

# **A G E N D A**

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas to be held in the Council Chamber at City Hall, 401 S. Rogers on **Monday, March 15, 2021 at 7:00 p.m.**

Council Members: David Hill, Mayor, Council Member Place 1  
Mary Lou Shipley, Mayor Pro Tem  
Chuck Beatty, Council Member  
Melissa Olson, Council Member Place 3  
Doug Barnes, Council Member Place 2

1. Call to Order
2. Invocation
3. Pledge of Allegiance and Texas Pledge of Allegiance
4. **Public Comments:** Persons may address the City Council on any issues. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code.

5. **Consent Agenda**

All matters listed under Item 5, Consent Agenda, are considered 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 March 1, 2021
  - b. Minutes of the City Council briefing of March 1, 2021
  - c. Renewal of parking and loading zone lease spaces
  - d. Event application for mini COVID-19 Vaccine Hub at Lee Penn Park on March 20, 2021
6. **Public Hearing** on a request by Christopher Morris, for a **Replat** of Part of Lot 9, Block 106 and a Part of Lot 7, Block 158, Town Addition, to create Lot 1 and Lot 2, Block 1, Morris Addition, 0.581 acres (Property ID 171111) – Owner: CHRISTOPHER & AMY K. MORRIS (SUB-9-2021)
  7. **Consider** request by Sterling Reid, Reid Construction, LLC, for a Replat of Lot 14, Block 63, Town Addition, to create Lot 1 and Lot 2, Block 1, Sterling Addition, 0.371 acres (Property ID 170997) – Owner: REID CONSTRUCTION, LLC (SUB-183-2021)
  8. **Public Hearing** on a request by Regina Sias, Nina’s House Child Care, for a Specific Use Permit (SUP) for Family Home use within a Planned Development – Single Family – 3 zoning district located at 205 Nottingham Drive (Property ID 220880) - Owner: CHRIS, SHERRIE, & DIANE CARLINO (ZDC-8-2021)

9. **Consider** proposed Ordinance approving ZDC-8-2021
10. **Continue Public Hearing** on a request by Islam Diab, ADTM Engineering & Construction Corp., for a **Zoning Change** from a General Retail and Planned Development-Single Family Residential-3 zoning district to Planned Development-General Retail, located at the SW corner of Farley Street at Highway 287 (Property ID 181802) - Owner: KSAM LLC (ZDC-186-2021)
11. **Consider** proposed Ordinance approving ZDC-186-2021
12. **Consider** Development Agreement for ZDC-186-2021
13. **Consider** authorizing professional engineering services with Criado & Associates for the Katy Trunk Sewer and Southwest Interceptor Capital Improvement Projects
14. **Discuss, consider and act** on approving Resolution of the City of Waxahachie, Texas determining the costs of certain authorized improvement to be financed by the North Grove Public Improvement District; approving a preliminary service plan and assessment plan, including proposed assessment roll for Improvement Area #2; calling a meeting and noticing a public hearing for April 19, 2021 to consider an ordinance levying assessments on property located within Improvement Area #2 of the North Grove Public Improvement District; directing the filing of the proposed assessment roll with the City Secretary to make available for public inspection; directing City staff to publish and mail notice of said public hearing; and resolving other matters incident and related thereto
15. **Consider** proposed Resolution accepting a petition to create the Emory Lakes Public Improvement District, calling for a public hearing to consider the feasibility and advisability of establishing the district and authorizing and directing the publication and mailing of notices of the public hearing
16. **Discuss** appointment of Comprehensive Plan Committee and take any necessary action
17. Comments by Mayor, City Council, City Attorney and City Manager
18. Adjourn

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

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City Council  
March 1, 2021

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers on Monday, March 1, 2021 at 7:00 p.m.

Council Members Present: David Hill, Mayor, Council Member Place 1  
Mary Lou Shipley, Mayor Pro Tem  
Chuck Beatty, Council Member  
Melissa Olson, Council Member Place 3  
Doug Barnes, Council Member Place 2

Others Present: Michael Scott, City Manager  
Albert Lawrence, Assistant City Manager  
Tommy Ludwig, Assistant City Manager  
Robert Brown, City Attorney  
Amber Villarreal, Assistant City Secretary

**1. Call to Order**

Mayor David Hill called the meeting to order.

**2. Invocation**

**3. Pledge of Allegiance and Texas Pledge of Allegiance**

City Manager Michael Scott gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Public Comments**

Pastor Dave Fortunato, God's House in Lone Elm, inquired about the meaning of buffer zone on his property notification he received.

Mr. Chris Wright, 808 W. Marvin, Waxahachie, Texas, thanked City Council for their work during the snowstorm and for opening up the convenience station to dump trash. He announced the Waxahachie Running Indians play in the regional semi-finals on Tuesday, March 2<sup>nd</sup> and wished them luck. He noted Emory Lakes has been in the process of being developed for many years as farmers have been selling their land to the development group. He encouraged citizens to stay in tune and requested alternate options to notify the public who are not on social media. Mr. Wright acknowledged one City Council candidate in the audience and encouraged all candidates to attend Planning & Zoning Commission meetings as well as City Council meetings.

**5. Consent Agenda**

- a. Minutes of the City Council meeting of February 15, 2021
- b. Minutes of the City Council briefing of February 15, 2021
- c. Minutes of the City Council meeting of February 18, 2021
- d. Minutes of the City Council briefing of February 18, 2021
- e. Minutes of the City Council meeting of February 22, 2021
- f. Minutes of the City Council briefing of February 22, 2021
- g. Event application for St. Jude Car Show on October 2, 2021
- h. Event application for 2021 Junk in the Trunk dates

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- i. Authorizing Funding from Park Dedication Fees for Additional Costs Associated with Chapman Park and Lions Park Restrooms
- j. Ratify funding recommendations from TIRZ meeting of February 23, 2021

**Action:**

*Council Member Chuck Beatty moved to approve items a. through j. on the Consent Agenda. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

- 6. **Consider request by Marshall Patton, KFM Engineering & Design, for a Plat of Buffalo Ridge, Phase 6, for 177 lots, being 55.5859 acres situated in the W Dunn Survey, Abstract 303, and the W Calder Survey, Abstract 235 (Property ID 264869) – Owner: GRBK EDGEWOOD LLC (SUB-4-2021)**

Planning Director Shon Brooks presented the case noting the applicant is requesting to plat the subject property into a sixth phase of the Buffalo Ridge subdivision. The applicant is also requesting a petition of relief waiver from City Council to allow for 10-foot utility easement setbacks instead of the 15-foot utility easement setbacks required in the Waxahachie Subdivision Ordinance. Staff recommended approval of the plat and approval of the petition of relief waiver.

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to approve a request by Marshall Patton, KFM Engineering & Design, for a Plat of Buffalo Ridge, Phase 6, for 177 lots, being 55.5859 acres situated in the W Dunn Survey, Abstract 303, and the W Calder Survey, Abstract 235 (Property ID 264869) – Owner: GRBK EDGEWOOD LLC (SUB-4-2021) and approve the petition of relief waiver. Council Member Melissa Olson seconded, All Ayes.*

- 7. **Consider request by Chad Crawford, Brittain and Crawford, for a Plat of Garden Valley Addition for 1 lot, being 11.871 acres situated in the JB & Ann Adams Survey, Abstract 5 (Property ID 242239) – Owner: GARDEN VALLEY APARTMENTS LLC (SUB-5-2021)**

Mr. Brooks presented the case noting the applicant is requesting to plat this property for continued multi-family use. The applicant is also requesting a petition of relief waiver from City Council to waive park land dedication fees for the subject property in the amount of \$85,200.00. Staff and the Planning and Zoning Commission recommended approval of the plat and denial of the petition of relief waiver. He noted staff worked with the applicant in 2017 on sewer capacity and other items to help get the multi-family property open.

Mr. Nic Balsamo, 1701 N. Market Street, Dallas, Texas, acknowledged the park land dedication fees were missed by the developer and is requesting the option to dedicate a portion of the detention pond, which will be beautified, as a portion of the park land dedication fees.

Mr. Scott noted the Subdivision Ordinance does not allow the use of a detention pond in lieu of fees and noted staff does not recommend approval of the offer to use the detention pond in lieu of fees.

**Action:**

*Council Member Melissa Olson moved to approve a request by Chad Crawford, Brittain and Crawford, for a Plat of Garden Valley Addition for 1 lot, being 11.871 acres situated in the JB & Ann*

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*Adams Survey, Abstract 5 (Property ID 242239) – Owner: GARDEN VALLEY APARTMENTS LLC (SUB-5-2021) and deny petition of relief waiver. Council Member Doug Barnes seconded, All Ayes.*

8. **Public Hearing on a request by Michael Head, Kosmos Solar, for a Specific Use Permit for Rooftop Solar Panel System use within a Single Family-2 zoning district, located at 203 Shetland Court (Property ID 267630) – Owner: MATTHEW J & NICHOLE L CANUTE (ZDC-6-2021)**

Mayor Hill opened the Public Hearing.

Mr. Brooks presented the case noting the applicant is requesting a Specific Use Permit (SUP) to allow for the placement of solar panels on the rooftop elevation facing the front right-of-way. He explained staff recommended denial per Sec. 5.01 of the Zoning Ordinance, solar panels shall not be installed on rooftop elevations facing the front right-of-way.

Mr. Parry DuBois, Kosmos Solar, 6262 Castle Creek, Arlington, Texas, requested approval on behalf of the applicant noting the property is located in a cul-de-sac and the State of Texas keeps POA's or HOA's from restricting solar on the rooftop.

Mr. Chris Wright, 808 W. Marvin, Waxahachie, Texas, expressed his concern with setting a precedent if this exception to the Zoning Ordinance is approved.

There being no others to speak for or against ZDC-6-2021, Mayor Hill closed the Public Hearing.

9. **Consider proposed Ordinance approving ZDC-6-2021**

**Action:**

*Council Member Doug Barnes moved to deny ZDC-6-2021. Council Member Chuck Beatty seconded, the vote was as follows: Ayes: David Hill, Mary Lou Shipley, Chuck Beatty, and Doug Barnes. Noes: Melissa Olson.*

*The motion carried.*

10. **Public Hearing on a request by Islam Diab, ADTM Engineering & Construction Corp., for a Zoning Change from a General Retail and Planned Development-Single Family Residential-3 zoning district to Planned Development-General Retail, located at the SW corner of Farley Street at Highway 287 (Property ID 181802) - Owner: KSAM LLC (ZDC-186-2021)**

Mayor Hill opened the Public Hearing and announced the Public Hearing will be continued to the March 15, 2021 City Council meeting.

11. **Consider proposed Ordinance approving ZDC-186-2021**

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to continue the Public Hearing on a request by Islam Diab, ADTM Engineering & Construction Corp., for a Zoning Change from a General Retail and Planned Development-Single Family Residential-3 zoning district to Planned Development-General Retail,*

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*located at the SW corner of Farley Street at Highway 287 (Property ID 181802) - Owner: KSAM LLC (ZDC-186-2021) to the March 15, 2021 City Council Meeting. Council Member Chuck Beatty seconded, All Ayes.*

- 12. **Public Hearing on a request by Ed Fleming, Walton Global Holdings, LTD, for a Zoning Change from a Future Development and Planned Development (Ordinance #2330) zoning district to a Planned Development-Mixed Use Residential (MUR) with Concept Plan, located South of FM 875, West of I-35, North of FM 1446, and East of Lone Elm Road (Property IDs 182520, 264568, 263786, 192306, 234203, 179534, 187960, 179468) - Owner: WALTON TEXAS LP (ZDC-7-2021)**

Mayor Hill opened the Public Hearing and announced the Public Hearing will be continued to the April 5, 2021 City Council meeting.

- 13. **Consider proposed Ordinance approving ZDC-7-2021**

**Action:**

*Council Member Chuck Beatty moved to continue the Public Hearing on a request by Ed Fleming, Walton Global Holdings, LTD, for a Zoning Change from a Future Development and Planned Development (Ordinance #2330) zoning district to a Planned Development-Mixed Use Residential (MUR) with Concept Plan, located South of FM 875, West of I-35, North of FM 1446, and East of Lone Elm Road (Property IDs 182520, 264568, 263786, 192306, 234203, 179534, 187960, 179468) - Owner: WALTON TEXAS LP (ZDC-7-2021) to the April 5, 2021 City Council meeting. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

- 14. **Public Hearing on amending the guidelines and criteria (policy) for governing Economic Development**

Mayor Hill opened the Public Hearing for amending the guidelines and criteria (policy) for governing Economic Development.

Economic Development Director Warren Kettman requested approval of a resolution amending the guidelines and criteria (policy) for governing economic development incentives. He explained the Texas State Code requires that local governments review and renew their guidelines and criteria for governing Economic Development incentives every two years.

Ms. Kathy Cacer, 405 Brookside Road, Waxahachie, Texas, inquired about where the guidelines can be reviewed and Mayor Hill noted the city website has all the information. Ms. Cacer expressed her support for guidelines that address more support for single-family homes than apartments.

There being no others to speak for or against amending the guidelines and criteria (policy) for governing Economic Development, Mayor Hill closed the Public Hearing.

- 15. **Consider proposed Resolution amending the guidelines and criteria (policy) for governing Economic Development**

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**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, ADOPTING A COMPREHENSIVE POLICY OF GUIDELINES AND CRITERIA FOR GOVERNING ECONOMIC DEVELOPMENT INCENTIVES, INCLUDING TAX ABATEMENT AGREEMENTS, WITHIN THE CITY OF WAXAHACHIE AND ITS EXTRATERRITORIAL JURISDICTION.**

**Action:**

*Council Member Doug Barnes moved to approve Resolution No. 1304 as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

**16. Consider proposed Resolution approving submission of a Staffing for Adequate Fire & Emergency Response (SAFER) Grant**

Fire Chief Ricky Boyd requested approval of the proposed Resolution approving submission of a SAFER grant. He noted if awarded, the grant provides 100% of the eligible costs for all three years of the performance period for three additional firefighters.

Mayor Hill noted he appreciates the work that goes into applying for the grant.

**RESOLUTION NO. 1305**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, APPROVING SUBMISSION OF GRANT APPLICATION TITLED "STAFFING FOR ADEQUATE FIRE & EMERGENCY RESPONSE" TO THE ASSISTANCE TO FIREFIGHTERS (AFG) GRANT PROGRAM**

**Action:**

*Council Member Chuck Beatty moved to approve Resolution No. 1305 as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

**17. Consider proposed Ordinance amending Chapter 9, Section 9-3 and adding Section 9-27 Establishing a Fee Schedule for Cemetery Plots and Related Cemetery Fees, and Establishing Columbarium Niche Prices and approving Addition of Permanent Marker Rule**

Parks and Recreation Director Gumaro Martinez requested approval of the proposed Ordinance approving updated cemetery fees for burial plots, cremation plots, establish columbarium niche pricing, and related cemetery fees. He explained an additional rule regarding permanent markers to be provided by the City Cemetery for graves that do not have a headstone after two years of interment and a \$500 non-resident fee is proposed. Staff and the Cemetery Board recommend approving the proposed Ordinance.

Mayor Hill confirmed staff reviewed pricing with neighboring cemeteries and Mr. Martinez noted the city fees were low and below market value prior to the proposed Ordinance.

**ORDINANCE NO. 3526**

**AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AUTHORIZING**

**AMENDMENTS TO CHAPTER 9, "CEMETERIES", BY AMENDING SECTION 9-3 THROUGH 9-26, AND ADDING SECTION 9-27, "CEMETERY FEES"; AUTHORIZING THE CITY CEMETERY TO SET A PERMANENT FLAT MARKER ON UNMARKED GRAVES; ESTABLISHING A SCHEDULE OF FEES FOR THE CITY CEMETERY; AND PROVIDING AN EFFECTIVE DATE.**

**Action:**

*Council Member Melissa Olson moved to approve Ordinance No. 3526. Council Member Chuck Beatty seconded, All Ayes.*

**18. Consider authorizing professional engineering services with Plumber Associates, Inc. for the Howard Road Water Treatment Plant High Service Pump Number 5 Capital Improvement Project**

Utilities Director David Bailey requested approval authorizing professional services with Plummer Associates, Inc. for the Howard Road Water Treatment Plant High Service Pump No. 5 in the amount of \$213,000.00. He noted the project is in the City's current Capital Improvement Plan with funding to be from the City's Water Impact Fee funds.

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to approve professional engineering services with Plumber Associates, Inc. for the Howard Road Water Treatment Plant High Service Pump Number 5 Capital Improvement Project in the amount of \$213,000. Council Member Doug Barnes seconded, All Ayes.*

Mayor Hill thanked the Utilities Department for their work during the snowstorm.

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

Council Member Chuck Beatty thanked the Utilities Department for all their work.

City Manager Michael Scott noted the upcoming dates: April 13, 2021, midyear City Council Retreat; March 22, 2021 Joint City Council Work Session with Waxahachie Independent School District; March 2, 2021, Kinro Groundbreaking.

Mayor Pro Tem Mary Lou Shipley thanked all city employees for their work during the snowstorm.

Mayor David Hill announced the vaccination hub is continuing at the Waxahachie Senior Center and about 18,000 people have been vaccinated so far. He encouraged those who are eligible to sign up through Baylor Scott and White.

**20. Adjourn**

There being no further business, the meeting adjourned at 7:32 p.m.

Respectfully submitted,

Amber Villarreal  
Assistant City Secretary



(5p)

City Council  
March 1, 2021

A briefing session of the Mayor and City Council of the City of Waxahachie, Texas was held in the City Council Conference Room at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, March 1, 2021 at 6:30 p.m.

Council Members Present: David Hill, Mayor, Council Member Place 1  
Mary Lou Shipley, Mayor Pro Tem  
Chuck Beatty, Council Member  
Melissa Olson, Council Member Place 3  
Doug Barnes, Council Member Place 2

Others Present: Michael Scott, City Manager  
Albert Lawrence, Assistant City Manager  
Tommy Ludwig, Assistant City Manager  
Robert Brown, City Attorney  
Amber Villarreal, Assistant City Secretary

**1. Call to Order**

Mayor David Hill called the meeting to order.

**2. Conduct a briefing to discuss items for the 7:00 p.m. regular meeting**

City Manager Michael Scott reviewed the following:

- 5g. and 5h. Staff reviewed event applications and recommended approval noting the events can be done in a safe manner.
- 5i. Staff recommended authorizing funding from the Park Dedication Fee Fund for the additional costs associated with the restrooms at both Chapman Park and Lions Park in the amount of \$48,000 plus up to 10% in contingency costs.
- 5j. The TIRZ Board recommended approval of funding for Ellis County Museum capital improvement project and for the rehabilitation of the new location for Farmers Market.

Planning Director Shon Brooks reviewed the following:

- Item 6. SUB-4-2021, staff recommended approval of the replat and approval of the petition of waiver.
- Item 7. SUB-5-2021, staff recommended approval of the replat and denial of the petition of waiver of park dedication fees in the amount of \$85,200.
- Item 8. ZDC-6-2021, staff recommended denial due to the Zoning Ordinance not allowing solar panels on the front elevation of the home. Council Member Melissa Olson noted the home is in a cul-de-sac and the neighboring property owners have submitted letters of support. Staff noted an approval could set a precedent.
- Items 10. & 11. ZDC-186-2021, the Public Hearing will be continued to the March 15, 2021 City Council meeting.
- Items 12. & 13. ZDC-07-2021, the Public Hearing will be continued to the April 5, 2021 City Council meeting.

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City Council  
March 1, 2021  
Page 2

Fire Chief Ricky Boyd reviewed Item 16. noting the proposed Resolution would allow the city to apply for the Staffing for Adequate Fire & Emergency Response (SAFER) Grant which, if awarded, would provide 100% of the eligible costs for the first three (3) years of the performance period. Mr. Scott thanked City Council for their support of three (3) additional firefighters with our current budget to prepare staffing the future Station 4.

Parks and Recreation Director Gumaro Martinez reviewed Item 17. noting the proposed Ordinance will update cemetery fees for burial plots, cremation plots, establish columbarium niche pricing, and related cemetery fees. He explained an additional rule regarding permanent markers to be provided by the City Cemetery for graves that do not have a headstone after two years of interment and a \$500 non-resident fee is proposed. Staff and the Cemetery Board recommend approving the proposed Ordinance.

Council Member Doug Barnes inquired about the price comparison to neighboring cities and Mr. Martinez noted our cemetery lot prices were low and below market value. Council Member Melissa Olson thanked Mr. Martinez for his detailed work on this Ordinance. Mayor Pro Tem Mary Lou Shipley inquired about whether General Regulations, paragraph 9 should use the word "proprieties" instead of "property." Mr. Martinez noted that could be changed.

Utilities Director David Bailey reviewed Item 18. noting approval of the professional services with Plummer Associates, Inc. for the Howard Road Water Treatment Plant High Service Pump No. 5 will authorize engineering design, bid specification preparation, and construction support services. Mayor Pro Tem asked when the pump would be in service and Mr. Bailey explained it could take up to 18 months due to COVID.

### **3. Adjourn**

There being no further business, the meeting adjourned at 6:52 p.m.

Respectfully submitted,

Amber Villarreal  
Assistant City Secretary

(5C)



## Memorandum

To: Honorable Mayor and City Council

From: Amber Villarreal, Assistant City Secretary

Thru: Michael Scott, City Manager *for [Signature]*

Date: March 15, 2021

Re: Parking/Loading Zone Renewal

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Please consider the following Parking/Loading Zone Renewals for April 1, 2021 – March 31, 2022:

### Parking/Loading Zones

Happy's Home Furnishings, 114 W. Main

All Sports Trophies, 109 North College

Citizens National Bank, 200 N. Elm

Wray & Willett, PLLC, 200 N. Rogers

Panza Bros., 107 N. Rogers

College Street Printing, 111 N. College

(5d)



## Application for a Festival or Event Permit

Event Name and Description: COVID-19 mini-Hub Vaccination Event where we will be vaccinating underserved community members against COVID-19. Vaccinations will only be given to registered individuals meeting Phase 1B eligibility. We are recruiting eligible individuals from local congregations and community organizations

### Applicant Information

Name: Tyson Bain  
Address: 301 N. Washington Ave  
City, State, Zip: Dallas, TX 75246 Phone: 214-865-3541  
E-mail Address: Tyson.Bain@BSWHealth.org

### Organization Information

Organization Name: Baylor Scott & White Health  
Address: 301 N. Washington Ave, Dallas, TX 75246  
Authorized Head of Organization: Niki Mehta  
Phone: \_\_\_\_\_ E-mail Address: Niki.Mehta@BSWHealth.org

### Event Chairperson/Contact

Name: Tyson Bain  
Address: 301 N. Washington Ave  
City, State, Zip: Dallas, TX 75246 Phone: 214-865-3541  
E-mail Address: Tyson.Bain@BSWHealth.org

### Event Information

Event Location/Address: Lee Penn Park 402 Getzendaner St.  
Purpose: Vaccinate 200 underserved community members against COVID-19  
Event Start Date and Time: 12:00pm Saturday 3/20/21

(5d)

Event End Date and Time: 4:00pm Saturday 3/20/21

Approximate Number of Persons Attending Event Per Day: 230 (including staff)

Site Preparation and Set-Up Date and Time: 8:30am to 12:00pm Saturday 3/20/21

Clean-Up Completion Date and Time: 4:00pm to 5:00pm Saturday 3/20/21

**List all activities that will be conducted as a part of this event including street closures, traffic control, vendor booths, etc. Include any requests for city services.**

We are looking to operate a small version of our vaccine hub to get folks who cannot get to the Hub or get registered for the vaccine through online means. We require use of all pavilions at Penn Park on the 21st. Activities of our event

include checking folks in, completing paperwork and consent documentation, issuing the first does of vaccine, observing

folks following vaccination and scheduling the date and time of their second vaccine does. Educational materials will also be provided.

We would like to request environmental services for trash maintenance and ensuring bathrooms are cleaned.

Will food and/or beverages be available and/or sold? **YES/NO**

\*Will alcohol be available and/or sold? **YES/NO**

**If yes, will the event be in the Historic Overlay District? YES/NO**

If food will be prepared on-site, a Temporary Food Permit must be obtained by the Environmental Health Department.

Will dumpsters be needed? No

Will an Unmanned Aircraft Systems Unit (drone) be used? **YES/NO** If so, provide a copy of the current FAA License.

