **Exhibit C**, and with respect to those two users, i, ii, iii, below shall apply.
 - i. The MOBs are not required to comply with horizontal or vertical articulation requirements in Section 5.01(b)(iv)(6).
 - ii. The MOBs are exempt from window and glazing requirements pursuant to Section 5.01(b)(iv)(7)(b)(v) on the rear façade of each building.
 - iii. The front of the MOBs shall be designated as the side of the building containing the main entrance.
 - c. The Restaurants and Hotels will be similar to the conceptual building facades that are attached as **Exhibit C**. The actual elevations will be consistent with the look and feel of the attached pictures except for any national or regional restaurants brands. The architectural style and design shall be governed by the national branding for such users. Hotels shall incorporate the materials and colors outlined below, at a minimum on the first floor.
 - d. The Multi-Tenant Retail will consist of materials and colors outlined below that have been thoughtfully chosen to promote architectural harmony and visual cohesion across all buildings within the project. A focus on softer hues and neutral tones helps establish a timeless, elegant aesthetic. These guidelines are intended to provide a consistent design framework for future development while allowing

for flexibility to incorporate prototypical retail colors and branding elements where appropriate. This balance ensures both uniformity and creative expression, supporting a cohesive yet dynamic visual identity for the entire project.

- e. Minor adjustments to the design standards in this Section 4 can be approved administratively by the Director of Planning.
- f. For all buildings, the parapet shall not be included in calculations for window or glazing requirements.

Masonry

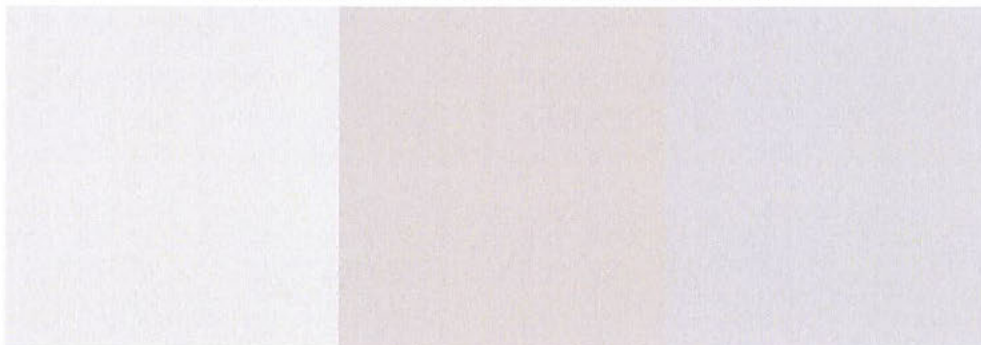
Brick with a neutral tone:



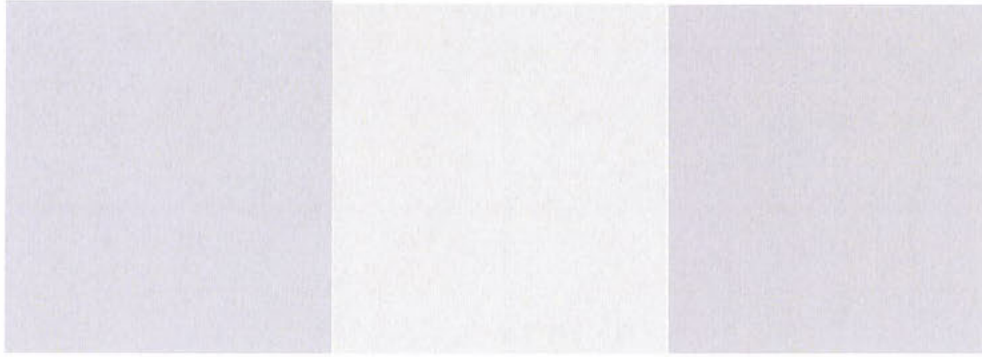
Natural Limestone – Sand / White



Stucco/Concrete Colors: Neutral / Softer Hues



Stucco/Concrete Colors: Neutral / Softer Hues (continued)



Storefront

Black Bronze - Dark Bronze – Medium Bronze



Metal Panels

Natural Earth Colors



Main Facade at Pedestrian/Office Entrance: (Exterior building sides which face a public street and is utilized as the primary pedestrian entrance)

Main Facade at Pedestrian/Office Elements: Two (2) masonry materials which comprise 100% of the vertical surface area of the main facade. Masonry accent material is defined as either brick, stone, cast stone, cultured stone, tilt wall concrete or Portland cement (stucco). Metal panel or engineered wood may substitute for masonry on a maximum of 25% of each facade.

Alternate design description for single story building:

Design Under Building Massing and Design

- a. All buildings within the Commercial district are encouraged to be simple and contemporary in their form and architectural detailing, emphasizing controlled massing, scale, proportion, and their potential to shape and define the sidewalk space and street along the building frontage.
 - b. Architectural variation in massing and in surface treatments should be designed to relieve the long facades facing streetscapes and parking lots.
 - c. All sides of buildings should be designed with articulated facades of the same quality and materiality. Design building massing that is diverse, architecturally engaging, and harmoniously integrated with the landscape
5. Fencing, Walls, and Screening Requirements. This PD shall meet the fencing requirements from Section 5.03 of the zoning ordinance with the following exceptions:
- a. Section 5.03 (d) - A 4-foot tall ornamental metal fence shall be allowed around the detention pond.
 - b. Section 5.03 (d) – An ornamental metal fence shall be allowed around the pool.
 - c. Section 5.03 (f)(ix) - Refuse storage areas, not within a screened rear service area, which are visible from a public right-of-way, for all nonresidential, multifamily and manufactured home park uses shall be visually screened by a six (6) foot masonry wall on all sides except the side used for garbage pickup service, such side shall provide a gate, see Article IX for gate design. This wall shall be required to be screened by evergreen shrubs.
6. Landscape Requirements. This PD shall meet the landscaping requirements from Section 5.04 of the zoning ordinance with the following exceptions:
- a. Section 5.04 (e)(iii)(2) - The required landscape area shall be 30% of the floor area.
 - b. Section 5.04 (e)(iv)(1) - Ground Cover shall be 10% of required area
 - c. Section 5.04 (f)(iv) - All off-street parking areas must supply at least 9.75 square feet of parking lot landscaping per parking space.
 - d. Section 5.04 (f)(vi) - Two (2), four (4) inch caliper trees and ten (10) shrubs must be planted for each six hundred fifty (650) square feet of required parking lot landscape area, or portion thereof.
 - e. Section 5.04 (g)(i)(1) - For all nonresidential and multifamily parcels with less than two hundred fifty (250) feet of frontage adjacent to a dedicated public right-of-way, at least ten (10) percent of the street yard shall be permanent landscape area.
 - f. Section 5.04 (g)(i)(2) - Nonresidential and multifamily parcels having two hundred fifty (250) feet or more of frontage shall have at least fifteen (15) percent of the street yard in permanent landscape area.
 - g. Section 5.04 (g)(ii)(4) - Within the landscape buffer 4” caliper trees shall be provided and spaced at one tree per fifty (50) feet adjacency to the roadway.
 - h. Section 5.04 (g)(vi)(3) - All trees shall be a minimum of six (6) caliper inches measured at DBH above finished grade immediately after planting.
 - i. Section 5.04 (g)(vi)(4) Street trees must be planted at the average rate of one (1) tree for every fifty (50) feet of street frontage.