***Please submit a site plan showing the layout of the event including equipment, stages, and street locations.***

**I, THE UNDERSIGNED APPLICANT, AGREE TO INDEMNIFY AND HOLD HARMLESS THE CITY OF WAXAHACHIE, ITS OFFICERS, EMPLOYEES, AGENTS, AND REPRESENTATIVES AGAINST ALL CLAIMS OF LIABILITY AND CAUSES OF ACTION RESULTING FROM INJURY OR DAMAGE TO PERSONS OR PROPERTY ARISING OUT OF THE SPECIAL EVENT. 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, OR LOCAL ORDERS.**

\_\_\_\_\_  
Signature of Applicant



3/8/2021  
Date

**\* Please note that approval of this permit does not replace/modify compliance with all applicable state laws as specified by the Texas Alcoholic Beverage Commission (TABC).**

(sd)

**Villarreal, Amber**

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**From:** Boyd, Ricky <RBoyd@waxahachiefire.org>  
**Sent:** Monday, March 08, 2021 2:53 PM  
**To:** citysecretary  
**Subject:** RE: Gathering over 10 Application for 3/20

I have no concerns with this request.

**Ricky Boyd, Fire Chief**

**Waxahachie Fire-Rescue**

**214-463-9335**

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**From:** citysecretary [mailto:citysecretary@waxahachie.com]  
**Sent:** Monday, March 8, 2021 2:48 PM  
**To:** Boyd, Ricky <RBoyd@waxahachiefire.org>; Wade Goolsbey <wgoolsby@waxahachiepd.org>; Martinez, Gumaro <gmartinez@waxahachie.com>; Drewry, Michaela <michaela.drewry@waxahachie.com>; Me'Lony Jordan <mjordan@waxahachie.com>; Martinez, Jose <jose.martinez@waxahachie.com>  
**Cc:** Crocker, Clarice <ccrocker@waxahachie.com>; Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Ludwig, Tommy <tludwig@waxahachie.com>  
**Subject:** FW: Gathering over 10 Application for 3/20

For your review/comments.

Thank you,

**Amber Villarreal, TRMC, CMC**

**Assistant City Secretary**

**City of Waxahachie**

**Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168**

[www.waxahachie.com](http://www.waxahachie.com)

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**Attention Public Officials: A "Reply to All" of this email message could lead to violations of the Texas Open Meetings Act. If replying, please reply only to the sender.**

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**From:** Bain, Tyson <[Tyson.Bain@BSWHealth.org](mailto:Tyson.Bain@BSWHealth.org)>  
**Sent:** Monday, March 08, 2021 2:32 PM  
**To:** citysecretary <[citysecretary@waxahachie.com](mailto:citysecretary@waxahachie.com)>  
**Subject:** RE: Gathering over 10 Application for 3/20

Here is the event application for your review.

Let me know if you have any questions.

Tyson

(5d)

**Villarreal, Amber**

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**From:** Gaertner, James  
**Sent:** Monday, March 08, 2021 3:35 PM  
**To:** Ludwig, Tommy; Martinez, Jose; Carrillo, Michael; Me'Lony Jordan; Dernovich, Kip; Lockart, Jim  
**Cc:** citysecretary  
**Subject:** RE: Gathering over 10 Application for 3/20

I don't have any issues with this request.

It does not appear to have any road closures, but do they need traffic control devices for this location as well?

**James Gaertner, PE, CFM, CPM**  
**Director of Public Works & Engineering**  
Office: 469-309-4301  
[jgaertner@waxahachie.com](mailto:jgaertner@waxahachie.com)

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**From:** Ludwig, Tommy <[tludwig@waxahachie.com](mailto:tludwig@waxahachie.com)>  
**Sent:** Monday, March 8, 2021 3:24 PM  
**To:** Martinez, Jose <[jose.martinez@waxahachie.com](mailto:jose.martinez@waxahachie.com)>; Carrillo, Michael <[mcarrillo@waxahachie.com](mailto:mcarrillo@waxahachie.com)>; Me'Lony Jordan <[mjordan@waxahachie.com](mailto:mjordan@waxahachie.com)>; Gaertner, James <[jgaertner@waxahachie.com](mailto:jgaertner@waxahachie.com)>; Dernovich, Kip <[kdernovich@waxahachie.com](mailto:kdernovich@waxahachie.com)>; Lockart, Jim <[jim.lockart@waxahachie.com](mailto:jim.lockart@waxahachie.com)>  
**Subject:** FW: Gathering over 10 Application for 3/20

FYI



**Tommy Ludwig**  
*Assistant City Manager*  
City of Waxahachie  
O: 469-309-4021  
C: 214-949-0529  
[TLudwig@waxahachie.com](mailto:TLudwig@waxahachie.com)

---

**From:** citysecretary <[citysecretary@waxahachie.com](mailto:citysecretary@waxahachie.com)>  
**Sent:** Monday, March 8, 2021 2:48 PM  
**To:** Ricky Boyd <[rboyd@waxahachiefire.org](mailto:rboyd@waxahachiefire.org)>; Wade Goolsby <[wgoalsby@waxahachiepd.org](mailto:wgoalsby@waxahachiepd.org)>; Martinez, Gumaro <[gmartinez@waxahachie.com](mailto:gmartinez@waxahachie.com)>; Drewry, Michaela <[michaela.drewry@waxahachie.com](mailto:michaela.drewry@waxahachie.com)>; Me'Lony Jordan <[mjordan@waxahachie.com](mailto:mjordan@waxahachie.com)>; Martinez, Jose <[jose.martinez@waxahachie.com](mailto:jose.martinez@waxahachie.com)>  
**Cc:** Crocker, Clarice <[ccrocker@waxahachie.com](mailto:ccrocker@waxahachie.com)>; Scott, Michael <[mScott@waxahachie.com](mailto:mScott@waxahachie.com)>; Lawrence, Albert <[alawrence@waxahachie.com](mailto:alawrence@waxahachie.com)>; Ludwig, Tommy <[tludwig@waxahachie.com](mailto:tludwig@waxahachie.com)>  
**Subject:** FW: Gathering over 10 Application for 3/20

For your review/comments.

Thank you,

(5d)

**Villarreal, Amber**

---

**From:** Bain, Tyson <Tyson.Bain@BSWHealth.org>  
**Sent:** Tuesday, March 09, 2021 5:00 PM  
**To:** citysecretary  
**Cc:** Massey, Matt; Martinez, Gumaro  
**Subject:** RE: Gathering over 10 Application for 3/20

That make sense. Could we use cones from Matt to enforce parking availability for our attendees? We should have enough staff to help with the parking lot

Tyson

---

**From:** citysecretary <citysecretary@waxahachie.com>  
**Sent:** Tuesday, March 9, 2021 3:59 PM  
**To:** Bain, Tyson <Tyson.Bain@BSWHealth.org>  
**Cc:** Massey, Matt <mmassey@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>  
**Subject:** {EXTERNAL} RE: Gathering over 10 Application for 3/20

<b>CAUTION:</b>	This email originated outside of BSWH; avoid action unless you know the content is safe. Report suspicious emails using the PhishAlarm button located in your Outlook ribbon.
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Hi Tyson,

I spoke with Parks Director Gumaro Martinez and he said you can use the parking lot for your event; however, there will not be city staff there to enforce. Let me know if you have any other questions.

**Amber Villarreal, TRMC, CMC**  
Assistant City Secretary  
City of Waxahachie  
Direct (469) 309-4006 | Fax (469) 309-4003 | PO Box 757, Waxahachie, Texas 75168  
[www.waxahachie.com](http://www.waxahachie.com)

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**Attention Public Officials: A "Reply to All" of this email message could lead to violations of the Texas Open Meetings Act. If replying, please reply only to the sender.**

---

**From:** Bain, Tyson <[Tyson.Bain@BSWHealth.org](mailto:Tyson.Bain@BSWHealth.org)>  
**Sent:** Tuesday, March 09, 2021 3:52 PM  
**To:** citysecretary <[citysecretary@waxahachie.com](mailto:citysecretary@waxahachie.com)>  
**Cc:** Massey, Matt <[mmassey@waxahachie.com](mailto:mmassey@waxahachie.com)>  
**Subject:** RE: Gathering over 10 Application for 3/20

Hi Amber,



(u)



## Memorandum

To: Honorable Mayor and City Council

From: Shon Brooks, Director of Planning

Thru: Tommy Ludwig, Assistant City Manager *Tommy Ludwig*

Date: March 12, 2021

Re: SUB-9-2021 – Morris Addition

---

City staff inadvertently submitted a caption to the Waxahachie Sun stating Case No. SUB-9-2021 Morris Addition would be a public hearing and require a vote at the March 15, 2021 Waxahachie City Council meeting. Per Section 1.3 of the City of Waxahachie subdivision ordinance, the Planning and Zoning Commission is considered the municipal authority responsible for approving plats. Based off of the facts that no relief waiver was requested by the applicant requiring a decision from City Council, and the language in the Waxahachie Subdivision Ordinance stated above, this case requires that no further action be made by the City. The applicant's replat has therefore been deemed approved by the City.

# Planning & Zoning Department Plat Staff Report

**Case: SUB-183-2021**



**MEETING DATE(S)**

*Planning & Zoning Commission:* March 9, 2021

*City Council:* March 15, 2021

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held March 9, 2021, the Commission voted 5-1 to recommend approval of plat no. SUB-183-2021, as presented. This action included the petition of relief waiver for ROW dedication.

**CAPTION**

**Public Hearing** on a request by Sterling Reid, Reid Construction, LLC, for a **Replat** of Lot 14, Block 63, Town Addition, to create Lot 1 and Lot 2, Block 1, Sterling Addition, 0.371 acres (Property ID 170997) – Owner: REID CONSTRUCTION, LLC (SUB-183-2021)

**APPLICANT REQUEST**

The applicant is requesting to replat the subject property into two (2) lots for residential use. The applicant is also requesting a petition of relief waiver for Right-of-Way (ROW) Dedication.

**CASE INFORMATION**

<i>Applicant:</i>	Sterling Reid, Reid Construction, LLC
<i>Property Owner(s):</i>	Sterling Reid
<i>Site Acreage:</i>	0.371 acres
<i>Number of Lots:</i>	2 lots
<i>Number of Dwelling Units:</i>	2 units
<i>Park Land Dedication:</i>	N/A
<i>Adequate Public Facilities:</i>	Adequate public facilities are available for this site.

**SUBJECT PROPERTY**

<i>General Location:</i>	604 MLK Jr Blvd.
<i>Parcel ID Number(s):</i>	170997
<i>Current Zoning:</i>	SF-2 (Infill)

(1)

*Existing Use:*

A residential structure that had been existing on the site has been demolished. No new development has taken place since.

*Platting History:*

This site was originally platted as Lot 14, Block 63, Town Addition

*Site Aerial:*



**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 35 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.

**PROPERTY OWNER NOTIFICATION RESPONSES**

Staff received two (2) letters of support for the proposed development.

**PETITION OF RELIEF WAIVER REQUEST**

**Background**

Prior to this replat being submitted to City staff, a single family residence was located on this site with a setback that was similar to the residential structure currently located at 616 MLK Jr Blvd. As part of the review, the applicant received a flood study that had been completed and shows approximately 4,000 sq. feet, or roughly 25-percent, of the existing 16,144 sq. foot property will be located within the 100 yr. floodplain.

MLK Jr Blvd is shown to be a 110' ROW, per the City of Waxahachie Thoroughfare Map. Per Sec. 2.3.a (1) of the City Subdivision Ordinance, the plat will need to substantially conform to the thoroughfare plan. Per this language, the base requirement for ROW dedication would be 55' from the centerline of the road. Based off of the drawing provided, MLK Jr Blvd is a roughly 60' ROW in this area, and a 25' ROW dedication would be required for this replat.

**Waiver Request**

The applicant is requesting a petition of relief waiver from the ROW dedication that has been requested by staff. The applicant's argument regarding this dedication request is that the dedication, coupled with the updated floodplain study, would essentially render the property useless for any development purpose.

Staff believes a 10' ROW dedication for this property is sufficient. All other infill development standards will be adhered to which will allow for a single family structure. It is important to point out that since the property is already platted, the developer will be able to construct a single family residence on this property without giving up any ROW dedication.

**Required City Council Action**

Due to this case having a petition for relief waiver associated with it, City Council must vote on two separate items:

- 1. Provide a vote of approval or denial of the petition of relief waiver.
- 2. Provide a vote for approval or disapproval of the plat.

**PETITION OF RELIEF WAIVER RECOMMENDATION**

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

- Disapproval
- Approval, as presented.

**PLAT RECOMMENDATION**

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

- Disapproval
- Approval, as presented.

**ATTACHED EXHIBITS**

- 1. PON Responses
- 2. Plat Drawing

**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.

**CITY REQUIREMENTS FOR PLAT RECORDING AND FILING**

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

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

(7)

**STAFF CONTACT INFORMATION**

*Prepared by:*

Chris Webb

Planner

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

*Reviewed by:*

Shon Brooks, AICP

Director of Planning

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

(7)

Parcel ID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State, Owner's ZIP	Physical Address
170089	SMITH MELVIN R	0.127	LOT 58 BLK 83 TOWN WAXAHACHE 0.127 AC	PO BOX 741512	DALLAS	TX 75274	108 HELL BT WAXAHACHE TX 75165
170090	SMITH BERTHA MAE	0.181	LOT 50 BLK 83 TOWN WAXAHACHE 0.181 AC	104 10 HILL ST	WAXAHACHE	TX 75165	104 HILL ST WAXAHACHE TX 75165
170091	TOVAR RAMON	0.080	LOT 60 BLK 83 TOWN WAXAHACHE 0.080 AC	500 E JEFFERSON ST	WAXAHACHE	TX 75165	500 E JEFFERSON ST WAXAHACHE TX 75165
170092	SMITH RJA JOE	0.226	LOT 5 205 28 BLK 83 TOWN WAXAHACHE 0.226 AC	600 E JEFFERSON ST	WAXAHACHE	TX 75165	600 E JEFFERSON ST WAXAHACHE TX 75165
170093	DONALDZ DRYVA & ALEXIS HE RIVANDEZ	0.727	LOT 3 BLK 83 TOWN WAXAHACHE 0.727 AC	600 E JEFFERSON ST	WAXAHACHE	TX 75165	600 E JEFFERSON ST WAXAHACHE TX 75165
170097	J HOKS S ENCOMPRISE LLC	0.163	LOT 48 BLK 83 TOWN WAXAHACHE 0.163 AC	601 E JEFFERSON	WAXAHACHE	TX 75165	601 E JEFFERSON ST WAXAHACHE TX 75165
170098	SCORE DAMON	0.275	LOT 4C BLK 83 TOWN WAXAHACHE 0.275 AC	132 RIDGE CREST DR	RED DAK	TX 75154	112 HILL BT WAXAHACHE TX 75165
170099	SMITH MELVIN R	0.181	LOT 5A BLK 83 TOWN WAXAHACHE 0.181 AC	PO BOX 741512	DALLAS	TX 75274	HELL ST WAXAHACHE TX 75165
170099	PARKS WILLIS L & DEBRA R	0.454	LOT 1A & 1 B A N TP 2A & 2B BLK 83 TOWN WAXAHACHE 0.454 AC	108 S ARKEN ST	WAXAHACHE	TX 75165	108 S ARKEN ST WAXAHACHE TX 75165
170099	HAMILTON BRUCE ET A	0.229	LOT 1C BLK 83 TOWN WAXAHACHE 0.229 AC	108 S ARKEN ST	WAXAHACHE	TX 75165	108 S ARKEN ST WAXAHACHE TX 75165
170099	IBRAHIM ABRAHIM	0.235	LOT 5 205 2A BLK 83 TOWN WAXAHACHE 0.235 AC	3010 RED RIVER CT	WAXAHACHE	TX 75167	611 E JEFFERSON ST WAXAHACHE TX 75165
170099	VERA CONSTRUCTION LLC	0.308	LOT 18A BLK 83 TOWN WAXAHACHE 0.308 AC	511 W 2ND ST	WAXAHACHE	TX 75165	614 DR MARTIN LUTHER KING JR BLVD WAXAHACHE TX 75165
170099	IBRAHIM ABRAHIM	0.27	LOT 18B BLK 83 TOWN WAXAHACHE 0.27 AC	3010 RED RIVER CT	WAXAHACHE	TX 75167	616 DR MARTIN LUTHER KING JR BLVD WAXAHACHE TX 75165
170099	IBRAHIM ABRAHIM	0.249	LOT 18C BLK 83 TOWN WAXAHACHE 0.249 AC	PO BOX 1	FREDERICK	TX 75167	102 HILL DR WAXAHACHE TX 75165
170099	SANCHEZ SERGIO T & VANESSA A SEVERSON	0.448	LOT 13 BLK P1 83 TOWN WAXAHACHE 0.448 AC	105 WILLOW BEND DR	WAXAHACHE	TX 75167	602 DR MARTIN LUTHER KING JR BLVD WAXAHACHE TX 75165
170099	ZAK CAPITAL LLC	0.37	LOT 14 BLK 83 TOWN WAXAHACHE 0.37 AC	456A HOLL ROOD	ALDO	TX 75008	604 DR MARTIN LUTHER KING JR BLVD WAXAHACHE TX 75165
170099	ROMANO ALDO	0.322	LOT 15 BLK 83 TOWN WAXAHACHE 0.322 AC	P O BOX 265	ITALY	TX 78851	608 DR MARTIN LUTHER KING JR BLVD WAXAHACHE TX 75165
171134	BORDEDES JAMIE PREVIOUSLY RETURNED MAIL	0.072	LOT 78 BLK 102 TOWN 0.072 AC	218 UNIVERSITY AVE	WAXAHACHE	TX 75165	109 FREDERSON ST WAXAHACHE TX 75165
171135	CARVIT WILLIE	0.263	LOT 2C BLK 102 TOWN 0.263 AC	100 JIM ST	WAXAHACHE	TX 75165	508 DR MARTIN LUTHER KING JR BLVD WAXAHACHE TX 75165
171293	IBRAHIM UMAR	0.207	LOT 8 BLK 158 TOWN 0.207 AC	3010 RED RIVER CT	WAXAHACHE	TX 75167	607 DR MARTIN LUTHER KING JR BLVD WAXAHACHE TX 75165
171294	PEARCE PATRICIA LIE MELISSA SIBLEY & MERRY BOELLNER	0.082	LOT 9A BLK 158 TOWN 0.082 AC	603 DR MARTIN LUTHER KING JR BLVD	WAXAHACHE	TX 75165	603 DR MARTIN LUTHER KING JR BLVD WAXAHACHE TX 75165
171295	MECAHAM KEAN	0.082	LOT 9B BLK 158 TOWN 0.082 AC	603 DR MARTIN LUTHER KING JR BLVD	WAXAHACHE	TX 75165	603 DR MARTIN LUTHER KING JR BLVD WAXAHACHE TX 75165
171296	FANDEY MONA	0.192	LOT 10 BLK 158 TOWN 0.192 AC	601 DR MARTIN LUTHER KING JR BLVD	WAXAHACHE	TX 75165	601 DR MARTIN LUTHER KING JR BLVD WAXAHACHE TX 75165
171297	JACKSON CLIFTON & O M JACKSON	0.072	LOT 5B BLK 158 TOWN 0.072 AC	192 BRANDE MAC LN	WAXAHACHE	TX 75165	120 FREDERSON ST WAXAHACHE TX 75165
171298	TERRY DAVID JR & WANDA	0.181	LOT 8 BLK 158 TOWN 0.181 AC	1808 LITTLE CREEK DR	WAXAHACHE	TX 75165	615 DR MARTIN LUTHER KING JR BLVD WAXAHACHE TX 75165
171299	LORREN GRAY INVESTMENTS LLC	0.088	LOT 7A BLK 158 TOWN 0.088 AC	PO BOX 2889	WAXAHACHE	TX 75165	612 DR MARTIN LUTHER KING JR BLVD WAXAHACHE TX 75165
171299	MORENO PEDRO B & LAURA C	0.088	LOT 7B BLK 158 TOWN 0.088 AC	1228 E FM 984	FELINE	TX 75125	611 DR MARTIN LUTHER KING JR BLVD WAXAHACHE TX 75165
171299	WASHINGTON GEORGE JR	0.087	LOT 2A BLK 158 TOWN 0.087 AC	112 FREDERSON ST	WAXAHACHE	TX 75165	112 FREDERSON ST WAXAHACHE TX 75165
171299	WASHINGTON GEORGE JR	0.088	LOT 2B BLK 158 TOWN 0.088 AC	112 FREDERSON ST	WAXAHACHE	TX 75165	114 FREDERSON ST WAXAHACHE TX 75165
171299	WILLIAMS JERRY ALLEN	0.115	LOT 3A BLK 158 TOWN 0.115 AC	116 FREDERSON ST	WAXAHACHE	TX 75165	116 FREDERSON ST WAXAHACHE TX 75165
171299	SCOTT DELMA LEE	0.126	LOT 3B BLK 158 TOWN 0.126 AC	3810 PLAZA PARK DR	CARLAND	TX 75042	FREDERSON ST WAXAHACHE TX 75165
171299	PEREZ GABRIEL	0.132	LOT 4B & 5A BLK 158 TOWN 0.132 AC	116 FREDERSON	WAXAHACHE	TX 75165	118 FREDERSON ST WAXAHACHE TX 75165
193701	LORREN GRAY INVESTMENTS LLC	0.131	LOT 1 BLK 158 TOWN 0.131 AC	PO BOX 2889	WAXAHACHE	TX 75165	160 FREDERSON ST WAXAHACHE TX 75165
193710	TRUJANO SERGIO & HOPE GUTIERREZ	0.33	LOT 4A BLK 83 TOWN WAXAHACHE 0.33 AC	600 E JEFFERSON ST	WAXAHACHE	TX 75165	600 E JEFFERSON ST WAXAHACHE TX 75165
193711	SAMARA MESSIAH BAPTIST CHURCH	0.211	LOT 11 BLK 83 TOWN WAXAHACHE 0.211 AC	PO BOX 321	WAXAHACHE	TX 75165	508 DR MARTIN LUTHER KING JR BLVD WAXAHACHE TX 75165

(1)



City of Waxahachie, Texas RECEIVED FEB 23 2021  
Notice of Public Hearing  
Case Number: SUB-183-2021

LOREN GRAY INVESTMENTS LLC  
PO BOX 2868  
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, March 9, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, March 15, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

1. **Public Hearing** on a request by Sterling Reid, Reid Construction, LLC, for a Replat of Lot 14, Block 63, Town Addition, to create Lot 1 and Lot 2, Block 1, Sterling Addition, 0.371 acres (Property ID 170997) – Owner: REID CONSTRUCTION, LLC (SUB-183-2021)

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

Case Number: SUB-183-2021

City Reference: 171281

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, March 2, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

\_\_\_\_\_  
\_\_\_\_\_

Signature

Date

Printed Name and Title

Address

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

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

(7)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: SUB-183-2021



RECEIVED FEB 23 2021

LOREN GRAY INVESTMENTS LLC  
PO BOX 2868  
WAXAHACHIE, TX 75168

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Case Number: SUB-183-2021

City Reference: 171270

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, March 2, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

\_\_\_\_\_  
\_\_\_\_\_

Signature

Date

Printed Name and Title

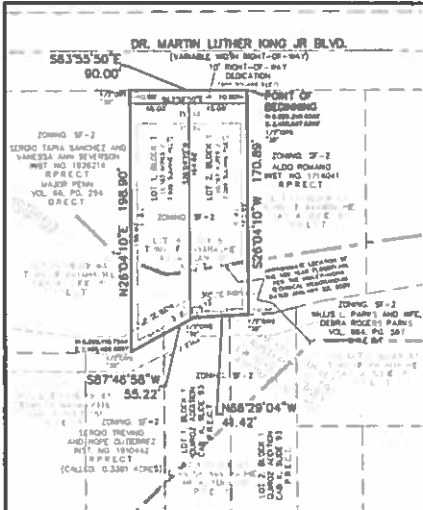
Address

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

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



(7)



STATE OF TEXAS §  
 COUNTY OF ELLIS §

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Reid Construction, LLC is the owner of that parcel of land located in the City of Waxahatchie, Ellis County, Texas and being a part of the AM Keen Survey, Abstract No. 596 and a part of the EW Rogers Survey, Abstract No. 896, being all of Lot 14, Block 63, Town of Waxahatchie recorded in Cabinet A, Book 1811, being all of that 0.26 acre tract of land described in deed to Reid Construction, LLC recorded in County Clerk's Instrument Number 2044740, Real Property Records Ellis County, Texas and being further described as follows:

BEGINNING at a one-half inch iron rod with cap stamped "28" set at the west corner of said Lot 14, Block 63, and point being at the north corner of Lot 15, of said Block 63, being at the north corner of that called tract of land described in deed to Alma Rasmussen recorded in County Clerk's Instrument Number 1714041, Real Property Records Ellis County, Texas and said point being in the southwest right-of-way line of Dr. Martin Luther King Jr Boulevard as variable width right-of-way.

THENCE South 29 degrees 04 minutes 10 seconds West, 170.86 feet to a one-half inch iron rod with cap stamped "28" set at the south corner of said Lot 14, Block 63, and point being at the west corner of said Lot 15, Block 63, and point being at the west corner of said Block 63, and point being in the northwest line of that called Lot 2, Block 1, Quarter Addition, an addition to the City of Waxahatchie Ellis County, Texas, recorded in Cabinet E, Book 83, Plat Records Ellis County, Texas and said point being in the approximate centerline of Rock Creek;

THENCE along the approximate centerline of Rock Creek as follows:  
 North 60 degrees 27 minutes 04 seconds West, 41.42 feet along the northwestern line of said Lot 14, Block 63 and along the northwestern line of said Lot 3, Block 63 to a one-half inch iron rod with cap stamped "28" set at the northwestern corner of Lot 1 of said Block 1 Quarter Addition;  
 South 87 degrees 46 minutes 46 seconds West, 65.22 feet to a one-half inch iron rod with cap stamped "28" set at the west corner of said Lot 14, Block 63, and point being in the northwest line of Lot 4 of said Block 63, and point being at the south corner of Lot 13 of said Block 63 and said point being at the north corner of that called tract of land described in deed to Sergio Tepez Becharin and Vanessa Ann Severson recorded in County Clerk's Instrument Number 1928214, Real Property Records Ellis County, Texas;

THENCE North 26 degrees 04 minutes 10 seconds East, 198.90 feet to a one-half inch iron rod with cap stamped "28" set at the north corner of said Lot 14, Block 63, and point being at the east corner of said Lot 13, Block 63 and said point being in the southwest right-of-way line of Dr. Martin Luther King Jr Boulevard;

THENCE South 13 degrees 55 minutes 20 seconds East, 90.00 feet along the northwestern line of said Lot 14, Block 63, and point being in the southwest right-of-way line of Dr. Martin Luther King Jr Boulevard to the POINT OF BEGINNING and containing 16,144 square feet or 0.371 acre of land.

Date of Bearing is derived from GPS observations relative to the Texas WGS 84 RTK Network - Texas State Plane Coordinate System, North Central Zone (4202), NAD83.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS,

THAT I, Sergio Tepez Becharin, do hereby adopt this plat designating the herein above described property as Lots 1 and 2, Block 1, Sterling Addition, an addition to the City of Waxahatchie, Texas and do hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown, are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, houses, trees, shrubs or other improvements or growth shall be constructed or placed upon, over or across the easements, as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Waxahatchie. In addition, utility easements may also be used for the limited use and accommodation of all public utilities (pending to use or using the same unless the easement limits the use to a particular utility, said use by public utilities being subordinate to the public's and City of Waxahatchie's use thereof. The City of Waxahatchie and public utility utilities shall have the right to remove and keep removed all or parts of any building, houses, trees, shrubs or other improvements or growth which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Waxahatchie and public utility utilities shall at all times have the full right of ingress and egress to and from their respective easements for the purpose of constructing, reconstructing, inspecting, maintaining, repairing, restoring, and adding to or removing all or parts of their respective systems without the necessity of any time procuring permission from anyone.

This plat approved, subject to all plotting ordinances, rules, regulations, and resolutions of the City of Waxahatchie, Texas.

WITNESS, my hand, this \_\_\_ day of \_\_\_\_\_, 2020.

By: \_\_\_\_\_  
 Sergio Tepez Becharin

STATE OF TEXAS §  
 COUNTY OF ELLIS §

BEFORE ME, the undersigned authority in and for the State of Texas, on this day personally appeared Sergio Tepez Becharin, known to me to be the person whose name is subscribed to the consideration therein expressed and in the capacity therein stated.

WITNESS MY HAND at Waxahatchie, Ellis County, Texas, this \_\_\_ day of \_\_\_\_\_, 2020.

Notary Public in and for the State of Texas

LEGEND

- 1041 CAPPED IRON ROD SET
- 1042 CAPPED IRON ROD FOUND
- 1043 BUILDING LINE SETBACK
- 1044 ZONING DESIGNATION (SINGLE FAMILY)
- 1045 UTILITY EASEMENT
- 1046 INSTRUMENT NUMBER
- 1047 VOLUME
- 1048 CABINET
- 1049 PAGE
- 10410 DEED RECORDS ELLIS COUNTY, TEXAS
- 10411 PLAT RECORDS ELLIS COUNTY, TEXAS
- 10412 REAL PUBLIC RECORDS ELLIS COUNTY, TEXAS



APPROVED BY: PLANNING AND ZONING COMMISSION  
 CITY OF WAXAHACHIE

By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Chairman

By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Attest

SURVEY CERTIFICATION

THAT I, Edward Scott Becharin, R.P.L.S., do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown hereon, as set, were properly placed under my personal supervision in accordance with the subdivisions endorsement of the City of Waxahatchie.

"Preliminary, this document shall not be considered for any purpose and shall not be used or viewed as a final survey document".

Edward Scott Becharin, R.P.L.S. No. 6246



STATE OF TEXAS §  
 COUNTY OF ELLIS §

BEFORE ME, the undersigned authority in and for the State of Texas, on this day personally appeared Edward Scott Becharin, known to me to be the person whose name is subscribed to the consideration therein expressed and in the capacity therein stated.

WITNESS MY HAND at Ennis, Ellis County, Texas, this 17th day of December, 2020.

Notary Public in and for the State of Texas

CASE NUMBER SUB-183-2021  
 REPLAT

LOTS 1 AND 2, BLOCK 1  
 STERLING ADDITION

2 RESIDENTIAL LOTS  
 ZONED: SF-2

BEING A 0.371 ACRE TRACT OF LAND BEING A PART OF THE AM KEEN SURVEY, ABSTRACT NO. 596 AND THE EW ROGERS SURVEY, ABSTRACT NO. 896 AND BEING A REPLAT OF LOT 14, BLOCK 63, TOWN OF WAXAHACHIE, TEXAS;

CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS

REID CONSTRUCTION, LLC OWNER/DEVELOPER  
 2427 Allen Street Dallas, Texas 75204 (252) 258-0841  
 Contact: Sterling Reid

JB LAND SURVEYING, INC SURVEYOR  
 656 Bacak Rd Ennis, Texas 75119 (972) 825-7949  
 TSPS No. 19124483

Revised: March 03, 2020  
 Dated: December 17, 2020

Sheet 1 of 1

GENERAL NOTES:  
 1. ALL CORNERS ARE A ONE-HALF INCH IRON ROD SET WITH CAP STAMPED "28" UNLESS OTHERWISE NOTED.  
 2. COORDINATES SHOWN HEREON ARE RELATIVE TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202).

FLOOD STATEMENT: According to Community Panel No. 48120C01909, dated June 3, 2013, of the Federal Emergency Management Agency, National Flood Insurance Program Map, this property is within Flood Zone "X", areas determined to be outside 100-year floodplains, which is not a special flood hazard area. If this site is not within an identified special flood hazard area, this flood statement does not imply that the property and/or the structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This statement shall not create liability on the part of the Surveyor.

Drawing: C:\Users\jbecharin\OneDrive - JB Land Surveying, Inc\Projects\183\183021\183021.dwg, Saved By: Edward Becharin, Date: 2/17/2021 3:41 PM

(8)

# Planning & Zoning Department

## Zoning Staff Report



Case: ZDC-8-2021

### MEETING DATE(S)

Planning & Zoning Commission: March 9, 2021

City Council: March 15, 2021

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held March 9, 2021, the Commission voted 6-0 to recommend approval of zoning change ZDC-8-2021, as presented.

### CAPTION

**Public Hearing** on a request by Regina Sias, Nina's House Child Care, for a Specific Use Permit (SUP) for **Family Home** use within a Planned Development – Single Family – 3 zoning district located at 205 Nottingham Drive (Property ID 220880) - Owner: CHRIS, SHERRIE, & DIANE CARLINO (ZDC-8-2021)

### APPLICANT REQUEST

The applicant is requesting to change the zoning of this property from Planned Development - 43 - Single Family - 3 (PD-43-SF-3) to Planned Development - 43 - Single Family - 3 with a Specific Use Permit for Family Home Use (PD-43-SF-3 with SUP for Family Home).

### CASE INFORMATION

**Applicant:** Regina Sias, Nina's House Child Care  
**Property Owner(s):** Chris, Sherrie, and Diane Carlino  
**Site Acreage:** 0.1589 acres  
**Current Zoning:** PD-43-SF-3  
**Requested Zoning:** PD-43-SF-3 with SUP for Family Home

### SUBJECT PROPERTY

**General Location:** 205 Nottingham Dr  
**Parcel ID Number(s):** 220880  
**Existing Use:** Single Family Residence  
**Adjoining Zoning & Uses:**

Direction	Zoning	Current Use
North	PD-43-SF-3	Single Family Residential
East	PD-43-SF-3	Single Family Residential
South	PD-43-SF-3	Single Family Residential
West	PD-43-SF-3	Single Family Residential

*Future Land Use Plan:*

Low Density Residential

*Comprehensive Plan:*

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

*Thoroughfare Plan:*

This site accessible via Nottingham Dr.

*Site Image:*



**PLANNING ANALYSIS**

**Purpose of Request**

The applicant is requesting approval to allow an existing Family Home (child daycare at a single family residence) use.

**Proposed Use**

The applicant, Regina Sias, is requesting approval to allow an existing Family Home (Nina's House Child Care). Per the City of Waxahachie Zoning Ordinance, a Family Home is defined as "a facility that regularly provides care in the caretaker's own residence, not exceeding twelve (12) children at any given time." A Family Home must also be licensed and in accordance with the Texas Department of Health and Human Services Commission.

The City Health Inspector identified that the facility did not have the required Specific Use Permit approval to operate the existing Family Home. Since becoming aware of this matter, the applicant has worked in unison with city staff to bring the Family Home into compliance with the City of Waxahachie.

Nina's House Child Care has been operating for 11.5 years (since October 2009) and has been based out of two (2) different locations in that time. Both the previous location and the current location are located within Waxahachie, and both have been single family residential homes. Per the operational plan, and documentation from the Texas Department of Health and Human Services, Nina's House Child Care is licensed with the state. Nina's House Child Care is allowed a maximum of twelve children who

range in age from newborn to five years old. Curriculum includes learning ABCs, counting, science, health, and English and Spanish. Operational hours are from 6:00 am to 6:00 pm Monday – Friday. Meals served include breakfast, AM snack, Lunch, and a PM snack.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City’s public hearing notice requirements, **30** 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.

**PROPERTY OWNER NOTIFICATION RESPONSES**

Staff received one (1) letter of support and one (1) letter of opposition for the proposed use.

**RECOMMENDATION**

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

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

**ATTACHED EXHIBITS**

1. PON Responses
2. SUP Ordinance
3. Exhibit A – Location Map
4. Operational Plan
5. Exhibit B - Site Layout Plan

**APPLICANT REQUIREMENTS**

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

**STAFF CONTACT INFORMATION**

*Prepared by:*  
 Chris Webb  
 Planner  
[cwebb@waxahachie.com](mailto:cwebb@waxahachie.com)

*Reviewed by:*  
 Shon Brooks, AICP  
 Director of Planning  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)

(8)

Property ID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
220845	BORDEN ROBERT L & VELLA P	0	LOT 1 BLK 1 WINDCHASE EAST PH I	100 CHESTERFIELD CIR	WAXAHACHE	TX	75105	100 CHESTERFIELD CIR WAXAHACHE TX 75105
220859	SHAW KEVIN L & MARSHA K	0.1502	LOT 1 BLK 3 WINDCHASE EAST PH I 0.1502 AC	102 B HAMPTON PL	WAXAHACHE	TX	75105	102 B HAMPTON PL WAXAHACHE TX 75105
220821	TROG ALLEN & ROBYN	0.1835	LOT 1 BLK 2 WINDCHASE EAST PH I 0.1835 AC	100 STONE HAVEN PL	WAXAHACHE	TX	75105	100 STONE HAVEN PL WAXAHACHE TX 75105
220869	HYATT CANDICE C	0	LOT 14 BLK 3 WINDCHASE EAST PH I	101 STONE HAVEN PL	WAXAHACHE	TX	75105	101 STONE HAVEN PL WAXAHACHE TX 75105
220849	MANGAN MACK M III	0	LOT 2 BLK 1 WINDCHASE EAST PH I	102 CHESTERFIELD CIR	WAXAHACHE	TX	75105	102 CHESTERFIELD CIR WAXAHACHE TX 75105
220822	YOUNG JUDY LYNN	0.1537	LOT 2 BLK 2 WINDCHASE EAST PH I 0.1537 AC	102 STONE HAVEN PL	WAXAHACHE	TX	75105	102 STONE HAVEN PL WAXAHACHE TX 75105
220887	STRACENER ASHLEYA	0.1492	LOT 13 BLK 3 WINDCHASE EAST PH I 0.1492 AC	103 STONE HAVEN PL	WAXAHACHE	TX	75105	103 STONE HAVEN PL WAXAHACHE TX 75105
220839	LANCASTER TRANCEE DANN	0.1849	LOT 3 BLK 1 WINDCHASE EAST PH I 0.1849 AC	104 CHESTERFIELD CIR	WAXAHACHE	TX	75105	104 CHESTERFIELD CIR WAXAHACHE TX 75105
220841	CONDALIZ FRANCISCA & MARINA ADRIANA	0	LOT 5 BLK 1 WINDCHASE EAST PH I	100 CHESTERFIELD CIR	WAXAHACHE	TX	75105	100 CHESTERFIELD CIR WAXAHACHE TX 75105
220910	KELLEY ROBERT A & GINGER	0.1767	LOT 14 BLK 2 WINDCHASE EAST PH I 0.1767 AC	100 CHESTERFIELD CIR	WAXAHACHE	TX	75105	100 CHESTERFIELD CIR WAXAHACHE TX 75105
220009	WESTBROOK WILLIAM C & HOCUTT LACI R	0	13.2 WINDCHASE EAST PH I	111 CHESTERFIELD CIR	WAXAHACHE	TX	75105	111 CHESTERFIELD CIR WAXAHACHE TX 75105
220878	BEATEY NORMA DIANE	0.1539	LOT 18 BLK 5 WINDCHASE EAST PH I 0.1539 AC	114 VINTAGE DR	WAXAHACHE	TX	75105	208 NOTTINGHAM DR WAXAHACHE TX 75105
220508	GARRETT GREGORY A & CAROL YW L	0	LOT 17 BLK 2 WINDCHASE EAST PH I	115 CHESTERFIELD CIR	WAXAHACHE	TX	75105	115 CHESTERFIELD CIR WAXAHACHE TX 75105
220870	SMITH CYNTHIA K & RAYMOND B	0	LOT 21 BLK 5 WINDCHASE EAST PH I	115 LYNN WAY	WAXAHACHE	TX	75105	203 NOTTINGHAM DR WAXAHACHE TX 75105
220860	CARLINO CHRIS & SHERRE ETAL	0.1509	LOT 20 BLK 5 WINDCHASE EAST PH I 0.1509 AC	130 DAVENPORT LN	WAXAHACHE	TX	75105	205 NOTTINGHAM DR WAXAHACHE TX 75105
220871	PROPERTY OWNER	0		201 NOTTINGHAM DR	WAXAHACHE	TX	75105	201 NOTTINGHAM DR WAXAHACHE TX 75105
220879	MITCHELL LIVING TRUST JERRY T & PATRICIA J MITCHELL CO TRUSTEES	0	LOT 19 BLK 5 WINDCHASE EAST PH I	207 NOTTINGHAM DR	WAXAHACHE	TX	75105	207 NOTTINGHAM DR WAXAHACHE TX 75105
220877	TACKETT LINDA S	0	LOT 17 BLK 5 WINDCHASE EAST PH I	211 NOTTINGHAM	WAXAHACHE	TX	75105	211 NOTTINGHAM DR WAXAHACHE TX 75105
220870	LAMBI LAURA H	0.154	LOT 18 BLK 5 WINDCHASE EAST PH I 0.154 AC	213 NOTTINGHAM DR	WAXAHACHE	TX	75105	213 NOTTINGHAM DR WAXAHACHE TX 75105
220804	CARROLL CHARLES A JR & ROBBIE H	0.187	LOT 1 BLK 5 WINDCHASE EAST PH I 0.187 AC	3018 CARLTON PRWY	WAXAHACHE	TX	75105	3018 CARLTON PRWY WAXAHACHE TX 75105
220577	FULP AMANDA L	0.154	2.5 WINDCHASE EAST PH II SECT 1 0.154 ACRES	3020 CARLTON PRWY	WAXAHACHE	TX	75105	3020 CARLTON PRWY WAXAHACHE TX 75105
220578	MORENO REINE	0.156	LOT 3 BLK 5 WINDCHASE EAST PH II SECT I 156 AC	3022 CARLTON PRWY	WAXAHACHE	TX	75105	3022 CARLTON PRWY WAXAHACHE TX 75105
220071	GALLIS SHONORA L	0.174	LOT 34 BLK 8 WINDCHASE ADDN PH VII 174 AC	3023 CARLTON PRWY	WAXAHACHE	TX	75105	3023 CARLTON PRWY WAXAHACHE TX 75105
220570	SWIFT CHARLES D & MARTHA	0.155	LOT 4 BLK 5 WINDCHASE EAST PH II SECT I 155 AC	3024 CARLTON PRWY	WAXAHACHE	TX	75105	3024 CARLTON PRWY WAXAHACHE TX 75105
220970	AKES TAYLOR B	0.174	LOT 33 BLK 8 WINDCHASE ADDN PH VII 174 AC	3025 CARLTON PRWY	WAXAHACHE	TX	75105	3025 CARLTON PRWY WAXAHACHE TX 75105
220580	JORDAN SYLVIA	0.154	LOT 5 BLK 5 WINDCHASE EAST PH II SECT I 0.154 AC	3026 CARLTON PRWY	WAXAHACHE	TX	75105	3026 CARLTON PRWY WAXAHACHE TX 75105
220581	BRUNFELD JASON D & WENDY R	0.154	LOT 6 BLK 5 WINDCHASE EAST PH II SECT I 154 AC	3028 CARLTON PRWY	WAXAHACHE	TX	75105	3028 CARLTON PRWY WAXAHACHE TX 75105
220582	CROOK MARY K & JAN C	0.154	LOT 7 BLK 5 WINDCHASE EAST PH II SECT I 154 AC	3030 CARLTON PRWY	WAXAHACHE	TX	75105	3030 CARLTON PRWY WAXAHACHE TX 75105
220840	MACIAS LAURA L	0	LOT 4 BLK 1 WINDCHASE EAST PH I	800 SHADY BROOK LN	RED OAK	TX	75154	100 CHESTERFIELD CIR WAXAHACHE TX 75105
220911	KAWABAE GARDENS LLC C/O PAT COOPER	0	LOT 3 BLK 2 WINDCHASE EAST PH I	916 INDIAN TRAIL	OAK LEAF	TX	75154	104 STONE HAVEN PL WAXAHACHE TX 75105

(8)

RECEIVED FEB 23 2021



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-8-2021

**CARLINO CHRIS & SHERRIE ETAL**  
133 DAVENPORT LN  
WAXAHACHIE, TX 75165

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, March 9, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, March 15, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. **Public Hearing** on a request by Regina Sias, Nina's House Child Care, for a Specific Use Permit (SUP) for Family Home use within a Planned Development – Single Family – 3 zoning district located at 205 Nottingham Drive (Property ID 220880) - Owner: CHRIS, SHERRIE, & DIANE CARLINO (ZDC-8-2021)

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

Case Number: ZDC-8-2021

City Reference: 220880

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on *Tuesday, March 2, 2021* to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

*Sherrie Carlino*  
Signature

2/22/2021  
Date

Sherrie Carlino - owner  
Printed Name and Title

133 Davenport Lane  
Address  
Waxahachie, TX 75165

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

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

(8)



City of Waxahachie, Texas

Notice of Public Hearing

Case Number: ZDC-8-2021



GONZALEZ FRANCISCO JR & YBARRA ADELAIDA  
108 CHESTERFIELD CIR  
WAXAHACHIE, TX 75165

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Case Number: ZDC-8-2021

City Reference: 220841

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, March 2, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

SORRY, BUT WE STRONGLY BELIEVE  
A RESIDENTIAL NEIGHBORHOOD SHOULD BE KEPT RESIDENTIAL.

Francisco Gonzalez  
Signature

2-24-21  
Date

Francisco Gonzalez  
Printed Name and Title

108 Chesterfield Cir  
Address  
Waxahachie, TX 75165

ADELAIDA YBARRA

COMMENTS: WOULD ALSO RAISE TRAFFIC ISSUES  
It is a crime to knowingly submit a false zoning reply form. (Texas Penal Code 37.10)

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

(8)

## Nina's House Child Care

Nina's House Child Care has been in operation since October 2009. We care for children ages birth to 5 yrs. old. We teach a pre-school curriculum and a Christian curriculum. The children learn ABCs, to count, shapes, science, health, math, etc. in English and Spanish. We also teach them American Sign Language. We operate Monday thru Friday 6:00 am to 6:00 pm. We are licensed by the State of Texas and have met a long list of criteria to become licensed. We receive a minimum of 30-50 hours of training and certification every year. We are Adult and Child CPR and First Aid trained and we re-train every two years. We have background checks performed every year and Fingerprint background checks. Thousands of dollars are spent annually, for training, supplies, food, toys, birthday cakes and birthday gifts, etc. The children perform a Thanksgiving skit and when each child leaves to begin mainstream school, we have a graduation from Nina's House and they wear caps & gowns and receive a diploma, achievement certificates and a gift to memorialize their achievements.

People tend to think of home daycares as babysitters, but we do far more than baby sit. We teach children about how tornados form, we teach children how rain falls, and fills lakes, creeks and ponds and waters our trees and plants so we can be fed and then evaporates and begins the process again. We teach children manners and how to be compassionate and considerate and treat others the way we want to be treated. We say the Pledge of Allegiance every single morning and we give thanks by saying Grace before we eat. We watch children take their first steps and say their first words, sometimes loose their first tooth and learn to go potty like a big girl or boy. Daycare at Nina's House is open to care for children 60 hours a week, but it is available to parents and their children 24/7, 365 days a year. The children and their families become a part of our family and we still see them at church, at the grocery store and we attend their sporting events when we can. They scream and cry and throw fits, hit, bite, and talk back and some days push us to the point of just wanting to sit alone and cry. But they also give sweet hugs and I love you and never forget us and long after they have outgrown Nina's House, run to give hugs and say I love you, when we see them in town.

Nina's House is not a place to have children baby sat and it is not a job. It is a family and an extension of every child's who attends Nina's House family, and we take care of being a family in the hours when mom and dad must work, so the children never feel that family time is interrupted by the necessities of life.

Number of children licenced for : 12  
Meals served: Breakfast, Am snack, Lunch, Pm Snack



(8)

At Nina's House we have no more than 3-4 children 2 1/2 years old and under in any room without an exit. We have 5 rooms, the children occupy during the course of a day that provide more than required room for a maximum of 12 children. As the children are varying ages we divide them accordingly so that the activities they participate in are age appropriate, therefore resulting in small groups 4 or less.

Have a blessed day,  
Nina

(9)

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

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A FAMILY HOME USE WITHIN A PLANNED DEVELOPMENT-43-SINGLE FAMILY-3 (PD-43-SF-3) ZONING DISTRICT, LOCATED AT 205 NOTTINGHAM DRIVE, BEING PROPERTY ID 220880, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 20, BLOCK 5 IN THE WINDCHASE EAST PHASE 1 SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, the described property is classified in said ordinance and any amendments thereto as PD-43-SF-3; and

**WHEREAS**, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-8-2021. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

**NOW, THEREFORE**, this property is rezoned from PD-43-SF-3 to PD-43-SF-3, with an SUP in order to permit a Family Home use on the following property: Lot 20, Block 5 of the Windchase East Phase 1 subdivision, which is shown on Exhibit A, in accordance with the Site Layout Plan attached as Exhibit B.