- j. Utilities may be installed within the landscape buffer, provided that a minimum separation distance of eight (8) feet is maintained between the utility infrastructure and any landscaping elements.
 - k. Subject to the reasonable approval of the Planning Director or his/her designee, landscape buffers, parking landscaping, open spaces and detention ponds shall be included in the required landscape area calculations.
 - l. A retail/restaurant courtyard shall be completed prior to the first completed building, this shall include specialty lighting, shade structure, benches, tables, and high-end landscaping as reasonably determined by the Director of Planning.
 - m. Street trees and buffer planting will be credited against on-site landscaping requirements at the reasonable discretion of the Planning Director or his/her designee.
 - n. Section 5.04 (i)(iii)(2) - Minimum plant size when planted shall be as follows:
 - i. Canopy Tree: 50% 2" caliper, 50% 4" caliper measured 6" above grade
 - ii. Multi-Trunk: 6 feet (height)
7. Sign Regulations. This PD shall meet the sign requirements from Section 5.08 of the zoning ordinance with the following exceptions:
- a. Section 5.08 (d)(ii)(13) – Monument Signs:
Multiple Tenants - Maximum Size Area: 144 square feet each side. Maximum Height: 14 feet measured from grade.
 - b. Section 5.08 (d)(ii)(15) - Pole Sign and Pylon Sign:
 - i. Setbacks: All signs greater than fifty (50) feet in height shall be set back a minimum distance of twenty-seven (27) feet.
 - ii. Maximum Size Area: 300 square feet each side for up to fifty (50) feet tall. Signs between fifty-one (51) and seventy-five (75) feet may be 300 square feet each side.
8. Hotel Standards. This PD shall meet the hotel standards from Section 5.11 of the zoning ordinance with the following exceptions:
- a. Section 5.11 (a)(iii) - Must provide either a restaurant, or a coffee shop or food shop that can be self-served during daylight hours.
 - b. Section 5.11 (a)(iv) - If a restaurant is not provided, in addition to the coffee or food shop, a breakfast area that opens to a seating area of no less than five hundred (500) square feet must be provided.
 - c. Section 5.11 (a)(v) - Must provide a boardroom, meeting room, or hospitality room of no less than four hundred (400) square feet.
 - d. Section 5.11 (a)(vi) - Must provide a swimming pool, interior or exterior, of no less than six hundred (600) square feet of water surface area.
9. Stormwater detention shall be required to account for the difference between the pre-development conditions and any new impervious cover introduced by the proposed development.
10. Not all lots are required to have direct frontage on a public road, provided that alternative

access, such as via easements or private roads, is adequately established in accordance with applicable regulations.

11. A set of restrictive covenants applicable to the entire development will ensure the maintenance of landscaping, commonly owned facilities, and open spaces. These restrictions will be recorded to guarantee that aesthetic and functional standards are maintained by all owners, with enforcement mechanisms managed by the Developer and subsequent owners. The restrictive covenants will be provided prior to Plat approval.
12. 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.
13. The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.
14. A sidewalk is not required along the HWY 287 frontage.
15. An Escrow Agreement may be negotiated with the City at the time of platting to allow the Plat to be recorded prior to the installation of required public utility improvements. The Escrow Agreement shall secure the Developer's obligation to complete the required utility installation and shall include provisions permitting the Developer to draw upon the escrowed funds, subject to terms acceptable to the City, as the improvements are installed.
16. The subject Property shall perform a Traffic Impact Analysis (TIA) as required by the City of Waxahachie and the Texas Department of Transportation (TxDOT). Improvements identified by the TIA which have been agreed upon to be constructed by the Developer shall satisfy any and all traffic/transportation mitigation requirements for both the City of Waxahachie and TxDOT. The construction cost and associated design and permitting costs for improvements constructed by the Property shall be credited toward the Roadway Impact Fee associated with the Project.

PASSED, APPROVED, AND ADOPTED on this **X**th day of **X**, 2024.

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Exhibit A

LEGAL DESCRIPTION OF THE PROPERTY

FOR A 13.118 ACRE TRACT OF LAND SITUATED IN THE JONATHAN E. PRINCE SURVEY, ABSTRACT NO. 844 AND THE JOHN B. BOUNDS SURVEY, ABSTRACT NO. 99, ELLIS COUNTY, TEXAS AND BEING ALL OF LOT 1R, BLOCK A, FINAL PLAT LOT 1R IN BLOCK A SPIROLITE ADDITION, A SUBDIVISION RECORDED IN CABINET H, SLIDE 365 OF THE PLAT RECORDS OF ELLIS COUNTY, TEXAS. SAID 13.118 ACRE TRACT OF LAND BEING SURVEYED ON THE GROUND BY DIAMOND SURVEYING DURING THE MONTH OF SEPTEMBER 2024, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod found monumenting the northwest corner of said Lot 1R, Block A and the most northerly northeast corner of the remnant portion of Lot 1, Block A, Final Plat Spirolite Addition, a subdivision recorded in Cabinet B, Slide 623 of the Plat Records of Ellis County, Texas same being on the south right-of-way line of U.S. Highway 287 Bypass (variable width right-of-way), for the northwest corner and **POINT OF BEGINNING** hereof, from which an iron rod found with cap marked "WEICSER-ENG HOUSTON" monumenting an angle point on the north boundary line of said Lot 1, Block A and said south right-of-way line of U.S. Highway 287 Bypass, bears N 69°51'54" W for a distance of 249.27 feet;