**SPECIFIC USE PERMIT**

**Purpose and Intent**

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

(9)

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A FAMILY HOME (NINA'S HOUSE CHILD CARE) USE IN THE PLANNED DEVELOPMENT-43-SINGLE FAMILY-3 (PD-43-SF-3) DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. The development shall conform as approved by the City Council under case number ZDC-8-2021.
2. 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.
3. If approved, City Council reserves the right to review the Specific Use Permit at any point in the future, if needed.
4. Should the applicant cease to operate a Family Home at this location, the Specific Use Permit zoning shall be deemed expired, and any future proposed Family Home at this location shall require a new Specific Use Permit to reestablish use.

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. 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 15<sup>th</sup> day of March, 2021.

\_\_\_\_\_  
MAYOR

ATTEST:

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

(9)



(9)

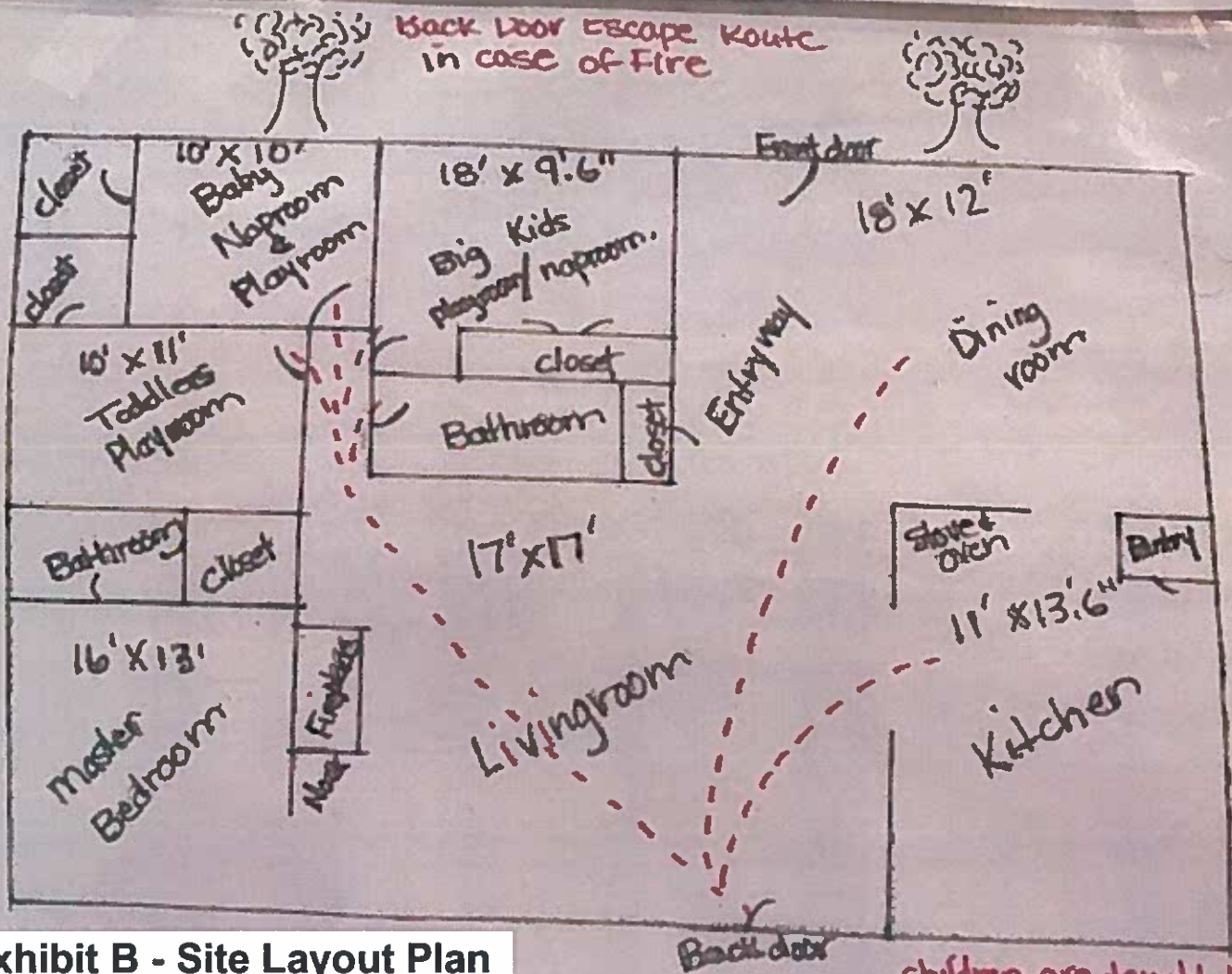


Exhibit B - Site Layout Plan

children are taught to walk by the same route



(10)

# Planning & Zoning Department

## Zoning Staff Report



**Case: ZDC-186-2021**

**MEETING DATE(S)**

*Planning & Zoning Commission:* March 9, 2021

*City Council:* March 15, 2021 (continued from March 1, 2021)

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held February 23, 2021, the Commission voted 5-0 to recommend to continue case number ZDC-186-2021 to the March 9, 2021 Planning and Zoning meeting.

At the Planning & Zoning Commission meeting, held March 9, 2021, the Commission voted 6-0 to recommend approval of case number ZDC-186-2021, subject to staff comments.

**CAPTION**

**Public Hearing** on a request by Islam Diab, ADTM Engineering & Construction Corp., for a **Zoning Change** from a General Retail and Planned Development-Single Family Residential-3 zoning district to Planned Development-General Retail, located at the SE corner of Farley Street at Highway 287 (Property ID 181802) - Owner: KSAM LLC (ZDC-186-2021)

**APPLICANT REQUEST**

The applicant is requesting to construct three buildings consisting of a multi-tenant office building, convenience store with gasoline sales, and a multi-tenant retail building with a drive-thru restaurant on two lots totaling 3.52 acres.

**CASE INFORMATION**

*Applicant:* Islam Diab, ADTM Engineering & Construction Corp.

*Property Owner(s):* KSAM, LLC

*Site Acreage:* 3.52 acres

*Current Zoning:* General Retail and PD-SF-3

*Requested Zoning:* Planned Development - General Retail

**SUBJECT PROPERTY**

*General Location:* SE corner of Farley Street at Highway 287

*Parcel ID Number(s):* 181802

*Existing Use:* Undeveloped

*Development History:* N/A

**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	PD-C	Undeveloped Land
East	---	US Highway 287
South	GR	Undeveloped Land
West	PD-SF3	Blue Bonnet Trails Subdivision

*Future Land Use Plan:* Low Density Residential and Retail

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

Retail: Retail includes areas that have restaurants, shops, grocery stores, and personal service establishments. Retail businesses generally require greater visibility than do other types of nonresidential land use (e.g., office, commercial).

*Thoroughfare Plan:* The subject property is accessible via Farley St. and Aster Dr.  
*Note: The applicant is currently working with TxDOT for possible access from US Highway 287 Service Rd.*

*Site Image:*



**PLANNING ANALYSIS**

Applicant Request

The applicant is requesting to construct three buildings consisting of a multi-tenant office building, convenience store with gasoline sales, and a multi-tenant retail building with a drive-thru restaurant on two lots totaling 3.52 acres.

Proposed Use

Per the operational plan, the applicant is requesting to construct three (3) buildings, two of which will be located on the east side of the property (adjacent to US Hwy 287 service road), and one building will be located on the west side of the property (adjacent to Aster Rd). Per the tables below, one of the buildings will be located on Lot 1 (4 tenant office building/Table 2) and two buildings will be located on Lot 2 (Convenience Store with Gasoline Sales and 4 tenant retail building/Table 3). Please note that the only difference between the two tables is the building square footage size. The setbacks and other dimensional uses will be the same.

At the February 23, 2021 Planning and Zoning meeting, the Planning and Zoning Commission requested that the applicant revise the submitted Elevation/Façade plan(s) for the proposed development so that the buildings would not appear "dated" in a short period of time. Per the Commission's request, the applicant presented two (2) options (see below) of Elevation/Façade plans for the Planning and Zoning Commission to review at the March 9, 2021 Planning and Zoning meeting.

ELEVATION/FAÇADE OPTIONS PROPOSED TO THE PLANNING AND ZONING COMMISSION

- Option 1:
  - The applicant is proposing an Elevation/Façade Plan that depicts average percentages of nearly 75% brick and 25% stone for the total building.
    - The applicant has removed stucco from this option.
  
- Option 2:
  - The applicant is proposing an Elevation/Façade Plan that depicts average percentages of nearly 50% brick and 50% stone for the total building. In comparison to the Elevation/Façade Plan presented to the Planning and Zoning Commission on February 23, 2021, the stone replaces where the stucco material was originally presented. Similar to the Option 1 proposal, stucco has been removed from this option.

At the March 9, 2021 Planning and Zoning meeting, the Planning and Zoning Commission voted 6-0 to recommend "Option 1" for approval to City Council.

Table 2: Proposed Development Standards Lot 1 (General Retail)

- Office Building

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

Standard	City of Waxahachie	KSAM	Meets Y/N
Min. Lot Area (Sq. Ft.)	7,000	49,744	Yes
Min. Building Size (Sq. Ft.)	N/A	5,500	Yes
Min. Front Yard (Ft.)	40	40	Yes
Min. Side Yard (Ft.)	20	30	Yes
Min. Rear Yard (Ft.)	<b>20; 25 (adjacent to residential)</b>	20	No
Max. Height	2 stories	1 story	Yes
Max. Lot Coverage (%)	40	11.1	Yes
Parking	64	69 (total development)	Yes



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*\*Additional Note: Per the Elevation/Façade plan presented at the February 23, 2021 Planning and Zoning meeting, the building is currently proposed to be constructed of brick, stone, and stucco. If the City Council chooses to select one of the aforementioned Elevation/Façade options, the materials could change.*

**Table 3: Proposed Development Standards for Lot 2 (General Retail)**

- Convenience Store with Gasoline Sales
- Retail/Restaurant Building

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

Standard	City of Waxahachie	KSAM	Meets Y/N
Min. Lot Area (Sq. Ft.)	7,000	103,115	Yes
Min. Building Size (Sq. Ft.)	N/A	Convenience Store: 5,000 Retail/Restaurant: 4,000	Yes
Min. Front Yard (Ft.)	40	40	Yes
Min. Side Yard (Ft.)	20	30	Yes
Min. Rear Yard (Ft.)	20; 25 (adjacent to residential)	20	Yes
Max. Height	2 stories	1 story	Yes
Max. Lot Coverage (%)	40	8.7	Yes
Parking	64	69 (total development)	Yes

*\*Additional Note: Per the Elevation/Façade plan presented at the February 23, 2021 Planning and Zoning meeting, the building is currently proposed to be constructed of brick, stone, and stucco. If City Council chooses to select one of the aforementioned Elevation/Façade options, the materials could change.*

Variance Request

The applicant is asking for the following variances from the City of Waxahachie Zoning Ordinance:

- Location of the dumpster enclosure to be in the setback of Lot 1.
- The rear setback of Lot 1 to be 20' instead of 25'.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 12 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.

PROPERTY OWNER NOTIFICATION RESPONSES

Staff received one (1) letter of opposition for the proposed development.

RECOMMENDATION

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

- Denial
- Approval, as presented.
- Approval, per the following comments:**
  1. A mutually agreed upon development agreement is signed by the applicant and staff.
  2. Though access easements are reviewed with plat cases, staff suggests that the access easement be a condition of the zoning change approval. Per the plat

(10)

submitted by the applicant, an access easement is provided along Farley St. and is continued between Lot 1 and Lot 2 of the development.

3. Staff suggests that the City Council select an option, or discuss an alternative Elevation/Façade Plan option, to include in the final recommendation to the applicant.
  - a. Note: The applicant is aware that if a tenant that intends to occupy the building wants to alter the approved exterior elevation/façade of the building, then the applicant/tenant would be required to apply for a Planned Development Amendment.

#### **ATTACHED EXHIBITS**

1. Property Owner Notification Responses
2. Development Agreement/Ordinance
3. Location Exhibit
4. Site Plan
5. Landscape Plan
6. Elevation/Façade Plan Exhibits

#### **APPLICANT REQUIREMENTS**

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
  - a. If comments were not satisfied, then applicant will be notified to make corrections.
  - b. If all comments satisfied, applicant shall provide a set of drawings that incorporate all comments.

#### **STAFF CONTACT INFORMATION**

*Prepared by:*  
Colby Collins  
Senior Planner  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

*Reviewed by:*  
Shon Brooks, AICP  
Director of Planning  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)

(10)

Property ID	Owner's Name	Acres	Legal Description	Owner's Address	Owner's City	Owner's State	Owner's ZIP	Physical Address
175420	WATKINS WILLIAM P	0.210	LOT 6 BLK 10 RIVER OAKS 2	110 CHEVY CHASE LN	WAXAHACHE	TX	75165	110 CHEVY CHASE LN WAXAHACHE TX 75165
175421	JOHNSON TRAVIS A & SHERK STACY L & SHERK ROBERT	0.43	LOT 7 BLK 10 RIVER OAKS 2	112 CHEVY CHASE LN	WAXAHACHE	TX	75165	112 CHEVY CHASE LN WAXAHACHE TX 75165
175420	ROGERS DAVID B	0.237	LOT 8 BLK 10 RIVER OAKS 2	118 DEERWOOD LN	WAXAHACHE	TX	75165	118 DEERWOOD LN WAXAHACHE TX 75165
175081	BROWN PROPERTIES LTD	10.269	5 J B & A ADAMS, 303 J COOCH 10.269 ACRES	500 N HAKARD ST STE 2070	DALLAS	TX	75201	HIGHWAY 287 WAXAHACHE TX 75165
181801	TAYLOR MARIE ETAL	19.82	226 W C CALDER 19.82 ACRES	601 BYCAMORE ST	WAXAHACHE	TX	75165	HIGHWAY 287 WAXAHACHE TX 75165
191802	KSAM LLC	19.58	226 W C CALDER 19.58 ACRES	3028 ROSSMA	GRAND PRairie	TX	75254	HIGHWAY 287 WAXAHACHE TX 75165
181802	KSAM LLC	19.58	226 W C CALDER 19.58 ACRES	3028 ROSSMA	GRAND PRairie	TX	75254	HIGHWAY 287 WAXAHACHE TX 75165
182271	ADKINS MICHAEL T & KAY E	0.74	203 B B DAVIS 0.74 ACRES	826 FARLEY ST	WAXAHACHE	TX	75165	826 FARLEY ST WAXAHACHE TX 75165
182275	BLIE BONNET TRAILS LLC	34.02	203 B B DAVIS 34.02 ACRES	6256 WOODLAND DR	DALLAS	TX	75225	HIGHWAY 287 WAXAHACHE TX 75165
277817	J HUGSTON HOMES LLC	0.13	LOT 6 BLK 3 BLIE BONNET TRAILS PH 1 & 2	70 BOX 2629	RED OAK	TX	75164	213 WOLFE DR WAXAHACHE TX 75165
277818	JPH CENTRAL MANAGEMENT SERVICES LLC & J HUGSTON HOMES LLC	0.15	LOT 6 BLK 3 BLIE BONNET TRAILS PH 1 & 2	J HUGSTON HOMES LIMITED LIABILITY COMPANY	J HOU	TX	75164	221 WOLFE DR WAXAHACHE TX 75165
277819	LONG STALLION OUSTON HOMES LLC	0.15	LOT 7 BLK 3 BLIE BONNET TRAILS PH 1 & 2	2211 HENTON DR WEST	IRVING	TX	75067	221 WOLFE DR WAXAHACHE TX 75165
277820	BLIE BONNET TRAILS LLC	0.04	LOT 8 BLK 3 (OPEN SPACE) BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	186 ASTER DR WAXAHACHE TX 75165
277822	BLIE BONNET TRAILS LLC	0.10	LOT 1 BLK 4 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	108 VERBENA DR WAXAHACHE TX 75165
277823	BLIE BONNET TRAILS LLC	0.1	LOT 2 BLK 4 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	104 VERBENA DR WAXAHACHE TX 75165
277824	BLIE BONNET TRAILS LLC	0.08	LOT 3 BLK 4 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	160 VERBENA DR WAXAHACHE TX 75165
277825	BLIE BONNET TRAILS LLC	0.08	LOT 4 BLK 4 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	154 VERBENA DR WAXAHACHE TX 75165
277826	BLIE BONNET TRAILS LLC	0.07	LOT 5 BLK 4 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	158 VERBENA DR WAXAHACHE TX 75165
277827	BLIE BONNET TRAILS LLC	0.08	LOT 6 BLK 4 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	154 VERBENA DR WAXAHACHE TX 75165
277828	BLIE BONNET TRAILS LLC	0.07	LOT 7 BLK 4 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	152 VERBENA DR WAXAHACHE TX 75165
277829	BLIE BONNET TRAILS LLC	0.08	LOT 8 BLK 4 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	150 VERBENA DR WAXAHACHE TX 75165
277830	BLIE BONNET TRAILS LLC	0.06	LOT 9 BLK 4 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	148 VERBENA DR WAXAHACHE TX 75165
277831	BLIE BONNET TRAILS LLC	0.08	LOT 10 BLK 4 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	144 VERBENA DR WAXAHACHE TX 75165
277832	BLIE BONNET TRAILS LLC	0.08	LOT 11 BLK 4 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	140 VERBENA DR WAXAHACHE TX 75165
277833	BLIE BONNET TRAILS LLC	0.07	LOT 12 BLK 4 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	138 VERBENA DR WAXAHACHE TX 75165
277834	BLIE BONNET TRAILS LLC	0.08	LOT 13 BLK 4 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	136 VERBENA DR WAXAHACHE TX 75165
277835	BLIE BONNET TRAILS LLC	0.06	LOT 14 BLK 4 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	134 VERBENA DR WAXAHACHE TX 75165
277836	BLIE BONNET TRAILS LLC	0.08	LOT 15 BLK 4 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	132 VERBENA DR WAXAHACHE TX 75165
277837	BLIE BONNET TRAILS LLC	0.08	LOT 16 BLK 4 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	130 VERBENA DR WAXAHACHE TX 75165
277838	BLIE BONNET TRAILS LLC	0.08	LOT 17 BLK 4 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	128 VERBENA DR WAXAHACHE TX 75165
277839	BLIE BONNET TRAILS LLC	0.07	LOT 18 BLK 4 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	124 VERBENA DR WAXAHACHE TX 75165
277840	BLIE BONNET TRAILS LLC	0.08	LOT 19 BLK 4 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	120 VERBENA DR WAXAHACHE TX 75165
277841	BLIE BONNET TRAILS LLC	0.06	LOT 20 BLK 4 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	118 VERBENA DR WAXAHACHE TX 75165
277842	BLIE BONNET TRAILS LLC	0.06	LOT 21 BLK 4 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	112 VERBENA DR WAXAHACHE TX 75165
277843	BLIE BONNET TRAILS LLC	0.08	LOT 22 BLK 4 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	108 VERBENA DR WAXAHACHE TX 75165
277844	BLIE BONNET TRAILS LLC	0.08	LOT 23 BLK 4 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	104 VERBENA DR WAXAHACHE TX 75165
277845	BLIE BONNET TRAILS LLC	0.12	LOT 24 BLK 4 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	100 VERBENA DR WAXAHACHE TX 75165
277846	BLIE BONNET TRAILS LLC	0.12	LOT 25 BLK 4 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	94 LAYNE DR WAXAHACHE TX 75165
277847	BLIE BONNET TRAILS LLC	0.06	LOT 26 BLK 4 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	220 LAVENDER DR WAXAHACHE TX 75165
277848	BLIE BONNET TRAILS LLC	0.06	LOT 27 BLK 4 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	216 LAVENDER DR WAXAHACHE TX 75165
277867	BLIE BONNET TRAILS LLC	0.11	LOT 40 BLK 4 (OPEN SPACE) BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	228 VERBENA DR WAXAHACHE TX 75165
277886	BLIE BONNET TRAILS LLC	0.08	LOT 12 BLK 6 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	220 SHAFER DR WAXAHACHE TX 75165
277889	BLIE BONNET TRAILS LLC	0.1	LOT 13 BLK 6 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	221 LAVENDER DR WAXAHACHE TX 75165
277912	BLIE BONNET TRAILS LLC	0.06	LOT 12 BLK 6 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	225 FOXGLOVE LN WAXAHACHE TX 75165
277913	BLIE BONNET TRAILS LLC	0.1	LOT 13 BLK 6 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	221 SHAFER DR WAXAHACHE TX 75165
277938	BLIE BONNET TRAILS LLC	0.11	LOT 11 BLK 7 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	229 VERBENA DR WAXAHACHE TX 75165
277939	BLIE BONNET TRAILS LLC	0.11	LOT 12 BLK 7 BLIE BONNET TRAILS PH 1 & 2	6256 WOODLAND DR	DALLAS	TX	75225	221 FOXGLOVE LN WAXAHACHE TX 75165

(10)



City of Waxahachie, Texas  
Notice of Public Hearing  
Case Number: ZDC-186-2021



WAXAHACHIE DEVELOPMENT CO  
PO BOX 717  
WAXAHACHIE, TX 75168

The Waxahachie Planning & Zoning Commission will hold a Public Hearing on Tuesday, February 23, 2021 at 7:00 p.m. and the Waxahachie City Council will hold a Public Hearing on Monday, March 1, 2021 at 7:00 p.m. in the Council Chamber at the Waxahachie City Hall, 401 South Rogers Street, Waxahachie, Texas to consider the following:

- 1. Request by Islam Diab, ADTM Engineering & Construction Corp., for a **Zoning Change** from a General Retail and Planned Development-Single Family Residential-3 zoning district to Planned Development-General Retail, located at the SW corner of Farley Street at Highway 287 (being a portion of Property ID 181802) - Owner: KSAM LLC (ZDC-186-2021)

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

Case Number: ZDC-186-2021

City Reference: 265609

Your response to this notification is optional. If you choose to respond, please return this form by 5:00 P.M. on **Tuesday, February 16, 2021** to ensure inclusion in the Agenda Packet. Forms can be e-mailed to [Planning@Waxahachie.com](mailto:Planning@Waxahachie.com) or you may drop off/mail your form to City of Waxahachie, Attention: Planning, 401 South Rogers Street, Waxahachie, TX 75165.

SUPPORT

OPPOSE

Comments:

Mark Singleton  
Signature

2/10/21  
Date

Mark Singleton  
Printed Name and Title

P.O. Box 717  
Address

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

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

(11)

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM GENERAL RETAIL (GR) AND PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3) TO PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) TO ALLOW A MULTI-TENANT OFFICE BUILDING, CONVENIENCE STORE WITH GASOLINE SALES, AND A MULTI-TENANT RETAIL BUILDING, LOCATED AT THE SOUTHEAST CORNER OF FARLEY STREET AT HIGHWAY 287, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 3.52 ACRES KNOWN AS A PORTION OF PROPERTY ID 181802 OF ABSTRACT 235 OF THE WC CALDER SURVEY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-186-2021. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from GR & PD-SF3 to PD-GR, with Concept Plan; and

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

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

**NOW, THEREFORE**, this property is rezoned from GR & PD-SF3 to PD-GR, with Concept Plan in order to facilitate development of the subject property in a manner that allows a multi-tenant office building, convenience store with gasoline sales, and a multi-tenant retail building on the following property: a portion of Property ID 181802 of Abstract 235 of the WC Calder Survey, which is shown on Exhibit A, Site Plan shown as Exhibit B, Landscape Plan shown as Exhibit C, Elevation/Façade Plan shown as Exhibit D, and Staff Report shown as Exhibit E.

**PLANNED DEVELOPMENT**

**Purpose and Intent**

The purpose of this planned development to create a retail 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.

(11)

Development Standards

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

Development Regulations

1. A mutually agreed upon Development Agreement will be required for the property.
2. The access easement, shown along Farley St. and continued between Lot 1 and Lot 2 of the development, shall be a condition of the zoning approval.
3. The development shall provide a 6ft. masonry wall along Aster Dr. (as depicted on the Site Plan) that separates the office building (Lot 1) from the adjacent subdivision (Blue Bonnet Trails).
4. The minimum rear yard setback for Lot 1 shall be 20ft.
5. A dumpster enclosure will be allowed in the northern setback of Lot 1.
6. The Site Plan shall conform as approved by the City Council under case number ZDC-186-2021.
7. Any zoning, land use requirement, or restriction not contained within this zoning ordinance, Development Agreement, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E – Staff Report. Where regulations are not specified in Exhibits B, C, D, E, Development Agreement, or in this ordinance, the regulations of General Retail zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.
8. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
9. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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 15<sup>th</sup> day of March, 2021.

\_\_\_\_\_  
MAYOR

ATTEST:

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

(18)

STATE OF TEXAS           §           DEVELOPMENT AGREEMENT  
   §           FOR KSAM (MULTI-USE)  
 COUNTY OF ELLIS         §

This Development Agreement for KSAM (Multi-Use) ("Agreement") is entered into between KSAM, LLC ("KSAM") and the City of Waxahachie, Texas ("City"). KSAM and the City are sometimes referred herein together as the "Parties" and individually as a "Party."

**Recitals:**

1. KSAM is the owner of approximately 3.52 acres of real property generally located at the Southeast corner of Farley Street at Highway 287, parcel number 181802, in the City of Waxahachie, Texas (the "Property"), for which he has requested a change in the Property's General Retail and Planned Development-Single Family-3 zoning to a Planned Development ("PD") General Retail zoning, revising specific development standards. The Property is currently zoned General Retail and Planned Development-Single Family-3 by the City, and is anticipated to have the zoning changed to a new PD zoning on March 15, 2021.

2. The planned use of the Property is to create a Planned Development to allow for the development of a multi-tenant office building, convenience store with gasoline sales, and a multi-tenant retail building. The PD zoning process is utilized to ensure that the Property would develop in a manner that meets the City's desired development standards, as well as providing KSAM with agreed-upon and negotiated standards consistent with their business objectives.

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

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

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

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

(18)

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

**Section 3. Agreements.** The Parties agree as follows:

**Incorporation of Zoning and Recognition of Investment-Backed Expectations:** The negotiated and agreed upon zoning and development standards contained in the KSAM (Multi-Use) PD Ordinance, which incorporate by reference the general zoning regulations of the City of Waxahachie zoning ordinance, are hereby adopted and incorporated into this Agreement as contractually-binding obligations of the developer.

The Developer agrees to:

- (A) A mutually agreed upon Development Agreement will be required for the property.
- (B) The access easement, shown along Farley St. and continued between Lot 1 and Lot 2 of the development, shall be a condition of the zoning approval.
- (C) The development shall provide a 6ft. masonry wall along Aster Dr. (as depicted on the Site Plan) that separates the office building (Lot 1) from the adjacent subdivision (Blue Bonnet Trails).
- (D) The minimum rear yard setback for Lot 1 shall be 20ft.
- (E) A dumpster enclosure will be allowed in the northern setback of Lot 1.
- (F) The Site Plan shall conform as approved by the City Council under case number ZDC-186-2021.
- (G) A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
- (H) The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
- (I) Any zoning, land use requirement, or restriction not contained within this Development Agreement, zoning ordinance, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E - Staff Report of the approved Ordinance. Where regulations are not specified in Exhibits B, C, D, E, zoning ordinance, or in this Development Agreement, the regulations of General Retail zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.



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

**Section 4. Miscellaneous**

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

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

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

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

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

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

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

(12)

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

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

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

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

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

(12)

**{Signature Pages Follow}**

(18)

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

**CITY OF WAXAHACHIE, TEXAS**

By: \_\_\_\_\_  
Michael Scott, City Manager

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

ATTEST:

By: \_\_\_\_\_  
City Secretary

**: Islam Diab, ADTM Engineering &  
Construction Corp. (Applicant)**

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

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

**: KSAM, LLC (Owner)**

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

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

(12)

STATE OF TEXAS       §  
                                  §  
COUNTY OF ELLIS     §

Before me, the undersigned authority, on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, personally appeared MICHAEL SCOTT, City Manager of the City of Waxahachie, Texas, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

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

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

STATE OF TEXAS       §  
                                  §  
COUNTY OF ELLIS     §

Before me, the undersigned authority, on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, personally appeared \_\_\_\_\_, representative of KSAM, LLC, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

[Seal]

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

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

(18)

**EXHIBIT A**

**The KSAM PD Ordinance**

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM GENERAL RETAIL (GR) AND PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3) TO PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) TO ALLOW A MULTI-TENANT OFFICE BUILDING, CONVENIENCE STORE WITH GASOLINE SALES, AND A MULTI-TENANT RETAIL BUILDING, LOCATED AT THE SOUTHEAST CORNER OF FARLEY STREET AT HIGHWAY 287, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 3.52 ACRES KNOWN AS A PORTION OF PROPERTY ID 181802 OF ABSTRACT 235 OF THE WC CALDER SURVEY, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

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

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

**WHEREAS**, a proper application for a PD, with Concept Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-186-2021. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from GR & PD-SF3 to PD-GR, with Concept Plan; and

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

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

**NOW, THEREFORE**, this property is rezoned from GR & PD-SF3 to PD-GR, with Concept Plan in order to facilitate development of the subject property in a manner that allows a multi-tenant office building, convenience store with gasoline sales, and a multi-tenant retail building on the following property: a portion of Property ID 181802 of Abstract 235 of the WC Calder Survey, which is shown on Exhibit A, Site Plan shown as Exhibit B, Landscape Plan shown as Exhibit C, Elevation/Façade Plan shown as Exhibit D, and Staff Report shown as Exhibit E.

(12)

## PLANNED DEVELOPMENT

### Purpose and Intent

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

### Development Standards

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

### Development Regulations

1. A mutually agreed upon Development Agreement will be required for the property.
2. The access easement, shown along Farley St. and continued between Lot 1 and Lot 2 of the development, shall be a condition of the zoning approval.
3. The development shall provide a 6ft. masonry wall along Aster Dr. (as depicted on the Site Plan) that separates the office building (Lot 1) from the adjacent subdivision (Blue Bonnet Trails).
4. The minimum rear yard setback for Lot 1 shall be 20ft.
5. A dumpster enclosure will be allowed in the northern setback of Lot 1.
6. The Site Plan shall conform as approved by the City Council under case number ZDC-186-2021.
7. Any zoning, land use requirement, or restriction not contained within this zoning ordinance, Development Agreement, or Staff Report as approved by City Council, shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, and Exhibit E – Staff Report. Where regulations are not specified in Exhibits B, C, D, E, Development Agreement, or in this ordinance, the regulations of General Retail zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.
8. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
9. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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.

(18)

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 15<sup>th</sup> day of March, 2021.

\_\_\_\_\_  
MAYOR

ATTEST:

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



(17)

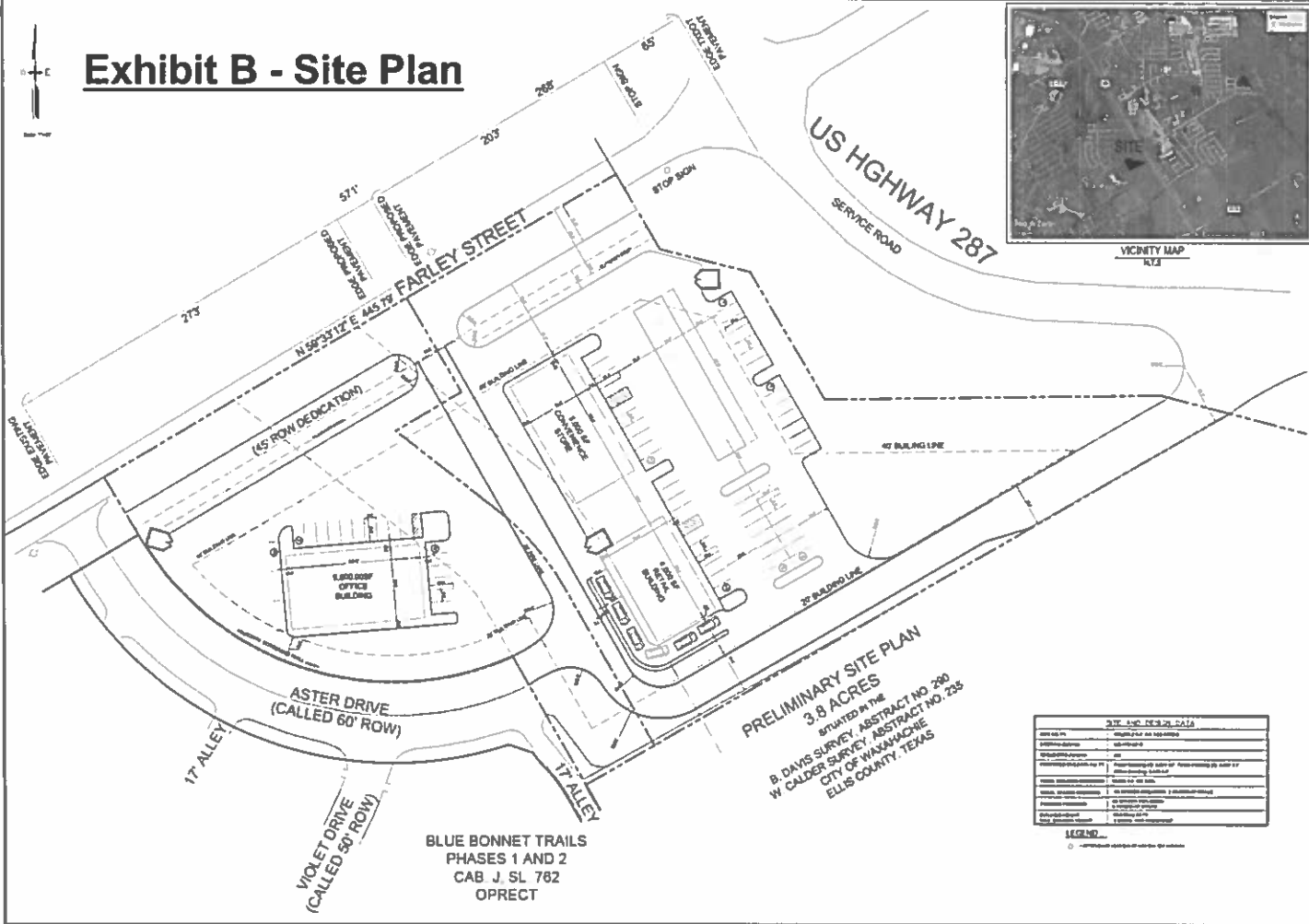


**Exhibit A - Location Exhibit**

ZDC-000186-2021 (PD)

(12)

# Exhibit B - Site Plan



**AUTM ENGINEERING & CONSTRUCTION CORP.**  
 1475 MARSHALL, TEXAS 75051  
 CONTACT PERSON: MARY ALLUM, P.E.  
 TEXAS REGISTRATION NUMBER: 1-1098



**HIGHWAY 287**  
 CITY OF WALKER  
 ELLIS COUNTY, TEXAS

**DEVELOPER:**  
 WALKER LLC  
 3021 ROSINA ISLAND  
 PRIME, TX 75054  
 PHONE: 917-592-3875

Sheet No.	1 of 1
Scale	AS SHOWN
Date	11/11/11
Drawn by	MA
Checked by	MA
Approved by	MA
Project No.	
Site No.	
Sheet No.	
Total Sheets	

**SITE PLAN**  
 Sheet  
**C1**

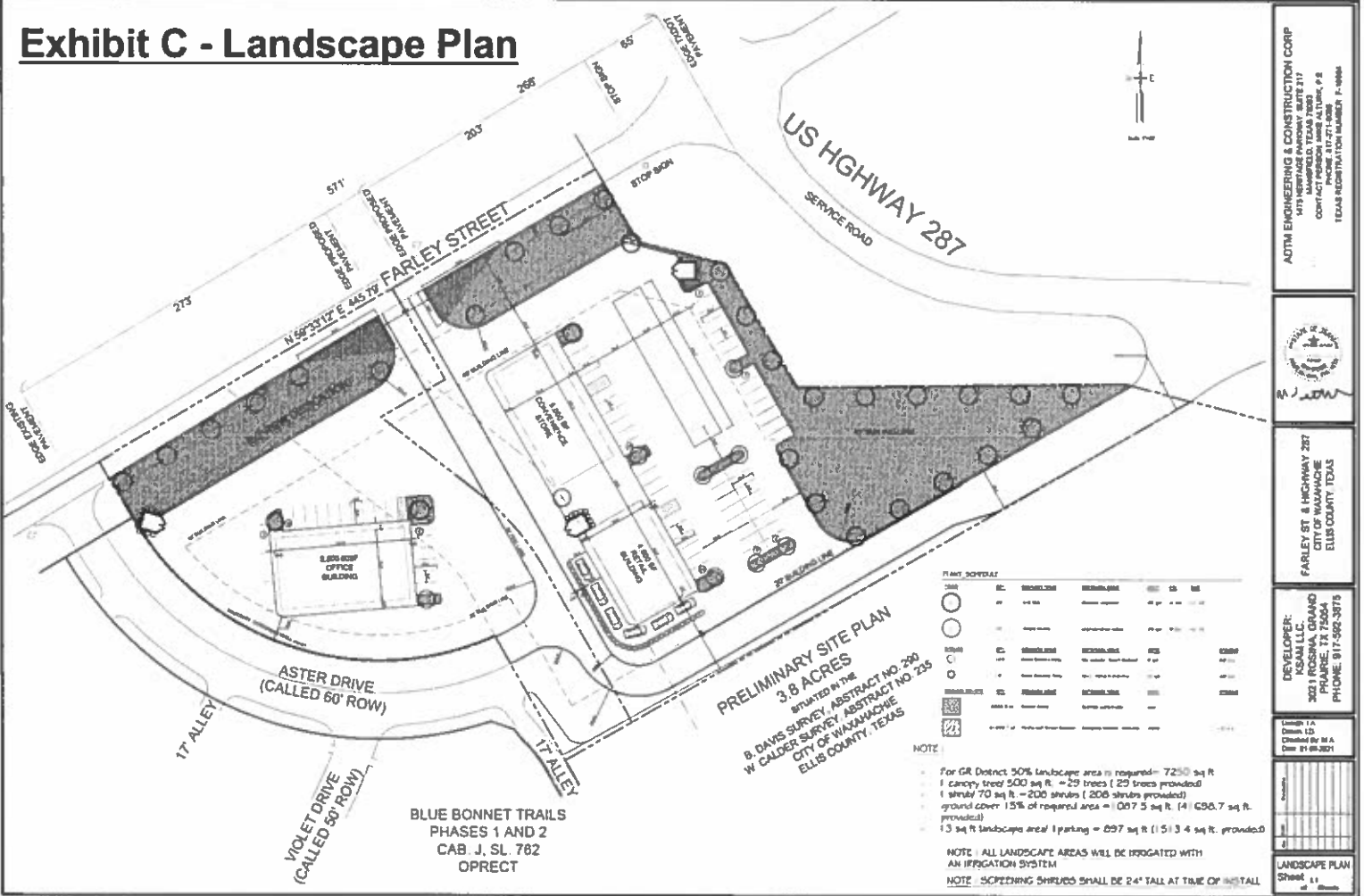
**PRELIMINARY SITE PLAN**  
**3.8 ACRES**  
 SITUATED IN THE  
 B. DAVIS SURVEY, ABSTRACT NO. 280  
 W. CALDER SURVEY, ABSTRACT NO. 235  
 CITY OF WALKER, TEXAS  
 ELLIS COUNTY, TEXAS

SITE DATA	
Site No.	11-11-11-01
Project Name	11-11-11-01
Client	MA
Designation	11-11-11-01
Scale	AS SHOWN
Date	11-11-11
Drawn by	MA
Checked by	MA
Approved by	MA
Project No.	
Site No.	
Sheet No.	
Total Sheets	

**LEGEND**  
 - - - - - Proposed

(18)

# Exhibit C - Landscape Plan



ACTM ENGINEERING & CONSTRUCTION CORP  
 1117 W. HAWK CREEK ROAD, SUITE 117  
 WAXAHAMIE, TEXAS 76783  
 CONTACT PERSON: MIKE HATLICK, P.E.  
 TEXAS REGISTRATION NUMBER: P-18984



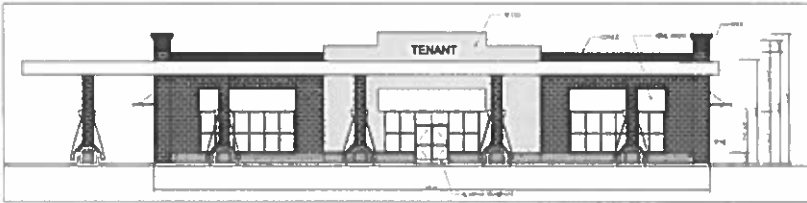
FARLEY ST & HIGHWAY 287  
 CITY OF WAXAHAMIE  
 ELLIS COUNTY, TEXAS

DEVELOPER:  
 KSMALL, LLC  
 3021 ROSINA GRAND  
 PRARISE, TX 75004  
 PHONE: 917-592-3875

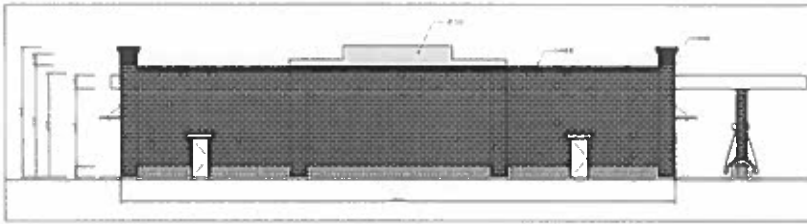
Created by M.A.  
 Date: 01-08-2021


LANDSCAPE PLAN  
 Sheet 11

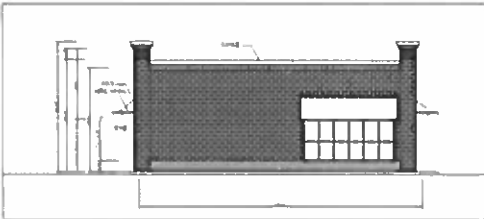
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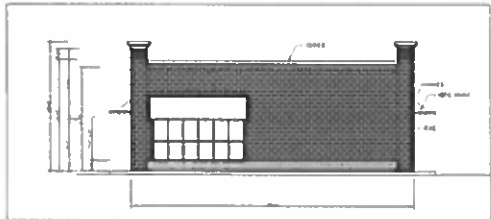
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SCALE 1/8" = 1'-0"



BACK ELEVATION  
SCALE 1/8" = 1'-0"



SEE ELEVATION  
SCALE 1/8" = 1'-0"



SEE ELEVATION  
SCALE 1/8" = 1'-0"

### Original Convenience Store Proposal: Presented at 2/23/2021 Planning and Zoning Meeting

Item	Total Area (SF)		Floor		Roof		Foundation		Site		Other	
	Area	%	Area	%	Area	%	Area	%	Area	%	Area	%
1. Total Area	2,112.00	100%	1,875.00	89%	237.00	11%	0.00	0%	0.00	0%	0.00	0%
2. Floor Area	1,875.00	89%	1,875.00	89%	0.00	0%	0.00	0%	0.00	0%	0.00	0%
3. Roof Area	237.00	11%	0.00	0%	237.00	11%	0.00	0%	0.00	0%	0.00	0%
4. Foundation Area	0.00	0%	0.00	0%	0.00	0%	0.00	0%	0.00	0%	0.00	0%
5. Site Area	0.00	0%	0.00	0%	0.00	0%	0.00	0%	0.00	0%	0.00	0%
6. Other Area	0.00	0%	0.00	0%	0.00	0%	0.00	0%	0.00	0%	0.00	0%
<b>Total Area</b>	<b>2,112.00</b>	<b>100%</b>	<b>1,875.00</b>	<b>89%</b>	<b>237.00</b>	<b>11%</b>	<b>0.00</b>	<b>0%</b>	<b>0.00</b>	<b>0%</b>	<b>0.00</b>	<b>0%</b>

**ADTM ENGINEERING & CONSTRUCTION**  
 1475 HERSCHEL CIRCLE, SUITE 407  
 WINTERVILLE, TEXAS 75813  
 CONTACT: ADAM W. ADAMS, P.E.  
 PHONE: 937-871-8711  
 TEXAS REGISTRATION NUMBER: F-14394

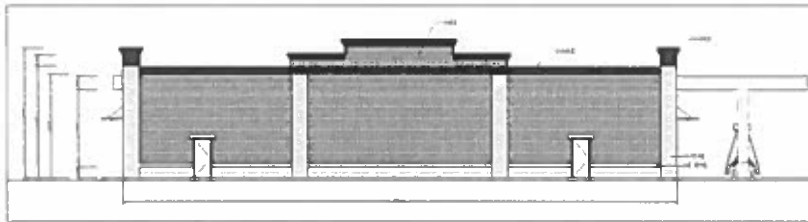
**DEVELOPER:**  
 NSAM LLC  
 3021 ROSINA GRAND  
 FORT WORTH, TX 76104  
 PHONE: 817-562-3873

**CONVENIENCE STORE ELEVATIONS**  
 SHEET L1

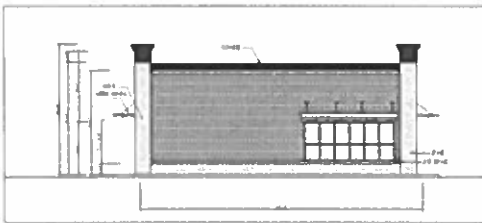
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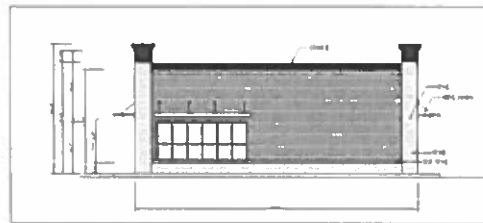
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SCALE 1/8" = 1'-0"



2 BACK ELEVATION  
SCALE 1/8" = 1'-0"



3 SIDE ELEVATION  
SCALE 1/8" = 1'-0"



4 SIDE ELEVATION  
SCALE 1/8" = 1'-0"

### Exhibit D - Convenience Store Elevation/Facade Plan - Option 1

Item	Material	Square Footage				Percentage of Total Area					
		Sq. Ft.	%	Sq. Ft.	%	Sq. Ft.	%	Sq. Ft.	%		
1	Brick (Exterior)	111.00	3%	1170.00	32%	1281.00	37%	229.00	7%	119.00	4%
2	Brick (Interior)	1200.00	35%	1200.00	35%	1200.00	35%	1200.00	35%	1200.00	35%
3	Block (Exterior)	2113.20	62%	1242.00	36%	3355.20	100%	3355.20	100%	3355.20	100%
4	Block (Interior)	320.00	9%	320.00	9%	320.00	9%	320.00	9%	320.00	9%
5	Block (Exterior)	1700.00	50%	1700.00	50%	1700.00	50%	1700.00	50%	1700.00	50%
6	Block (Interior)	200.00	6%	200.00	6%	200.00	6%	200.00	6%	200.00	6%
Total Area		3643.20		3643.20		3643.20		3643.20		3643.20	

**ADTM ENGINEERING & CONSTRUCTION**  
 CORP.  
 1475 HENRIETTA, SUITE 217  
 HOUSTON, TEXAS 77058  
 CONTACT: JASON MORT, P.E.  
 TEXAS REGISTRATION NUMBER: E-16194

DEVELOPER:  
 KRAM LLC  
 3021 ROSAMIA GRAND  
 PRAIRIE, TX 75054  
 PHONE: 917-592-3075

Design: J.D.  
 Drawn: J.D.  
 Checked by: J.A.  
 Date: 02-03-2021

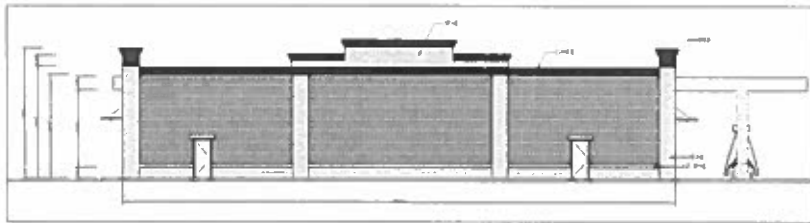
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1	02-03-2021	ISSUED FOR PERMIT	J.D.