THENCE, with the north boundary line of said Lot 1R, Block A and said south right-of-way line of U.S. Highway 287 Bypass, the following two (2) courses and distances:

1. **S 69°51'54" E** for a distance of **752.92 feet** to an "X" scribe mark found in concrete;
2. **S 73°38'02" E** for a distance of **207.21 feet** to a 1/2" iron rod found monumenting the northeast corner of said Lot 1R, Block A, same being on the west right-of-way line of the M.T.K. Railroad (100' right-of-way width), from which a 1/2" iron rod found monumenting the intersection of said south right-of-way line of U.S. Highway 287 Bypass and the east right-of-way line of said M.T.K. Railroad, bears S 73°26'22" E for a distance of 99.98 feet;


THENCE, **S 16°27'47" W** with the east boundary line of said Lot 1R, Block A and said west right-of-way line of the M.T.K. Railroad for a distance of **913.40 feet** to an iron rod found with cap marked "RPLS 4466" monumenting the southeast corner of said Lot 1R, Block A and an angle point in the east boundary line of said remnant portion of Lot 1, Block A, for the southeast corner hereof;

THENCE, with the south boundary line of said Lot 1R, Block A common with said remnant portion of Lot 1, Block A, the following five (5) courses and distances:

1. With a curve to the left an arc length of **71.09 feet**, said curve having a radius of **537.80 feet**, a delta angle of **7°34'24"** and a chord which bears **N 07°44'43" W** for a distance of **71.04 feet** to a calculated point on the end of this curve;
2. **N 11°47'28" W** for a distance of **60.10 feet** to an iron rod found with cap marked "RPLS 4466" monumenting the beginning of a curve to the right;
3. With said curve to the right an arc length of **205.50 feet**, said curve having a radius of **414.00 feet**, a delta angle of **28°26'23"** and a chord which bears **N 02°15'56" E** for a distance of **203.39 feet** to an iron rod found with cap marked "RPLS 4466" on the end of this curve;
4. **N 16°24'41" E** for a distance of **38.72 feet** to an iron rod found with cap marked "RPLS 4466" monumenting an interior ell corner of said Lot 1R, Block A and an exterior ell corner of said remnant portion of Lot 1, Block A;
5. **N 70°03'59" W** for a distance of **884.23 feet** to a PK Nail set in concrete on the southwest corner of said Lot 1R, Block A, same being an interior ell corner of said remnant portion of Lot 1, Block A, for the southwest corner hereof;

THENCE, **N 19°41'33" E** with the west boundary line of said Lot 1R, Block A common with said remnant portion of Lot 1, Block A for a distance of **560.00 feet** to the **POINT OF BEGINNING** hereof and containing 13.118 acres of land more or less.

Bearing Basis: NAD-83, Texas North Central Zone (4202) State Plane System. Distances shown hereon are surface distances based on a combined surface adjustment factor of 1.00009.

 **DIAMOND SURVEYING, INC.**
 116 SKYLINE ROAD, GEORGETOWN, TX 78628
 (512) 931-3100
 T.B.P.E.L.S. FIRM NUMBER 10006900

Shane Shafer

September 27, 2024

SHANE SHAFER, R.P.L.S. NO. 5281 DATE



Exhibit C

Examples of Acceptable Building Facades for Multi-Tenant Retail



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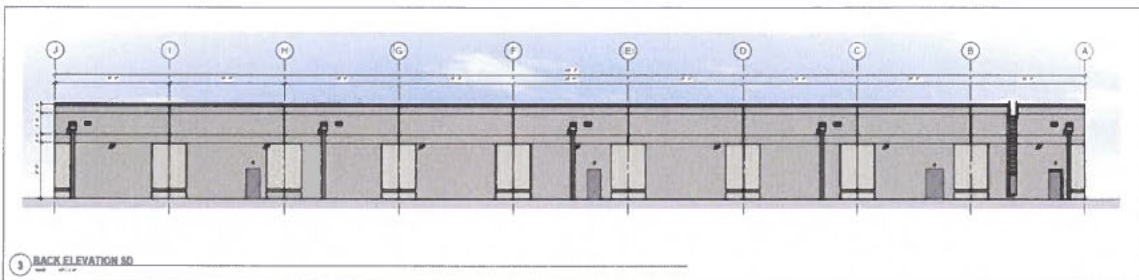


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Examples of Acceptable Building Facades for Hotels



Example of Acceptable Building Facades for MOB



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PYLON SIGN RENDERING - EXHIBIT E

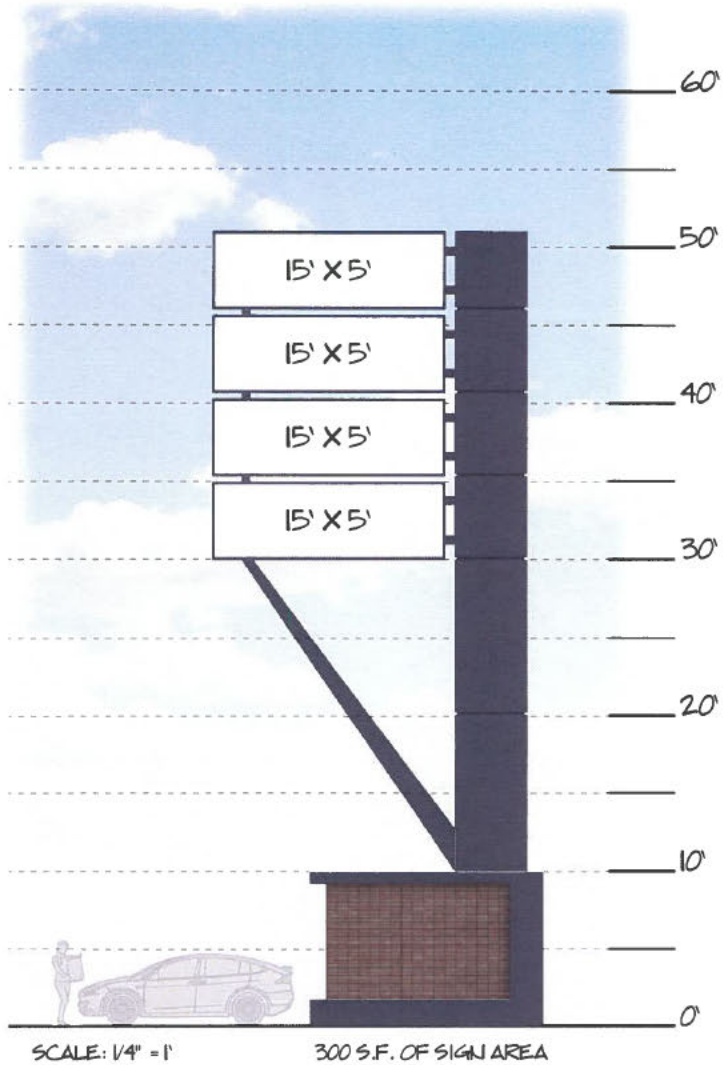
CROSSROADS 287

WAXAHACHIE, TX

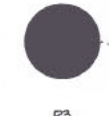
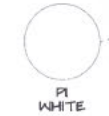
PYLON SIGN CONCEPTS



PYLON SIGN RENDERING - EXHIBIT E



COLORS AND FINISHES TO DRAW FROM ARCHITECTURAL ELEMENTS USED THROUGHOUT THE DEVELOPMENT



JOB # 1861

MOONTOWER SIGNAGE & BRANDING

7950 ANDERSON SQUARE, SUITE 100
AUSTIN, TX 78755
HELLO@MOONTOWERSIGNAGE.COM
512.766.1318
WWW.MOONTOWERSIGNAGE.COM

CROSSROADS 28
HWY 287 @ MCWALIGHTON S.
WAXAHACHIE, TX

DATE
MAR 3, 2025

SALES REP
JOE ANDERSON

DRAWING ID
#1861 - PG. 2

CLIENT APPROVAL

X

D

LANDLORD APPROVAL

X

D

MEMBER OF



UL INSTALLATION REQUIREMENTS

THIS SIGN 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.

STATE OF TEXAS § DEVELOPMENT AGREEMENT FOR
 § CROSSROADS 287
 COUNTY OF ELLIS §

THIS DEVELOPMENT AGREEMENT ("Agreement") is entered into by and between the City of Waxahachie, Texas ("City"), and Central Southwest Texas Development, LLC ("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 mixed use on approximately 13.116 acres of land generally located at 1601 W US Highway 287 Bypass, Parcel Number 239122 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 July 21, 2025, when the City Council approved a Planned Development for the Property, contained in Ordinance No. [REDACTED], 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 and Exhibit C, 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.