SHEET NO. **L1** OF **L1**

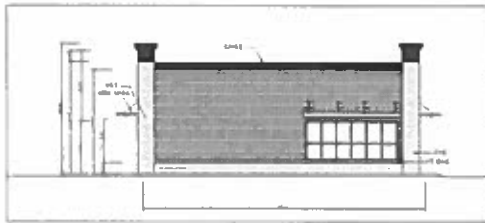
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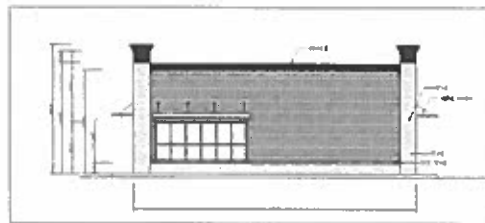
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1/8" = 1'-0"



2 BACK ELEVATION  
1/8" = 1'-0"



3 SIDE ELEVATION  
1/8" = 1'-0"



4 SIDE ELEVATION  
1/8" = 1'-0"

### Exhibit D - Convenience Store Elevation/Facade Plan - Option 2

Item	Liquid Area (sq ft)		Brick		Aluminum Siding/Polystyrene Foam Board		Stone		Total Siding	
	Area	%	Area	%	Area	%	Area	%	Area	%
1. Front Elevation	2118.10	57	857.30	23	676.30	18	126.70	3	220.80	6
	2088.00	56	24.87	1	65.23	2	27.87	1	30.66	1
2. Side Elevation	1100.10	29	884.33	23	130.00	4	215.75	6	29.00	1
	899.00	24	16.12	1	12.83	1	23.58	1	6.00	1
3. Back Elevation	2118.10	57	1316.89	35	60.00	2	133.00	3	6.00	1
	2088.00	56	74.82	2	2.97	0	24.21	1	6.24	1
4. Side Elevation	1100.10	29	846.91	23	126.00	3	215.75	6	29.00	1
	899.00	24	14.11	1	11.23	1	21.58	1	6.00	1
<b>Total Area</b>	<b>5442.30</b>		<b>3247.30</b>		<b>927.60</b>		<b>4967.60</b>		<b>293.20</b>	

**ARTH ENGINEERING & CONSTRUCTION**  
 1475 HERSCHEL PARKWAY, SUITE 607  
 HOUSTON, TEXAS 77056  
 PHONE: 832-977-8844  
 TEXAS REGISTRATION NUMBER T-4984



HIGHWAY 287  
 CITY OF WAXAHACHE  
 BLISS COUNTY TEXAS

**DEVELOPER**  
 K&M LLC  
 3021 ROSINA, GRAND  
 PRUNES, TX 75064  
 PHONE: 817-988-0875

Drawn: L.J.  
 Checked by: M.A.  
 Date: 03-03-2021

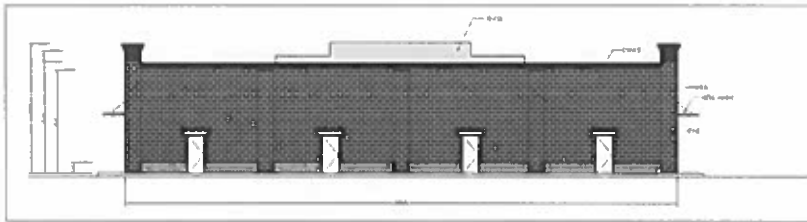
NO.	REVISION	DATE

CONVENIENCE STORE  
 ELEVATIONS  
 Sheet L-1

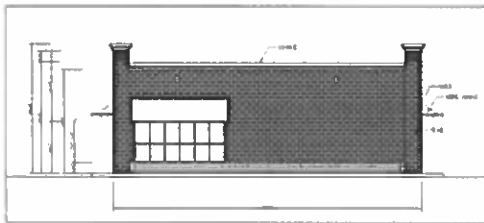
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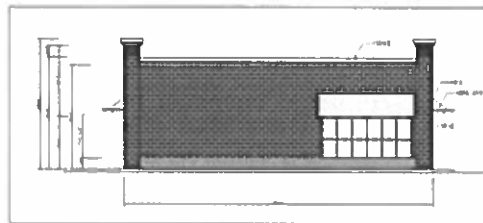
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Scale: 1/8" = 1'-0"



2 BACK ELEVATION  
Scale: 1/8" = 1'-0"



3 SIDE ELEVATION  
Scale: 1/8" = 1'-0"



4 SIDE ELEVATION  
Scale: 1/8" = 1'-0"

**Original Office Proposal:  
Presented at 2/23/2021  
Planning and Zoning  
Meeting**

Item	Quantity	Unit	Material	Remarks	Notes	Amount
1. Brick	1,000,000	sq ft	Red	Exterior walls		1,000,000
2. Mortar	100,000	cu yd	3/4" sand	Exterior walls		100,000
3. Concrete	100,000	cu yd	4" slab	Foundation		100,000
4. Formwork	100,000	sq ft	1/2" ply	Foundation		100,000
5. Scaffolding	100,000	sq ft	4" x 4" x 10'	Exterior walls		100,000
6. Labor	100,000	hr	100,000	Exterior walls		100,000
7. Total						2,300,000

**AJTM ENGINEERING & CONSTRUCTION**  
 1475 HESTER AVENUE, SUITE 87  
 WAXAHOLE, TEXAS 76787  
 CONTACT: (817) 541-1111  
 FAX: (817) 541-1111  
 TEXAS REGISTRATION NUMBER: F-4594

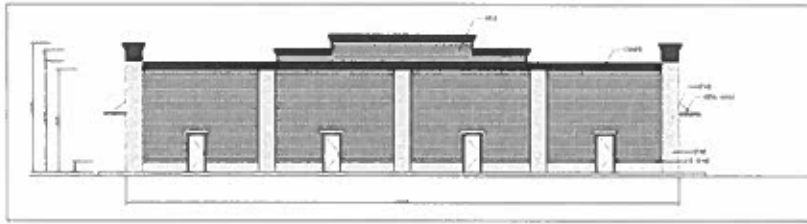
**DEVELOPER**  
 KSAAM LLC  
 3021 FRODOA GRAND  
 WAXAHOLE, TEXAS 76787  
 PHONE: 817-562-3075

**OFFICE BUILDING ELEVATIONS**  
 Sheet L2

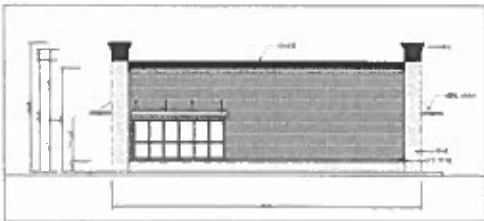
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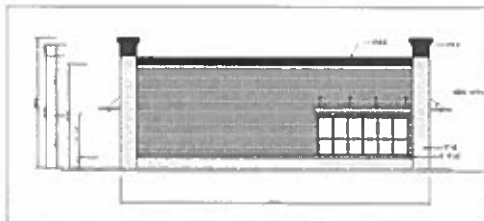
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SCALE 1/8" = 1'-0"



2 BACK ELEVATION  
SCALE 1/8" = 1'-0"



3 SIDE ELEVATION  
SCALE 1/8" = 1'-0"



4 SIDE ELEVATION  
SCALE 1/8" = 1'-0"

### Exhibit D - Office Elevation/Facade Plan - Option 1

Exterior Material Analysis

	Total Area (sq ft)	%	Cost	Material Weight (lb)	Material Weight (kip)	Material Weight (kip)	Material Weight (kip)
1. Brick	2142.00	50%	\$205.00	175.20	0.00	204.00	273.00
2. Glass	820.00	19%	47.12	26.67	0.00	32.91	0.18
3. Steel	1011.71	23%	893.00	120.00	0.00	244.12	6.60
4. Concrete	820.00	19%	35.79	0.00	0.00	23.00	0.57
5. Total	4793.71	100%	1161.91	321.87	0.00	504.03	347.35
6. Total	4793.71	100%	1161.91	321.87	0.00	504.03	347.35

**ABM ENGINEERING & CONSTRUCTION**  
 1475 HERRIDGE AVE., SUITE 217  
 WAXAHACHIE, TEXAS 75083  
 CONTACT: (972) 947-1111  
 FAX: (972) 947-1111  
 TEXAS REGISTRATION NUMBER: F-10994

**DEVELOPER:**  
 KSA&I LLC  
 3021 ROSINA GRAND  
 WAXAHACHIE, TEXAS 75083  
 PHONE: 972-947-3075

**Design D**  
 Checked By: M.A.  
 Date: 08-02-2021

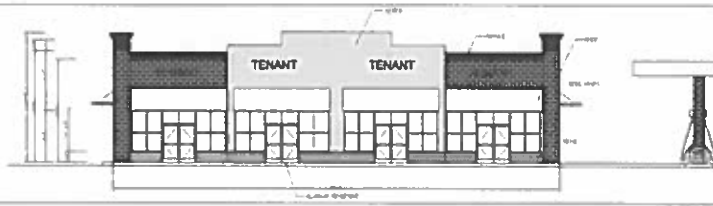
**OFFICE BUILDING ELEVATIONS**  
 Sheet: L2



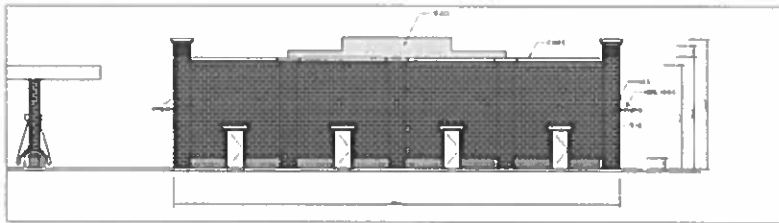


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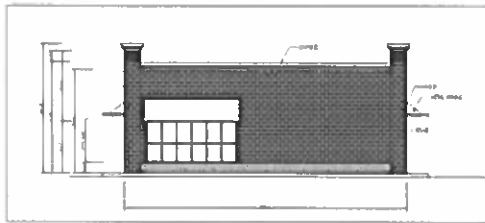
**Original Retail Proposal:  
Presented at 2/23/2021  
Planning and Zoning  
Meeting**



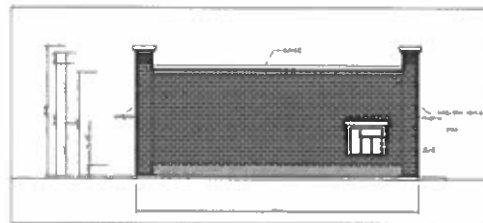
1 FRONT ELEVATION  
SCALE 1/8" = 1'-0"



2 BACK ELEVATION  
SCALE 1/8" = 1'-0"



3 SIDE ELEVATION  
SCALE 1/8" = 1'-0"



4 SIDE ELEVATION  
SCALE 1/8" = 1'-0"

Item	Total Area (sq ft)		Area		Volume		Material		Other		Subtotal	
	Area	%	Area	%	Volume	%	Material	%	Other	%	Subtotal	%
1. Structure	1,721,000	50	422,112	12	1,298,888	38	975,200	28	1,026,200	31	36,300	10
2. Site Preparation	1,300,000	37	36,200	1	1,263,800	37	1,400,000	42	1,400,000	42	14,000	4
3. Other	1,721,000	50	1,721,000	50	1,721,000	50	1,721,000	50	1,721,000	50	1,721,000	50
4. Total	3,421,000	100	458,312	13	2,562,688	75	2,475,200	72	2,426,200	71	50,300	14

**ADIM ENGINEERING & CONSTRUCTION**  
CORP.  
1475 HICKMAN DRIVE, SUITE 217  
HOUSTON, TEXAS 77054  
CONTACT: P. REEDER, P.E. OR ALTYM, P.E.  
TEXAS REGISTRATION NUMBER: F-46984



HICKMAN 217  
CITY OF HOUSTON  
ELLIS COUNTY, TEXAS

**DEVELOPER:**  
NSAM LLC  
3021 HOUSTON, GRAND  
PRairie, TX 75064  
PHONE: 817-562-3873

Design: [ ]  
Drawn: [ ]  
Checked By: M.A.  
Date: 01-09-2021

NO.	DATE	DESCRIPTION

RETAIL BUILDING  
ELEVATIONS  
Sheet L3

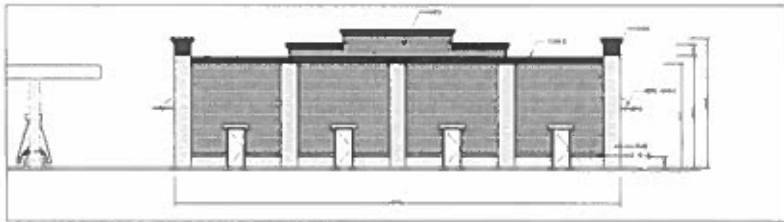
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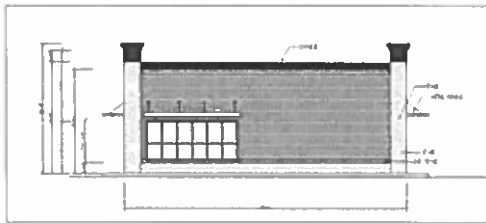
1 FRONT ELEVATION  
SCALE: 1/8" = 1'-0"

**Exhibit D - Retail  
Elevation/Facade Plan - Option 1**

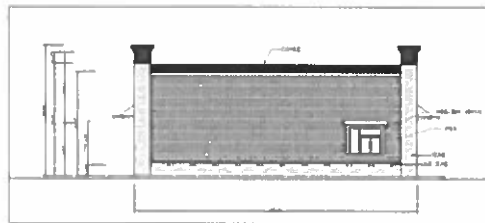
Item	Total Area (SQ)		Exemption Municipal Ordinance		Minimum Municipality of Code		State		Under Review	
	SF	%	SF	%	SF	%	SF	%	SF	%
1. Total Area	1,713.00	100%	917.76	53.6%	1,713.00	100%	234.00	13.7%	978.00	56.9%
2. Retail Storefront	900.00	52.5%	491.00	28.7%	3,819.00	223.4%	17.00	1.0%	2.00	0.1%
3. Retail Storefront	1,000.00	58.4%	800.00	46.7%	3,200.00	187.0%	275.00	16.0%	725.00	42.3%
4. Retail Storefront	1,713.00	100%	1,100.00	64.2%	60.00	3.5%	600.00	35.0%	600.00	35.0%
5. Total Area	1,713.00	100%	677.76	39.6%	2,827.00	165.0%	275.00	16.0%	275.00	16.0%
<b>Total Area</b>	<b>1,713.00</b>	<b>100%</b>	<b>917.76</b>	<b>53.6%</b>	<b>6,100.00</b>	<b>356.3%</b>	<b>1,100.00</b>	<b>64.2%</b>	<b>1,100.00</b>	<b>64.2%</b>



2 BACK ELEVATION  
SCALE: 1/8" = 1'-0"



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



4 REAR ELEVATION  
SCALE: 1/8" = 1'-0"

**ADTM ENGINEERING & CONSTRUCTION**  
1475 WESTWIND CORP.  
SUITE 217  
MCKINNEY, TEXAS 75069  
CONTACT PERSON: AUSTIN ALTMAN, P.E.  
TELEPHONE: 972-562-1111  
FAX: 972-562-1111



INDIANWY 207  
CITY OF WYANDOTT  
ELLIS COUNTY TEXAS

**DEVELOPER:**  
KSAAMI LLC  
3121 ROSSA, GRAND  
PRAIRIE, TX 75054  
PHONE: 917-582-3875

Design: D  
Drawn: D  
Checked By: M.A.  
Date: 05-22-2021

NO.	DATE	DESCRIPTION

RETAIL BUILDING  
SUBMITTING  
Sheet: L3



# Exhibit E - Staff Report (12)

## Planning & Zoning Department Zoning Staff Report



**Case: ZDC-186-2021**

### MEETING DATE(S)

*Planning & Zoning Commission:* March 9, 2021

*City Council:* March 15, 2021 (continued from March 1, 2021)

### ACTION SINCE INITIAL STAFF REPORT

At the Planning & Zoning Commission meeting, held February 23, 2021, the Commission voted 5-0 to recommend to continue case number ZDC-186-2021 to the March 9, 2021 Planning and Zoning meeting.

At the Planning & Zoning Commission meeting, held March 9, 2021, the Commission voted 6-0 to recommend approval of case number ZDC-186-2021, subject to staff comments.

### CAPTION

**Public Hearing** on a request by Islam Diab, ADTM Engineering & Construction Corp., for a **Zoning Change** from a General Retail and Planned Development-Single Family Residential-3 zoning district to Planned Development-General Retail, located at the SE corner of Farley Street at Highway 287 (Property ID 181802) - Owner: KSAM LLC (ZDC-186-2021)

### APPLICANT REQUEST

The applicant is requesting to construct three buildings consisting of a multi-tenant office building, convenience store with gasoline sales, and a multi-tenant retail building with a drive-thru restaurant on two lots totaling 3.52 acres.

### CASE INFORMATION

*Applicant:* Islam Diab, ADTM Engineering & Construction Corp.

*Property Owner(s):* KSAM, LLC

*Site Acreage:* 3.52 acres

*Current Zoning:* General Retail and PD-SF-3

*Requested Zoning:* Planned Development - General Retail

### SUBJECT PROPERTY

*General Location:* SE corner of Farley Street at Highway 287

*Parcel ID Number(s):* 181802

*Existing Use:* Undeveloped

*Development History:* N/A

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# Exhibit E - Staff Report

Table 1: Adjoining Zoning & Uses

Direction	Zoning	Current Use
North	PD-C	Undeveloped Land
East	---	US Highway 287
South	GR	Undeveloped Land
West	PD-SF3	Blue Bonnet Trails Subdivision

*Future Land Use Plan:* Low Density Residential and Retail

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

Retail: Retail includes areas that have restaurants, shops, grocery stores, and personal service establishments. Retail businesses generally require greater visibility than do other types of nonresidential land use (e.g., office, commercial).

*Thoroughfare Plan:* The subject property is accessible via Farley St. and Aster Dr. *Note: The applicant is currently working with TxDOT for possible access from US Highway 287 Service Rd.*

*Site Image:*



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# Exhibit E - Staff Report

## PLANNING ANALYSIS

### Applicant Request

The applicant is requesting to construct three buildings consisting of a multi-tenant office building, convenience store with gasoline sales, and a multi-tenant retail building with a drive-thru restaurant on two lots totaling 3.52 acres.

### Proposed Use

Per the operational plan, the applicant is requesting to construct three (3) buildings, two of which will be located on the east side of the property (adjacent to US Hwy 287 service road), and one building will be located on the west side of the property (adjacent to Aster Rd). Per the tables below, one of the buildings will be located on Lot 1 (4 tenant office building/Table 2) and two buildings will be located on Lot 2 (Convenience Store with Gasoline Sales and 4 tenant retail building/Table 3). Please note that the only difference between the two tables is the building square footage size. The setbacks and other dimensional uses will be the same.

At the February 23, 2021 Planning and Zoning meeting, the Planning and Zoning Commission requested that the applicant revise the submitted Elevation/Façade plan(s) for the proposed development so that the buildings would not appear "dated" in a short period of time. Per the Commission's request, the applicant presented two (2) options (*see below*) of Elevation/Façade plans for the Planning and Zoning Commission to review at the March 9, 2021 Planning and Zoning meeting.

### ELEVATION/FAÇADE OPTIONS PROPOSED TO THE PLANNING AND ZONING COMMISSION

- **Option 1:**
  - The applicant is proposing an Elevation/Façade Plan that depicts average percentages of nearly 75% brick and 25% stone for the total building.
    - The applicant has removed stucco from this option.
- **Option 2:**
  - The applicant is proposing an Elevation/Façade Plan that depicts average percentages of nearly 50% brick and 50% stone for the total building. In comparison to the Elevation/Façade Plan presented to the Planning and Zoning Commission on February 23, 2021, the stone replaces where the stucco material was originally presented. Similar to the Option 1 proposal, stucco has been removed from this option.

At the March 9, 2021 Planning and Zoning meeting, the Planning and Zoning Commission voted 6-0 to recommend "Option 1" for approval to City Council.

**Table 2: Proposed Development Standards Lot 1 (General Retail)**

- Office Building

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

Standard	City of Waxahachie	KSAM	Meets Y/N
Min. Lot Area (Sq. Ft.)	7,000	49,744	Yes
Min. Building Size (Sq. Ft.)	N/A	5,500	Yes
Min. Front Yard (Ft.)	40	40	Yes
Min. Side Yard (Ft.)	20	30	Yes
Min. Rear Yard (Ft.)	<b>20; 25 (adjacent to residential)</b>	20	No
Max. Height	2 stories	1 story	Yes
Max. Lot Coverage (%)	40	11.1	Yes
Parking	64	69 (total development)	Yes

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# Exhibit E - Staff Report

*\*Additional Note: Per the Elevation/Façade plan presented at the February 23, 2021 Planning and Zoning meeting, the building is currently proposed to be constructed of brick, stone, and stucco. If the City Council chooses to select one of the aforementioned Elevation/Façade options, the materials could change.*

**Table 3: Proposed Development Standards for Lot 2 (General Retail)**

- Convenience Store with Gasoline Sales
- Retail/Restaurant Building

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

Standard	City of Waxahachie	KSAM	Meets Y/N
Min. Lot Area (Sq. Ft.)	7,000	103,115	Yes
Min. Building Size (Sq. Ft.)	N/A	Convenience Store: 5,000 Retail/Restaurant: 4,000	Yes
Min. Front Yard (Ft.)	40	40	Yes
Min. Side Yard (Ft.)	20	30	Yes
Min. Rear Yard (Ft.)	20; 25 (adjacent to residential)	20	Yes
Max. Height	2 stories	1 story	Yes
Max. Lot Coverage (%)	40	8.7	Yes
Parking	64	69 (total development)	Yes

*\*Additional Note: Per the Elevation/Façade plan presented at the February 23, 2021 Planning and Zoning meeting, the building is currently proposed to be constructed of brick, stone, and stucco. If City Council chooses to select one of the aforementioned Elevation/Façade options, the materials could change.*

### Variance Request

The applicant is asking for the following variances from the City of Waxahachie Zoning Ordinance:

- Location of the dumpster enclosure to be in the setback of Lot 1.
- The rear setback of Lot 1 to be 20' instead of 25'.

### PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 12 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.

### PROPERTY OWNER NOTIFICATION RESPONSES

Staff received one (1) letter of opposition for the proposed development.

### RECOMMENDATION

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

- Denial
- Approval, as presented.
- Approval, per the following comments:**
  1. A mutually agreed upon development agreement is signed by the applicant and staff.
  2. Though access easements are reviewed with plat cases, staff suggests that the access easement be a condition of the zoning change approval. Per the plat



# Exhibit E<sup>(12)</sup> - Staff Report

submitted by the applicant, an access easement is provided along Farley St. and is continued between Lot 1 and Lot 2 of the development.

3. Staff suggests that the City Council select an option, or discuss an alternative Elevation/Façade Plan option, to include in the final recommendation to the applicant.
  - a. Note: The applicant is aware that if a tenant that intends to occupy the building wants to alter the approved exterior elevation/façade of the building, then the applicant/tenant would be required to apply for a Planned Development Amendment.

## ATTACHED EXHIBITS

1. Property Owner Notification Responses
2. Development Agreement/Ordinance
3. Location Exhibit
4. Site Plan
5. Landscape Plan
6. Elevation/Façade Plan Exhibits

## APPLICANT REQUIREMENTS

1. If approved by City Council, within 30 days the applicant shall provide the Planning Department one revised electronic plan set that incorporates all comments.
2. Once the revised plans are provided, staff will verify all outstanding comments were satisfied.
  - a. If comments were not satisfied, then applicant will be notified to make corrections.
  - b. If all comments satisfied, applicant shall provide a set of drawings that incorporate all comments.

## STAFF CONTACT INFORMATION

*Prepared by:*  
Colby Collins  
Senior Planner  
[ccollins@waxahachie.com](mailto:ccollins@waxahachie.com)

*Reviewed by:*  
Shon Brooks, AICP  
Director of Planning  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)



## Memorandum

To: Honorable Mayor and City Council

From: Tommy Ludwig, Assistant City Manager

Thru: Michael Scott, City Manager for *Tommy Ludwig*

Date: March 12, 2021

Re: Katy Trunk & South Interceptor Sewer Line Engineering

---

On Monday March 15, 2021 an item authorizing professional engineering services with Criado & Associates associated with the rehabilitation of the Katy Trunk and Southwest Interceptor sewer line capital improvement projects will appear before City Council for consideration in the amount of \$291,630. Specifically this scope of work will provide for engineering design, bid specification preparation, and construction support services for these projects. As a reminder, in January 2020, City Council authorized the University of Texas at Arlington (UTA), through an interlocal cooperation agreement with the City, to perform a useful life analysis on segments of these lines as a pilot project. The intent of the analysis was to potentially identify section of lines with remaining useful life, thereby reducing the overall cost of the rehabilitations.