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. Further, Developer shall plat the Property prior to the submission of any applications for any building permit.

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 W US Highway 287 Bypass, 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.

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: Central Southwest Texas Development, LLC
1703 W. 5th Street, 8th Floor
Austin, TX 78703
Attention: Robert O'Farrell

with a copy to: Metcalf Wolff Stuart & Williams
221 W. 6th Street
Suite 1300
Austin, TX 78701
Attention: Steven Metcalfe

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 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]

(21)

CITY:

THE CITY OF WAXAHACHIE, TEXAS

By: _____

Name: Ricky Boyd

Title: Interim City Manager

STATE OF TEXAS)

COUNTY OF ELLIS)

This instrument was acknowledged before me on the ____ day of _____, 202__, by Ricky Boyd, Interim City Manager of the City of Waxahachie, Texas, on behalf of the City of Waxahachie, Texas.

Notary Public, State of Texas
My Commission Expires: _____

(21)

DEVELOPER:

Central Southwest Texas Development, LLC ,a
Texas (corporation)

By: _____

Name: _____

Title: _____

STATE OF _____)

COUNTY OF _____)

This instrument was acknowledged before me on the ___ day of _____, 202__, by _____ in his/her capacity as _____ of _____, a _____, known to be the person whose name is subscribed to the foregoing instrument, and that he/she executed the same on behalf of and as the act of Developer.

Notary Public, State of _____

My Commission Expires: _____

(21)

EXHIBIT A

(Property Legal Description)

Property Description: Ellis County Appraisal District Parcel Number 239122.

EXHIBIT B**(Building Materials/Elevations Requirements)**

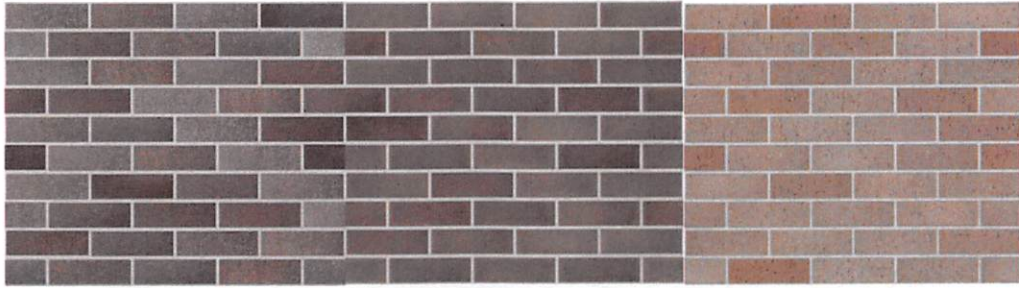
Exterior Construction and Building Articulation Requirements. This PD shall meet the exterior construction requirements from Section 5.01 of the zoning ordinance with the following exceptions:

- a. Section 5.01 (b)(iv)(1)(a) - Metal exterior construction is not allowed unless when the area is not facing or visible from an existing or planned public right-of-way, as identified on the City's Thoroughfare Plan or plat records.
- b. The Medical Office Buildings (MOBs) will be consistent with Baylor Scott & White and Touchstone Imaging's standard prototype, as shown in the attached **Exhibit C**, and with respect to those two users, i, ii, iii, below shall apply.
 - i. The MOBs are not required to comply with horizontal or vertical articulation requirements in Section 5.01(b)(iv)(6).
 - ii. The MOBs are exempt from window and glazing requirements pursuant to Section 5.01(b)(iv)(7)(b)(v) on the rear façade of each building.
 - iii. The front of the MOBs shall be designated as the side of the building containing the main entrance.
- c. The Restaurants and Hotels will be similar to the conceptual building facades that are attached as Exhibit C. The actual elevations will be consistent with the look and feel of the attached pictures except for any national or regional restaurants brands. The architectural style and design shall be governed by the national branding for such users. Hotels shall incorporate the materials and colors outlined below, at a minimum on the first floor.
- d. The Multi-Tenant Retail will consist of materials and colors outlined below that have been thoughtfully chosen to promote architectural harmony and visual cohesion across all buildings within the project. A focus on softer hues and neutral tones helps establish a timeless, elegant aesthetic. These guidelines are intended to provide a consistent design framework for future development while allowing for flexibility to incorporate prototypical retail colors and branding elements where appropriate. This balance ensures both uniformity and creative expression, supporting a cohesive yet dynamic visual identity for the entire project.
- e. Minor adjustments to the design standards in this Section 4 can be approved administratively by the Director of Planning.
- f. For all buildings, the parapet shall not be included in calculations for window or glazing requirements.