UTA completed their analysis of roughly 9,400 linear feet of sewer line in October 2020. The report indicated that approximately 82% of the lines examined had a remaining useful life of greater than 20 years. However, the analysis also stated that approximately 52% of the lines examined had the presence of root intrusion at the line joints, of varying degrees, which lead to inflow and infiltration in the City's collection system. The UTA analysis has been provided to Criado & Associates and will be utilized to determine the most economical means of rehabilitating the lines. Joint sealing can be a cost prohibitive rehabilitation method. As a result, the replacement or slip lining of line segments with remaining useful life could still be the

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most economical means of rehabilitation. Staff will ultimately proceed with the most cost effective construction approach, based on Criado & Associates recommendations.

Please note that the original budget for the Katy Trunk and Southwest Interceptor engineering was \$226,800. When the budgets for this engineering work were originally developed by staff, the construction methodology was envisioned as slip lining. As a result, staff did not include a large portion of funding for survey work in the original budgets. However, as the UTA analysis indicates that large sections of sewer line could potentially be preserved, the Criado and Associates proposal includes \$78,750 of survey work, as replacing only certain segments of line would require open cut construction and extensive surveying.

Prior to the survey work, Criado & Associates will determine if it is most economical to perform joint sealing and preserve sections of line with useful life, or to rehabilitate the lines through slip lining. In the event that slip lining is determined to be the best construction method only a portion of the survey work included in the proposal will be required, bringing the project cost near the original budget. If Craido determines that open cut construction is the best approach, the full survey budget will be required. However, in that event, large portions of lines segments are anticipated to be preserved, bringing the overall cost of construction below budget. Staff recommends funding the additional \$64,830 in the engineering proposal from the project savings in the 2019-20 Bond Sale. Staff believes that additional costs incurred will ultimately be offset by construction savings, as at minimum, certain sections of lines with useful line are anticipated to be preserved.

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

Tommy Ludwig

(14)

**CITY OF WAXAHACHIE, TEXAS**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF WAXAHACHIE, TEXAS DETERMINING THE COSTS OF IMPROVEMENT AREA #2 IMPROVEMENTS TO BE FINANCED BY THE NORTH GROVE PUBLIC IMPROVEMENT DISTRICT; APPROVING AN UPDATED PRELIMINARY SERVICE PLAN AND ASSESSMENT PLAN, INCLUDING PROPOSED IMPROVEMENT AREA #2 ASSESSMENT ROLL; CALLING AND NOTICING A PUBLIC HEARING FOR APRIL 19, 2021 TO CONSIDER AN ORDINANCE LEVYING ASSESSMENTS ON PROPERTY LOCATED WITHIN THE NORTH GROVE PUBLIC IMPROVEMENT DISTRICT; DIRECTING THE FILING OF THE PROPOSED IMPROVEMENT AREA #2 ASSESSMENT ROLL WITH THE CITY SECRETARY TO MAKE AVAILABLE FOR PUBLIC INSPECTION; DIRECTING CITY STAFF TO PUBLISH AND MAIL NOTICE OF SAID PUBLIC HEARING; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED THERETO.**

**RECITALS**

**WHEREAS**, the Public Improvement District Assessment Act, Texas Local Government Code, Chapter 372, as amended (the "Act") authorizes the governing body (the "City Council") of the City of Waxahachie, Texas (the "City"), to create a public improvement district within the City; and

**WHEREAS**, on September 15, 2014, the City Council approved Resolution No. 1189 (the "Authorization Resolution"), authorizing, establishing and creating the North Grove Public Improvement District (the "District"); and

**WHEREAS**, the City authorized the creation of the District and the issuance of bonds to finance certain public improvements authorized by the Act for the benefit of the property within the District (the "Authorized Improvements"); and

**WHEREAS**, on February 26, 2015, the City Council adopted Ordinance No. \_\_\_\_\_, which approved the District Service and Assessment Plan dated February 25, 2015 (the "SAP"); and

(14)

**WHEREAS**, the property within the District is being developed in phases, the second phase of which includes approximately 79 acres (“Improvement Area #2”); and

**WHEREAS**, the City desires to amend the SAP to reflect the Improvement Area #2 Improvements (as defined in the Preliminary Amended SAP referenced below) and the construction of and development of Improvement Area #2 of the District; and

**WHEREAS**, the total costs of the Improvement Area #2 Improvements is approximately \$5,281,655.00, as referenced in Table III-B of the Preliminary Amended SAP, a portion such costs, approximately \$1,870,000.00, is anticipated to be reimbursed to the developer from Improvement Area #2 assessments; and

**WHEREAS**, the City Council and the City staff have been presented a “North Grove Public Improvement District Preliminary Service and Assessment Plan” dated February 25, 2015, as updated for Improvement Area #2 on March 15, 2021 (the “Preliminary Amended SAP”), including the proposed assessment roll attached thereto as Appendix E (the “Proposed Improvement Area #2 Assessment Roll”), a copy of the Preliminary Amended SAP is attached hereto as **Exhibit A** and is incorporated herein for all purposes; and

**WHEREAS**, the Preliminary Amended SAP sets forth the estimated total costs of the Improvement Area #2 Improvements to be financed by the District for the second phase of development and the Proposed Improvement Area #2 Assessment Roll states the assessments proposed to be levied against each parcel of land in Improvement Area #2 of the District as determined by the method of assessment chosen by the City; and

**WHEREAS**, the Act requires that the Proposed Improvement Area #2 Assessment Roll be filed with the City Secretary of the City (the “City Secretary”) and be subject to public inspection; and

**WHEREAS**, the Act requires that a public hearing (the “Assessment Hearing”) be called to consider the Preliminary Amended SAP and proposed Improvement Area #2 assessments and requires the City Council to hear and pass on any objections to the Preliminary Amended SAP and

(14)

proposed Improvement Area #2 assessments at, or on the adjournment of, the Assessment Hearing; and

**WHEREAS**, the Act requires that notice of the Assessment Hearing be mailed to property owners liable for assessment and published in a newspaper of general circulation in the City before the tenth (10th) day before the date of the Assessment Hearing.

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

*SECTION 1.* THAT the recitals set forth above in this Resolution are true and correct and are hereby adopted as findings of the City Council and are incorporated into the body of this Resolution as if fully set forth herein.

*SECTION 2.* THAT the City Council does hereby accept the Preliminary Amended SAP for the District, including the Proposed Improvement Area #2 Assessment Roll. All capitalized terms not otherwise defined herein shall have the meanings given to such terms in the Preliminary Amended SAP.

*SECTION 3.* THAT the City Council hereby determines that the total costs of the Improvement Area #2 Improvements to be financed by the District are as set forth in Table III-B of the Preliminary Amended SAP, which costs include the payment of expenses incurred in the administration of the District or related to the issuance of any bonds.

*SECTION 4.* THAT the City Council's final determination and approval of the costs of the Improvement Area #2 Improvements shall be subject to and contingent upon City Council approval of a final Amended SAP which will include final Improvement Area #2 Assessment Roll, after the properly noticed and held Assessment Hearing.

*SECTION 5.* THAT the Proposed Improvement Area #2 Assessment Roll states the assessment proposed to be levied against each parcel of land in Improvement Area #2 of the District as determined by the method of assessment chosen by the City in the Authorization Resolution and as more fully described in the Preliminary Amended SAP.

(14)

*SECTION 6.* THAT the City Council expressly defers the levy of assessments against property within future phases for phase-specific improvements that will benefit only the property within each subsequent phase until the date the costs of such phase-specific improvements can be determined with certainty as referenced in the Preliminary Amended SAP.

*SECTION 7.* THAT the City Council hereby authorizes and directs the filing of the Proposed Improvement Area #2 Assessment Roll with the City Secretary and the same shall be available for public inspection.

*SECTION 8.* THAT the City Council hereby authorizes, and calls, a meeting and a public hearing (the Assessment Hearing as defined above) to be held on *April 19, 2021 at 7:00 p.m. at Waxahachie City Council Chambers, 401 S. Rogers St., Waxahachie, Texas 75165*, at which the City Council shall, among other actions, hear and pass on any objections to the proposed assessments; and, upon the adjournment of the Assessment Hearing, the City Council will consider an ordinance levying the assessments as special assessments on Improvement Area #2 within the District (which ordinance shall specify the method of payment of the assessments).

*SECTION 9.* THAT the City Council hereby authorizes and directs the City Secretary to publish notice of the Assessment Hearing to be held on *April 19, 2021*, in substantially the form attached hereto as **Exhibit B** and incorporated herein for all purposes, in a newspaper of general circulation in the City, on or before April 8, 2021 as required by Section 372.016(b) of the Act.

*SECTION 10.* THAT when the Proposed Improvement Area #2 Assessment Roll is filed with the City Secretary, the City Council hereby authorizes and directs the City Secretary to mail to owners of property liable for assessment notice of the Assessment Hearing to be held on *April 19, 2021*, on or before April 8, 2021 as required by Section 372.016(c) of the Act.

*SECTION 11.* THAT City staff is authorized and directed to take such other actions as are required (including, but not limited to, notice of the public hearing as required by the Texas Open Meetings Act) to place the public hearing on the agenda for the *April 19, 2021* meeting of the City Council.

(14)

*SECTION 12.* THAT this Resolution shall become effective from and after its date of passage in accordance with law.

**PASSED AND APPROVED** on this the 15th day of March, 2021.

ATTEST:

\_\_\_\_\_  
David Hill, Mayor

\_\_\_\_\_  
Lori Cartwright, City Secretary



(14)

**EXHIBIT A**

**AMENDED PRELIMINARY SERVICE AND ASSESSMENT PLAN**

(14)

## EXHIBIT B

### CITY OF WAXAHACHIE, TEXAS NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT a public hearing will be conducted by the City Council of Waxahachie, Texas on *April 19, 2021 at 7:00 p.m. at Waxahachie City Council Chambers, 401 S. Rogers St., Waxahachie, Texas 75165*. The public hearing will be held to consider proposed assessments to be levied against the assessable property within the North Grove Public Improvement District (the "District") pursuant to the provisions of Chapter 372 of the Texas Local Government Code, as amended (the "Act").

The general nature of the proposed public improvements (collectively, the "Authorized Improvements") are: (i) street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, off-street parking and right-of-way; (ii) establishment or improvement of parks and open space, together with the design, construction and maintenance of any ancillary structures, features or amenities such as trails, playgrounds, walkways, lighting and any similar items located therein; (iii) sidewalks and landscaping, including entry monuments and features, fountains, lighting and signage; (iv) acquisition, construction, and improvement of water, wastewater and drainage improvements and facilities; (v) projects similar to those listed in subsections (i) - (iv) above authorized by the Act, including similar off-site projects that provide a benefit to the property within the District; (vi) payment of costs associated with operating and maintaining the public improvements listed in subparagraphs (i) - (v) above; and (vii) payment of costs associated with developing and financing the public improvements listed in subparagraphs (i) - (v) above, and costs of establishing, administering and operating the District. These Authorized Improvements shall promote the interests of the City and confer a special benefit upon the Property.

The total costs of the Authorized Improvements that benefits property within Improvement Area #2 of the District is approximately \$5,281,655.00. The total costs of Authorized Improvements to benefit future phases within the District cannot be determined with certainty at this time.

The boundaries of the District include approximately 768 acres of land generally located north of Brown Street, east of N. Highway 77, west of FM 813, south of Grove Creek Road, and located within the City. The boundaries of Improvement Area #2 of the District include approximately 79 acres of land within the District, as more particularly described by a metes and bounds description is available at Waxahachie City Hall and available for public inspection.

All written or oral objections on the proposed assessment within the District will be considered at the public hearing.

(14)

A copy of the Improvement Area #2 Assessment Roll relating to the Improvement Area #2 Improvements, which Improvement Area #2 Assessment Roll includes the assessments to be levied against each parcel within Improvement Area #2 of the District for the Improvement Area #2 Improvements, is available for public inspection at the office of the City Secretary, 401 S. Rogers St., Waxahachie, Texas 75165.

(15)

CITY OF WAXAHACHIE, TEXAS  
RESOLUTION NO. \_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WAXAHACHIE, TEXAS, CALLING A PUBLIC HEARING FOR APRIL 5, 2021, TO CONSIDER THE FEASIBILITY AND ADVISABILITY OF ESTABLISHING THE EMORY LAKES PUBLIC IMPROVEMENT DISTRICT; AUTHORIZING AND DIRECTING THE PUBLICATION AND MAILING OF NOTICES OF THE PUBLIC HEARING; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Chapter 372 of the Texas Local Government Code (the “*Act*”) authorizes the City of Waxahachie, Texas (the “*City*”) to create a public improvement district within the corporate limits of the City; and

WHEREAS, on January 15, 2021, Walton Texas, LP, a Texas limited partnership (“*Walton Texas*”) acting in its own capacity as an owner and for and on behalf of various other owners of undivided interests in the property (as defined below) (the “*UDI Owners*”), in its capacity as manager, operator or agent, as applicable, Walton TX Dallas Kemp Ridge LP, an Alberta limited partnership (“*Walton Kemp Ridge*”), and Walton TX Dallas Kemp Ranch LP 1, an Alberta limited partnership (“*Walton Kemp Ranch*”) (Walton Texas, the UDI Owners, Walton Kemp Ridge, and Walton Kemp Ranch are collectively referred to herein as the “*Petitioners*”) submitted and filed with the City Secretary of the City a petition (the “*Petition*”) requesting the establishment of a public improvement district for property within the corporate limits of the City; and

WHEREAS, the Petition requested the creation of the Emory Lakes Public Improvement District (the “*District*”), which District is located within the corporate limits of the City and more particularly described by metes and bounds in Exhibit A and depicted in Exhibit B (the “*Property*”) each attached hereto and incorporated herein for all purposes; and

WHEREAS, the Act requires that prior to the adoption of the resolution creating the District, the City Council must hold a public hearing on the advisability of the improvements, the nature of the improvements contemplated, the estimated costs of the improvements, the boundaries of the District, the method of assessment, and the apportionment, if any, of the costs between the District and the City; and

(15)

WHEREAS, on February 1, 2021, the City Council of the City (the “*City Council*”) approved Resolution No. 1302 accepting the Petition to create the District and calling for a public hearing on March 1, 2021, to consider the feasibility and advisability of establishing the district and authorizing and directing the publication and mailing of notices of the public hearing as required by the Act; and

WHEREAS, the City did not conduct a public hearing on March 1, 2021, and now desires to call a public hearing for April 5, 2021, on the advisability of the improvements, the nature of improvements contemplated, the estimated costs of the improvements, the boundaries of the District, the method of assessment, and the apportionment, if any, of the costs between the District and the City.

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

**Section 1.** The findings set forth in the recitals of this Resolution are found to be true and correct.

**Section 2.** The City Council calls a public hearing to be scheduled at or after 7:00 p.m. on **April 5, 2021**, to be held at the regular meeting place of the City Council in the Council Chambers located at 401 S. Rogers Street, Waxahachie, Texas 75165 on the advisability of the improvements, the nature of the improvements contemplated, the estimated costs of the improvements, the boundaries of the District, the method of assessment, and the apportionment, if any, of the costs between the District and the City. Attached hereto as **Exhibit C** is a form of the Notice of Public Hearing, the form and substance of which is hereby adopted and approved. All residents and property owners within the District, and all other persons, are hereby invited to appear in person, or by their attorney, and speak on the creation of the District.

**Section 3.** The City Council hereby authorizes and directs the City Secretary, on or before **March 20, 2021**, in accordance with the Act, to: (a) publish notice of the public hearing in a newspaper of general circulation in the City in which the proposed District is to be located; and (b) mail notice of the public hearing to the owners of property located in the proposed District as reflected on the tax rolls.

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**Section 4.** This Resolution shall become effective from and after the date of its passage in accordance with law.

*[Remainder of page left blank intentionally.]*

(15)

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
WAXAHACHIE THIS THE 15TH DAY OF MARCH, 2021.**

**CITY OF WAXAHACHIE**

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**DAVID HILL, MAYOR**

**ATTEST:**

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**LORI CARTWRIGHT, CITY SECRETARY**

(15)

**EXHIBIT A**

**METES AND BOUNDS DESCRIPTION**  
**2813.26 ACRES**

All that certain lot, tract, or parcel of land, situated in a portion of the J. Barker Survey, Abstract No. 40, the E. Bellow Survey, Abstract No. 101, the E. H. Belcher Survey, Abstract No. 143, the J. Drinkard Survey, Abstract No. 273, the J. J. Davidson Survey, Abstract No. 302, the J. Fifer Survey, Abstract No. 351, the M. Myers Survey, Abstract No. 714, the J. E. Prince Survey, Abstract No. 845, the J. C. Reed Survey, Abstract No. 904, and the B. Wiltshire Survey, Abstract No. 1132, Ellis County, Texas, being a part of that certain called 681.000 acre tract described in a deed to Walton Texas, LP recorded in Instrument No. 1526274 of the Deed Records of Ellis County, Texas (DIRECT), a part of that certain called 1040.641 acre tract described in a deed to Walton Texas, LP recorded in Instrument No. 1532148 (DIRECT), all of that certain called 117.601 acre tract described in a deed to Walton Texas, LP recorded in Instrument No. 1532149 (DIRECT), all of that certain called 141.524 acre tract described in a deed to Walton Texas, LP recorded in Instrument No. 1532150 (DIRECT), all of that certain called 182.727 acre tract and 99.991 acre tract described in a deed to Walton Texas, LP recorded in Instrument No. 1515578 (DIRECT), all of that certain called 398.282 acre tract described in a deed to Walton Texas, LP recorded in Instrument No. 1515579 (DIRECT), all of that certain called 151.499 acre tract described in a deed to Walton Texas, LP recorded in Instrument No. 1616460 (DIRECT), and being more completely described as follows, to-wit:

BEGINNING at a 1/2" iron rod found for a Northwest corner of said 681.000 acre tract, the Northeast corner of a called 1.725 acre tract described in a deed to Patricia L. Knight recorded in Volume 2273, Page 384 (DIRECT), and being in the South right-of-way line of Farm to Market Highway No. 875 (80' right-of-way width at this point);

THENCE North 59 deg. 54 min. 04 sec. East along the North line of said 681.000 acre tract and said South right-of-way line, a distance of 465.52 feet to a 5/8" capped iron rod found stamped "TXDOT ROW";

THENCE North 59 deg. 02 min. 19 sec. East along said North line and South right-of-way line, at 3.64 feet pass a 5/8" capped iron rod found stamped "TXDOT ROW" for the most westerly corner of a called 0.5506 acre tract described in a deed to the State of Texas recorded in Instrument No. 1610102 (DIRECT), continue along the North line of said 681.000 acre tract for a total distance of 701.62 feet to 5/8" capped iron rod found stamped "LTRA 10140700" for a Point of Curvature of a circular curve to the right, having a radius of 920.72 feet, a central angle of 27 deg. 16 min. 15 sec., and being subtended by a chord which bears North 72 deg. 40 min. 27 sec. East – 434.10 feet;

THENCE in a northeasterly direction along said curve to the right and said North line, a distance of 438.23 feet to a 1/2" capped iron rod set stamped "GOODWIN & MARSHALL", hereinafter referred to as 1/2" capped iron rod set, said point being in the South right-of-way line of said Farm to Market Highway No. 875;



(15)

THENCE North 86 deg. 18 min. 34 sec. East tangent to said curve and continue along the North line of said 681.000 acre tract, the North line of said 1040.641 acre tract, and said South right-of-way line, a distance of 2836.54 feet to a 1/2" capped iron rod set for a Point of Curvature of a circular curve to the left, having a radius of 1504.82 feet, a central angle of 14 deg. 06 min. 45 sec., and being subtended by a chord which bears North 79 deg. 15 min. 12 sec. East – 369.71 feet;

THENCE in an easterly direction along said curve to the left and the North line of said 1040.641 acre tract, at 358.14 feet pass a 5/8" capped iron rod found stamped "TXDOT ROW" FOR THE MOST WESTERLY CORNER OF A CALLED 0.5877 ACRE TRACT DESCRIBED IN A DEED TO THE State of Texas recorded in Instrument No. 1610103 (DRECT), continue along the North line of said 1040.641 acre tract for a total distance of 370.65 feet to a 5/8" capped iron rod found stamped "LTRA 10140700";

THENCE North 72 deg. 11 min. 49 sec. East tangent to said curve and continue along said North line, a distance of 475.71 feet to a 5/8" capped iron rod found stamped "LTRA 10140700";

THENCE North 72 deg. 42 min. 49 sec. East along said North line, a distance of 202.51 feet to a 1/2" capped iron rod set for a Point of Curvature of a circular curve to the right, having a radius of 2251.83 feet, a central angle of 9 deg. 09 min. 46 sec., and being subtended by a chord which bears North 77 deg. 17 min. 42 sec. East – 359.73 feet;

THENCE in an easterly direction along said curve to the right and the North line of said 1040.641 acre tract, a distance of 360.11 feet to a 5/8" capped iron rod found stamped "TXDOT ROW", said point being in the South right-of-way line of said Farm to Market Highway No. 875;

THENCE North 81 deg. 52 min. 35 sec. East tangent to said curve and continue along said North line and South right-of-way line, a distance of 122.75 feet to a 5/8" capped iron rod found stamped "TXDOT ROW", said point being a Point of Curvature of a circular curve to the right, having a radius of 587.69 feet, a central angle of 7 deg. 44 min. 56 sec., and being subtended by a chord which bears North 85 deg. 45 min. 03 sec. East - 79.42 feet;

THENCE in an easterly direction along said curve to the right, continue along said North line and South right-of-way line, a distance of 79.48 feet to a 5/8" capped iron rod found stamped "TXDOT ROW";

THENCE North 89 deg. 37 min. 34 sec. East along said North line and South right-of-way line, a distance of 1554.63 feet to a 1/2" capped iron rod set for a Point of Curvature of a circular curve to the left, having a radius of 1931.89 feet, a central angle of 3 deg. 33 min. 59 sec., and being subtended by a chord which bears North 87 deg. 50 min. 35 sec. East - 120.23 feet;

THENCE in an easterly direction along said curve to the left, continue along said North line and South right-of-way line, a distance of 120.25 feet to a 1/2" capped iron rod set for the Northeast corner of said 1040.641 acre tract and being in the West right-of-way line of Union Pacific Railroad;

THENCE South 31 deg. 23 min. 33 sec. East departing said South right-of-way line and continue along the East line of said 1040.641 acre tract and the West right-of-way line of said railroad, being 50 feet west of and parallel to the centerline of said railroad, a distance of 1239.17 feet to a 1/2" capped iron

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rod set, said point being a Point of Curvature of a circular curve to the left, having a radius of 1959.88 feet, a central angle of 35 deg. 04 min. 26 sec., and being subtended by a chord which bears South 48 deg. 55 min. 46 sec. East - 1181.10 feet;

THENCE in a southeasterly direction along said curve to the left, the East line of said 1040.641 acre tract, and the West right-of-way line of said railroad, a distance of 1199.75 feet to a 1/2" capped iron rod set;

THENCE South 06 deg. 40 min. 05 sec. West non-tangent to said curve, and continue along said East line and West right-of-way line, a distance of 41.76 feet to a 1/2" capped iron rod set, said point being a Point of Curvature of a non-tangent circular curve to the left, having a radius of 1999.88 feet, a central angle of 13 deg. 47 min. 52 sec., and being subtended by a chord which bears South 73 deg. 42 min. 44 sec. East - 480.44 feet;

THENCE in a southeasterly direction along said curve to the left, the East line of said 1040.641 acre tract and said West right-of-way line, being 90 feet South of and parallel to the centerline of said railroad, a distance of 481.60 feet to a 1/2" iron rod found for an easterly Northeast corner of said 1040.641 acre tract and in the Northwest line of a called 130 acre tract described in a mechanic's lien to Unity Presbyterian Homes recorded in Volume 912, Page 780 (DIRECT);

THENCE South 12 deg. 25 min. 26 sec. West non-tangent to said curve departing said West right-of-way line, and continue along the East line of said 1010.641 acre tract and the Northwest line of said 130 acre tract, at 852.61 feet pass a 1/2" iron rod found for reference and continue a total distance of 866.18 feet to a point in the center of a creek;

THENCE in a southerly direction along the East line of said 1040.641 acre tract and the centerline of a creek the following twenty-one (21) courses;

South 55 deg. 57 min. 46 sec. West, a distance of 17.23 feet;

South 86 deg. 18 min. 25 sec. West, a distance of 58.99 feet;

North 73 deg. 07 min. 35 sec. West, a distance of 17.27 feet;

South 76 deg. 03 min. 54 sec. West, a distance of 43.90 feet;

North 41 deg. 30 min. 44 sec. West, a distance of 25.95 feet;

South 55 deg. 27 min. 48 sec. West, a distance of 44.04 feet;