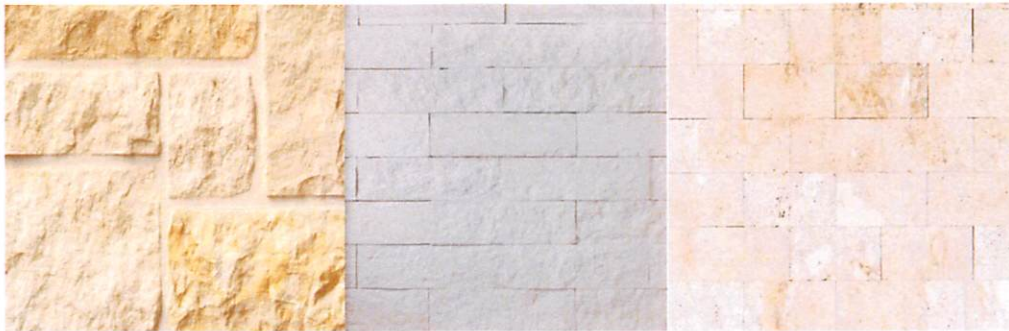
(21)

Masonry

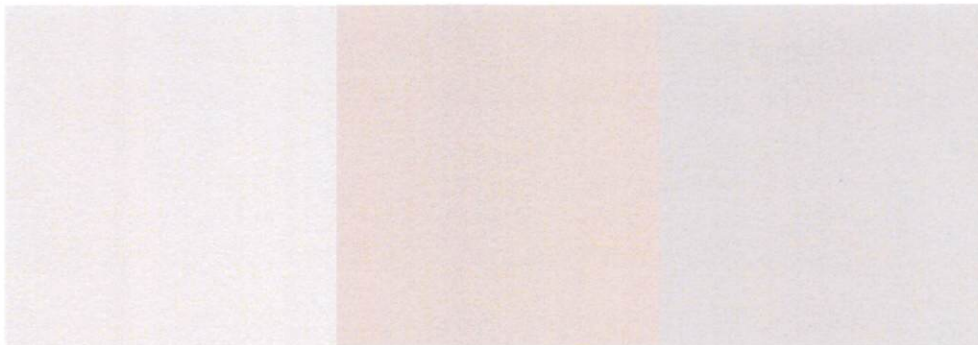
Brick with a neutral tone:



Natural Limestone – Sand / White

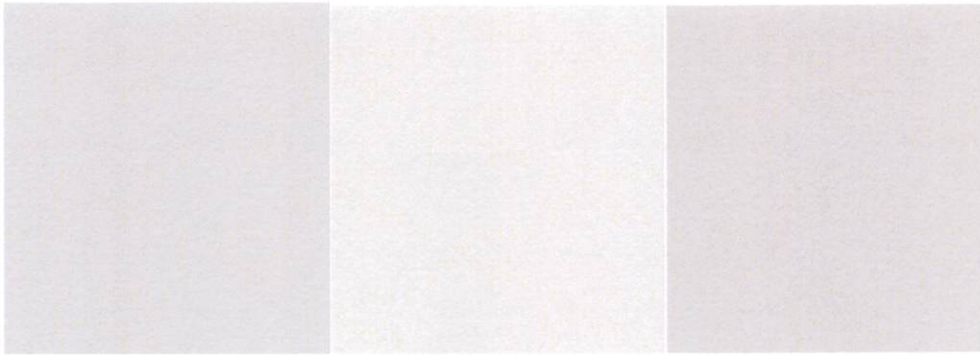


Stucco/Concrete Colors: Neutral / Softer Hues



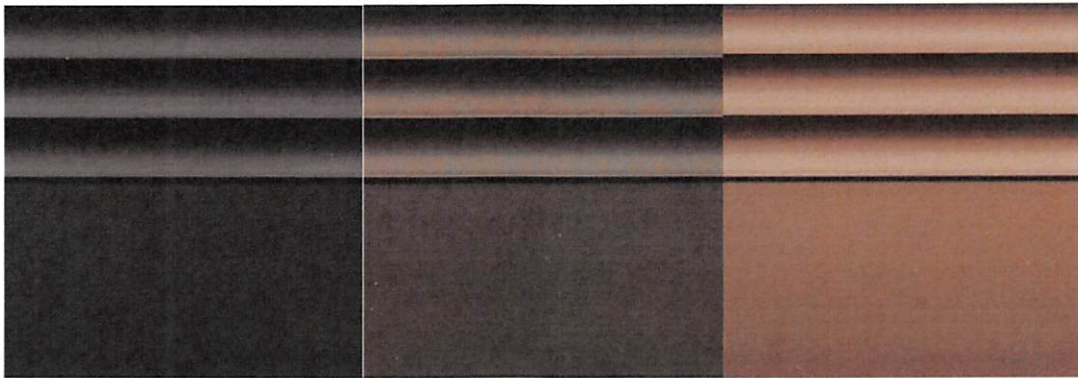
(21)

Stucco/Concrete Colors: Neutral / Softer Hues (continued)



Storefront

Black Bronze - Dark Bronze – Medium Bronze



Metal Panels

Natural Earth Colors



Main Facade at Pedestrian/Office Entrance: (Exterior building sides which face a public street and is utilized as the primary pedestrian entrance)

Main Facade at Pedestrian/Office Elements: Two (2) masonry materials which comprise 100% of the vertical surface area of the main facade. Masonry accent material is defined as either brick, stone, cast stone, cultured stone, tilt wall concrete or Portland cement (stucco). Metal panel or engineered wood may substitute for masonry on a maximum of 25% of each facade.

Alternate design description for single story building:

Design Under Building Massing and Design

- a. All buildings within the Commercial district are encouraged to be simple and contemporary in their form and architectural detailing, emphasizing controlled massing, scale, proportion, and their potential to shape and define the sidewalk space and street along the building frontage.
- b. Architectural variation in massing and in surface treatments should be designed to relieve the long facades facing streetscapes and parking lots.
- c. All sides of buildings should be designed with articulated facades of the same quality and materiality. Design building massing that is diverse, architecturally engaging, and harmoniously integrated with the landscape.

(21)

EXHIBIT C

(Examples of Acceptable Building Facades)

(21)

Exhibit C

Examples of Acceptable Building Facades for Multi-Tenant Retail



(21)



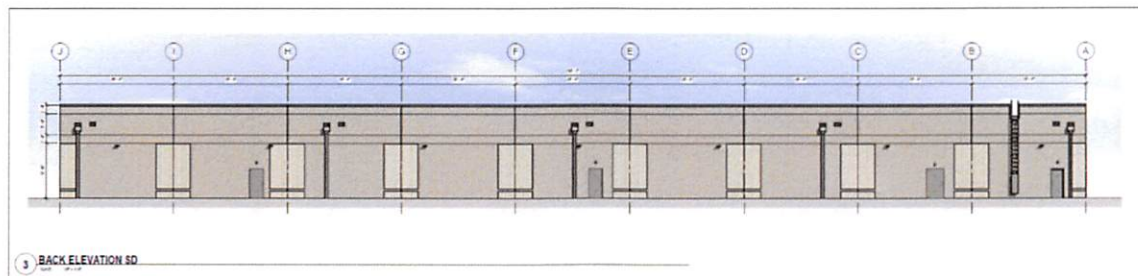
(21)

Examples of Acceptable Building Facades for Hotels



(21)

Example of Acceptable Building Facades for MOB



(22+23)



Memorandum

To: Honorable Mayor and City Council

From: Trenton Robertson, Senior Director of Planning

Thru: Ricky Boyd, Interim City Manager *TRB*

Date: July 16, 2025

Re: ZDC-75-2025 – Planned Development – General Retail (Sam's Club)

On July 15, 2025, the Applicant has requested to continue this application to the August 12, 2025 Planning and Zoning and the September 2, 2025 City Council meetings from the July 15, 2025 Planning and Zoning and the July 21, 2025 City Council meetings to refine their proposal and address citizens' concerns.