South 27 deg. 26 min. 13 sec. West, a distance of 90.38 feet;

South 01 deg. 57 min. 39 sec. West, a distance of 24.29 feet;

South 50 deg. 57 min. 27 sec. West, a distance of 18.98 feet;

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South 01 deg. 04 min. 18 sec. West, a distance of 39.19 feet;

South 12 deg. 28 min. 08 sec. West, a distance of 44.61 feet;

South 05 deg. 47 min. 07 sec. West, a distance of 127.56 feet;

South 49 deg. 21 min. 10 sec. West, a distance of 117.39 feet;

South 35 deg. 47 min. 44 sec. West, a distance of 116.39 feet;

South 89 deg. 39 min. 37 sec. West, a distance of 77.26 feet;

South 68 deg. 20 min. 54 sec. West, a distance of 53.67 feet;

South 02 deg. 00 min. 42 sec. East, a distance of 50.83 feet;

South 28 deg. 22 min. 23 sec. West, a distance of 81.53 feet;

South 43 deg. 48 min. 28 sec. West, a distance of 90.13 feet;

South 30 deg. 56 min. 12 sec. West, a distance of 58.06 feet;

South 42 deg. 04 min. 17 sec. West, a distance of 51.16 feet to a point for corner for the Northwest corner of said 130 acre tract and being in the Northeast line of a called 60 acre tract described in a deed to T. L. Allen recorded in Volume 227, Page 326 (DIRECT);

THENCE North 38 deg. 44 min. 01 sec. West departing said centerline and continue along the East line of said 1040.641 acre tract and the Northeast line of said 60 acre tract, a distance of 107.40 feet to a 1/2" iron rod found for the Northeast corner of said 60 acre tract;

THENCE South 89 deg. 22 min. 18 sec. West along the East line of said 1040.641 acre tract and the North line of said 60 acre tract, a distance of 1029.07 feet to a 1/2" iron rod found for an ell corner of said 1040.641 acre tract and the Northwest corner of said 60 acre tract, being in the recognized East line of the J. Barker Survey and the recognized West line of the E. Bellow Survey;

THENCE South 01 deg. 10 min. 55 sec. East along the East line of said 1040.641 acre tract and the West line of said 60 acre tract, the recognized East line of the J. Barker Survey, and the recognized West line of the E. Bellow Survey, a distance of 541.96 feet to a 1/2" iron rod found for an ell corner of said 1040.641 acre tract;

THENCE South 58 deg. 40 min. 27 sec. West departing said survey lines and continue along the East line of said 1040.641 acre tract, a distance of 477.57 feet to a 1/2" capped iron rod set;

THENCE South 30 deg. 46 min. 56 sec. East along said East line, a distance of 982.20 feet to a 1/2" iron rod found for an ell corner of same, being in the recognized easterly North line of the J. Barker Survey, and the recognized South line of the E. Bellow Survey;

(15)

THENCE South 56 deg. 32 min. 49 sec. West departing said survey lines and continue along the East line of said 1040.641 acre tract, a distance of 16.30 feet to a 1/2" iron rod found for an ell corner of same;

THENCE South 30 deg. 19 min. 20 sec. East along said East line, a distance of 638.29 feet to a 1/2" capped iron rod set for an ell corner of same;

THENCE North 59 deg. 30 min. 57 sec. East along said East line, a distance of 2071.60 feet to a 1/2" capped iron rod set for an ell corner of same, being in the West line of a called 202.85 acre tract described in a mechanic's lien recorded in Volume 912, Page 780 (DIRECT), being the recognized Northwest corner of the J. E. Prince Survey, and a recognized ell corner of the E. Bellow Survey;

THENCE South 30 deg. 39 min. 05 sec. East along the East line of said 1040.641 acre tract, the West line of said 202.85 acre tract, the recognized West line of the J. E. Prince Survey, the recognized South line of the E. Bellow Survey, and the recognized East line of the J. Barker Survey, at 1932.08 feet pass a 1" iron pipe found for reference and continue a total distance of 1963.03 feet to a P.K. nail set with washer stamped "GOODWIN & MARSHALL", hereafter referred to as P.K. nail set, for the Southeast corner of said 1040.641 acre tract and being in the North line of a 25 foot right-of-way dedication of Brookside Drive as shown in the final plat of Brookside Addition recorded in Cabinet B, Page 329 of the Plat Records of Ellis County, Texas (PRECT), also bein the original North line of a called 120.88 acre tract described in a deed to Robert L. Beer recorded in Volume 351, Page 107 (DIRECT);

THENCE South 58 deg. 06 min. 39 sec. West along the South line of said 1040.641 acre tract, a distance of 4.14 feet to a P.K. nail set for the Northwest corner of said Brookside Addition and being a North corner of said 117.601 acre tract;

THENCE South 31 deg. 25 min. 31 sec. East along the North line of said 117.601 acre tract and the West line of said Brookside Addition, at 25.00 feet pass a 3/8" iron rod found for the Northwest corner of Lot 1 of said Brookside Addition, and continue a total distance of 175.01 feet to a 3/8" iron rod found for the Southwest corner of said Lot 1 and being an ell corner of said 117.601 acre tract;

THENCE North 58 deg. 34 min. 29 sec. East along the North line of said 117.601 acre tract, the South line of said Brookside Addition, the South line of a called 0.43 acre tract described in a deed to Monica Davis recorded in Volume 2589, Page 1329 (DIRECT), the South line of a called 0.5152 acre tract described in a deed to Shirley Allred recoded in Volume 1550, Page 826 (DIRECT), and the South line of a called 0.4309 acre tract described in a deed to Katy R. Ryan and Booby Hopgood recorded in Volume 2512, Page 1420 (DIRECT), a distance of 998.69 feet to a 1/2" capped iron rod set for an ell corner of said 117.601 acre tract and the Southeast corner of said 0.4309 acre tract;

THENCE North 31 deg. 25 min. 31 sec. West along a North line of said 117.601 acre tract and the East line of said 0.4309 acre tract, a distance of 150.04 feet to a 1/2" iron pipe found for a North corner of said 117.601 acre tract, the Northeast corner of said 0.4309 acre tract, and being in the South right-of-way line of said Brookside Drive;

(15)

THENCE North 58 deg. 34 min. 29 sec. East along the North line of said 117.601 acre tract and said South right-of-way line, a distance of 40.12 feet to a 1/2" capped iron rod set for a North corner of said 117.601 acre tract and the Northwest corner of a called 0.4312 acre tract described in a deed to Barbara Kay Beer Mouser, et vir recorded in Volume 2100, Page 1456 (DIRECT);

THENCE South 31 deg. 25 min. 31 sec. East departing said South right-of-way line and continue along a North line of said 117.601 acre tract and the West line of said 0.4312 acre tract, a distance of 150.04 feet to a 1/2" capped iron rod found stamped "RPLS 4466" for an ell corner of said 117.601 acre tract and the Southwest corner of said 0.4312 acre tract;

THENCE North 58 deg. 34 min. 29 sec. East along the North line of said 117.601 acre tract and the South line of said 0.4312 acre tract, a distance of 125.26 feet to a 1/2" iron pipe found for the Northeast corner of said 117.601 acre tract, the Southeast corner of said 0.4312 acre tract, the Southwest corner of a called 0.503 acre tract described in a deed to Robert P. Kelley, et ux recorded in Volume 567, Page 555 (DIRECT), and being in the West line of the remainder of a called 125 acre tract described in a deed to Jack Kelley recorded in Volume 404, Page 324 (DIRECT);

THENCE South 31 deg. 13 min. 11 sec. East along the East line of said 117.601 acre tract and the West line of said 125 acre tract, a distance of 2358.70 feet to a 1/2" capped iron rod set for the Southeast corner of said 117.601 acre tract, the Southwest corner of said 125 acre tract, and being in the North line of a called 140 acre tract described in a deed to Clint Allen Riddle and Curtis Ray Riddle recorded in Volume 2675, Page 812 (DIRECT), from which a 1/2" iron rod found bears South 15 deg. 39 min. 16 sec. West – 2.77 feet and a 1/2" iron pipe found for the Northeast corner of said 140 acre tract bears North 59 deg. 45 min. 11 sec. East – 952.87 feet;

THENCE South 59 deg. 45 min. 11 sec. West along the South line of said 117.601 acre tract and the North line of said 140 acre tract, at 1243.66 feet pass a 1/2" iron rod found for the Northwest corner of said 140 acre tract and the Northeast corner of a called 10.00 acre tract described in a deed to Melissa Mims recorded in Volume 2139, Page 2147 (DIRECT) and continue a total distance of 2108.66 feet to a 1/2" capped iron rod set for the Southwest corner of said 117.601 acre tract and being an ell corner of a called 265.36 acre tract described in a deed to Nay Trust B recorded in Volume 2739, Page 149 (DIRECT);

THENCE North 31 deg. 44 min. 11 sec. West along the West line of said 117.601 acre tract, the East line of said 265.36 acre tract, and the East line of a called 2.113 acre tract described in a deed to Terry L. Nay, et ux recorded in Volume 1621, Page 662 (DIRECT) at 2466.20 feet pass a 1/2" iron rod found 75.00 feet West of and perpendicular to said line for a corner in the West line of said 2.113 acre tract and continue a total distance of 2482.55 feet to a 1/2" capped iron rod set for the Northwest corner of said 117.601 acre tract and being in the South line of said 1040.641 acre tract;

THENCE South 58 deg. 06 min. 39 sec. West along the South line of said 1040.641 acre tract, a distance of 1071.46 feet to a 1/2" capped iron rod set for an ell corner of same and being the most northerly Northwest corner of said 265.36 acre tract;

(15)

THENCE South 04 deg. 10 min. 42 sec. East along the South line of said 1040.641 acre tract and the North line of said 265.36 acre tract, a distance of 1491.41 feet to a 1/2" capped iron rod set for an ell corner of same;

THENCE South 31 deg. 26 min. 53 sec. East along the South line of said 1040.641 acre tract and the North line of said 265.36 acre tract, a distance of 214.05 feet to a 1/2" iron rod found in the recognized South line of J. Barker Survey, recognized Northeast corner of the M. Myers Survey, and the recognized Northwest corner of the J. Fifer Survey;

THENCE South 58 deg. 27 min. 04 sec. West along the South line of said 1040.641 acre tract, the North line of said 265.36 acre tract, the recognized South line of the J. Barker Survey, and the recognized North line of the M. Myers Survey, a distance of 1456.37 feet to a 1/2" capped iron rod set for the Northeast corner of said 141.524 acre tract and the Northwest corner of said 265.36 acre tract;

THENCE South 30 deg. 59 min. 02 sec. East departing the South line of said 1040.641 acre tract and said survey lines, continue along the East line of said 141.524 acre tract and the West line of said 265.36 acre tract, a distance of 2323.39 feet to a 1/2" capped iron rod set for the most westerly Southwest corner of said 265.36 acre tract and the Northwest corner of a called 40.889 acre tract described as Tract 1 in a deed to Hiram Clay Schoolfield recorded in Volume 2424, Page 1248 (DIRECT);

THENCE South 02 deg. 15 min. 28 sec. East along the East line of said 141.524 acre tract and the West line of said 40.889 acre tract, a distance of 25.10 feet to a 1/2" capped iron rod set for the northerly corner of a called 0.7798 acre tract described as Tract 3 in said Volume 2424, Page 1248 (DIRECT);

THENCE South 18 deg. 58 min. 50 sec. East along the East line of said 141.524 acre tract and the West line of said 0.7798 acre tract, a distance of 816.36 feet to a 1/2" capped iron rod set for the southerly corner of said 0.7798 acre tract and being in the West line of said 40.889 acre tract;

THENCE South 12 deg. 44 min. 40 sec. East along the East line of said 141.524 acre tract and the West line of said 40.889 acre tract, a distance of 19.10 feet to a 1/2" capped iron rod set for the northerly corner of a called 0.2831 acre tract described as Tract 2 in said Volume 2424, Page 1248 (DIRECT);

THENCE South 08 deg. 46 min. 58 sec. East along the East line of said 141.524 acre tract, the West line of said 0.2831 acre tract, and the West line of a called 0.7778 acre tract described in a deed to Hiram Clay Schoolfield, et ux recorded in Volume 2105, Page 1459 (DIRECT), a distance of 855.83 feet to a 1/2" capped iron rod found stamped "RPLS 4466" for the Southeast corner of said 141.524 acre tract, the southerly corner of said 0.7778 acre tract, the Southwest corner of said 40.889 acre tract, and being in the North right-of-way line of Farm to Market Highway No. 1446 (80' right-of-way width), from which a 1/2" iron rod found for a P.I. in said right-of-way bears North 84 deg. 07 min. 41 sec. East - 903.57 feet;

THENCE South 84 deg. 07 min. 41 sec. West along the South line of said 141.524 acre tract and said North right-of-way line, a distance of 1056.15 feet to a 1/2" capped iron rod set for a Point of Curvature of a non-tangent circular curve to the left, having a radius of 1949.86 feet, a central angle of 7 deg. 42 min. 06 sec., and being subtended by a chord which bears South 80 deg. 06 min. 44 sec. West - 261.90 feet;

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THENCE in a westerly direction along said curve to the left, the South line of said 141.524 acre tract, and said North right-of-way line, a distance of 262.10 feet to a 1/2" capped iron rod set;

THENCE South 76 deg. 15 min. 41 sec. West tangent to said curve and continue along the South line of said 141.524 acre tract and said North right-of-way line, a distance of 16.06 feet to a 1/2" capped iron rod set for the Southwest corner of said 141.524 acre tract and the Southeast corner of a called 195.17 acre tract described in a deed to ACCRU, Inc. recorded in Volume 1737, Page 2029 (DIRECT), from which a 60D nail found bears South 31 deg. 29 min. 58 sec. East – 0.33 feet;

THENCE North 31 deg. 29 min. 58 sec. West along the West line of said 141.524 acre tract and the East line of said 195.17 acre tract, a distance of 3389.99 feet to a 1/2" capped iron rod set for the Northwest corner of said 141.524 acre tract, a South corner of a called 300.765 acre tract described in a deed to Jeffrey Lane Frazier and Jeanette Marie Frazier recorded in Volume 2048, Page 1588 (DIRECT), being in the recognized South line of the J. Barker Survey and the recognized North line of the M. Myers Survey, from which a 1/2" iron rod found "bent" bears North 31 deg. 29 min. 58 sec. West – 0.71 feet;

THENCE North 58 deg. 27 min. 04 sec. East along the North line of said 141.524 acre tract, the South line of said 300.765 acre tract, the recognized South line of the J. Barker Survey, and the recognized North line of the M. Myers Survey, a distance of 660.45 feet to a 1/2" iron rod found for the Southeast corner of said 300.765 acre tract and the Southwest corner of said 1040.641 acre tract;

THENCE North 30 deg. 52 min. 01 sec. West departing the North line of said 141.524 acre tract and said survey lines and continue along the West line of said 1040.641 acre tract and the East line of said 300.765 acre tract, a distance of 2132.69 feet to a 1/2" capped iron rod found stamped "RPLS 4466" for the Northeast corner of said 300.765 acre tract and being the Southeast corner of said 398.282 acre tract;

THENCE South 59 deg. 04 min. 49 sec. West along the South line of said 398.282 acre tract and the North line of said 300.765 acre tract, a distance of 3095.33 feet to a 1/2" iron rod found for the Northeast corner of said 99.991 acre tract;

THENCE South 30 deg. 52 min. 12 sec. East departing the South line of said 398.282 acre tract and continue along the East line of said 99.991 acre tract, a distance of 1419.80 feet to a 1/2" capped iron rod set for the Southeast corner of same;

THENCE South 59 deg. 04 min. 49 sec. West along the South line of said 99.991 acre tract, a distance of 3067.77 feet to a 1/2" capped iron rod found "illegible" for the Southwest corner of same, being in the recognized West line of the B. Wiltshire Survey and the East line of the J. W. Brock Survey, Abstract No. 129, said point being in the apparent right-of-way of Lone Elm Road;

THENCE North 30 deg. 52 min. 12 sec. West along the West line of said 99.991 acre tract, the West line of said 398.282 acre tract, the East line of a called 132.09 acre tract described in a deed to Richard E. Wood recorded in Volume 630, Page 1040 (DIRECT), the recognized West line of the B. Wiltshire Survey, the recognized East line of the J. W. Brock Survey, and generally along the centerline of Lone

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Elm Road, a distance of 2347.89 feet to a railroad spike found in said centerline for the Southeast corner of a called 21.607 acre tract described in a deed to Duane Walker and Clinton S. Walker recorded in Volume 2522, Page 1807 (DIRECT), the Northeast corner of said 132.09 acre tract, and being the recognized Northeast corner of the J. W. Brock Survey and the recognized Southeast corner of the E. H. Belcher Survey;

THENCE North 30 deg. 36 min. 54 sec. West along the West line of said 398.282 acre tract, the East line of said 21.607 acre tract, the recognized East line of the E. H. Belcher Survey, the recognized West line of the B. Wiltshire Survey, and generally along the centerline of Lone Elm Road, a distance of 1069.50 feet to a railroad spike found for the most westerly Northwest corner of said 398.282 acre tract, the South line of said 182.727 acre tract, an ell corner of said 21.607 acre tract, the recognized Southwest corner of the J. Barker Survey, the recognized Northwest corner of the B. Wiltshire Survey, and the recognized East line of the E. H. Belcher Survey, and being in the apparent right-of-way line of Lone Elm Road;

THENCE South 59 deg. 14 min. 03 sec. West departing said survey lines and continue along the East line of said 21.607 acre tract and the South line of said 182.727 acre tract, a distance of 9.39 feet to a railroad spike found in the centerline of Lone Elm Road for the Southwest corner of said 182.727 acre tract and an ell corner of said 21.607 acre tract;

THENCE in a northerly direction along the East and North lines of said 21.607 acre tract, the West line of said 182.727 acre tract, and the centerline of Lone Elm Road the following seven (7) courses;

North 36 deg. 38 min. 20 sec. West, a distance of 137.89 feet to a P.K. nail set;

North 31 deg. 46 min. 43 sec. West, a distance of 526.65 feet to a railroad spike found;

North 36 deg. 29 min. 06 sec. West, a distance of 390.51 feet to a railroad spike found;

North 28 deg. 08 min. 21 sec. West, a distance of 116.40 feet to a railroad spike found;

North 20 deg. 06 min. 52 sec. West, a distance of 238.25 feet to a railroad spike found for a Point of Curvature of a non-tangent circular curve to the left, having a radius of 135.00 feet, a central angle of 99 deg. 54 min. 23 sec., and being subtended by a chord which bears North 69 deg. 38 min. 15 sec. West - 206.69 feet;

Continue in a northwesterly direction along said curve to the left, a distance of 235.40 feet to a railroad spike found;

South 60 deg. 25 min. 46 sec. West, a distance of 239.14 feet to a railroad spike found for the Northwest corner of said 21.607 acre tract and being a Southwest corner of said 182.727 acre tract;

THENCE North 38 deg. 11 min. 55 sec. West departing said centerline and continue along the West line of said 182.727 acre tract, at 4.36 feet pass a cotton spindle found for the Southeast corner of a



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called 5.0854 acre tract described in a deed to Cesar Gabriel Alvarado, et al recorded in Volume 2827, Page 1025 (DRECT) and continue a total distance of 30.42 feet to a 1/2" iron rod found;

THENCE North 31 deg. 37 min. 24 sec. West along the West line of said 182.727 acre tract, the West line of said 681.000 acre tract, and the East line of said 5.0854 acre tract, a distance of 1519.11 feet to a 1/2" iron rod found for an ell corner of said 681.000 acre tract, the Northeast corner of said 5.0854 acre tract, being in the Southeast line of said 151.499 acre tract, and being in the recognized Southeast line of the J. J. Davidson Survey;

THENCE South 58 deg. 49 min. 03 sec. West along the Southeast line of said 151.499 acre tract and the recognized Southeast line of the J. J. Davidson Survey, at 143.23 feet pass 1/2" iron rod found for the Northwest corner of said 5.0854 acre tract, at 424.16 feet pass a 1/2" iron rod found which bears Southeast 0.87 feet, at 712.18 feet pass a 1/2" iron rod found which bears Southeast 1.74 feet, and continue a total distance of 1266.40 feet to a 1.5" iron pipe found for the most southerly corner of said 151.499 acre tract, the most easterly corner of a called 23.699 acre tract described in a deed to the Gary Pohlman and Catherine Pohlman Revocable Living Trust recorded in Volume 2570, Page 766 (DRECT), said point being in the recognized Southeast line of the J. J. Davidson Survey, and the recognized Northwest line of the E. Ballard Survey;

THENCE North 31 deg. 15 min. 57 sec. West departing said survey lines and continue along the Southwest line of said 151.499 acre tract, the Northeast line of said 23.699 acre tract, the Northeast line of a called 13.193 acre tract described in a deed to Mike Green, et al recorded in Volume 1865, Page 2013 (DRECT), and a Northeast line of a called 5.48 acre tract described in a deed to Sharon Hobbs recorded in Instrument No. 1521807 (DRECT), a distance of 1466.49 feet to a 1/2" capped iron rod set for an ell corner of said 151.499 acre tract and an ell corner of said 5.48 acre tract;

THENCE North 58 deg. 19 min. 03 sec. East along a Northwest line of said 151.499 acre tract and a Southeast line of said 5.48 acre tract, a distance of 672.39 feet to a 1/2" capped iron rod set for an ell corner of said 151.499 acre tract and the most easterly corner of said 5.48 acre tract;

THENCE North 31 deg. 00 min. 42 sec. West along the Southwest line of said 151.499 acre tract, the Northeast line of said 5.48 acre tract, and the Northeast line of a called 119.3 acre tract described in a deed to Katherine Ann Pitts recorded in Volume 1133, Page 31 (DRECT), a distance of 2105.26 feet to a 1/2" capped iron rod set for a Northwest corner of said 151.499 acre tract and being the Southwest corner of a called 1.34 acre tract described in a deed to Robert Armstrong, et al recorded in Volume 1815, Page 1883 (DRECT);

THENCE North 59 deg. 52 min. 53 sec. East along the Northwest line of aid 151.499 acre tract and the South line of said 1.34 acre tract, a distance of 246.50 feet to a 1/2" capped iron rod found stamped "TEXAS SURVEYORS" for an ell corner of said 151.499 acre tract and the Southeast corner of said 1.34 acre tract;

THENCE North 19 deg. 07 min. 42 sec. West along a West line of aid 151.499 acre tract and the East line of said 1.34 acre tract, at 216.69 feet pass a 1/2" capped iron rod found stamped "TEXAS SURVEYORS", and continue a total distance of 225.94 feet to a P.K. nail set for the most northerly

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Northwest corner of said 151.499 acre tract, the Northeast corner of said 1.34 acre tract, said point being in Lone Elm Road;

THENCE North 58 deg. 10 min. 50 sec. East along the Northwest line of said 151.499 acre tract, a distance of 778.04 feet to a P.K. nail set for the most northerly Northeast corner of same, the Northwest corner of a called 10.398 acre tract described in a deed to Jay Lindstrom, et al recorded in Volume 2782, Page 1786 (DIRECT), said point being in Lone Elm Road;

THENCE South 23 deg. 02 min. 22 sec. East along the Northeast line of said 151.499 acre tract and the West line of said 10.398 acre tract, at 30.26 feet pass a 1/2" capped iron rod found stamped "WLSC", and continue a total distance of 1040.17 feet to a 1/2" iron rod found;

THENCE South 32 deg. 49 min. 01 sec. East along the Northeast line of said 151.499 acre tract and the West line of said 10.398 acre tract, a distance of 600.03 feet to a 1/2" iron rod found for an ell corner of said 151.499 acre tract and the Southwest corner of said 10.398 acre tract;

THENCE North 60 deg. 11 min. 33 sec. East along a North line of said 151.499 acre tract and the South line of said 10.398 acre tract, at 299.94 feet pass a 1/2" capped iron rod found stamped "WLSC" for the Southeast corner of said 10.398 acre tract and the Southwest corner of a called 10.339 acre tract described in a deed to Dawn Knox recorded in Volume 2791, Page 1504 (DIRECT), at 606.40 feet pass a 1/2" capped iron rod found stamped "WLSC" for the Southeast corner of said 10.339 acre tract and the Southwest corner of a called 11.168 acre tract described in a deed to David P. Hein, Jr., et al recorded in Volume 2788, Page 2140 (DIRECT), and continue a total distance of 946.14 feet to a 1/2" capped iron rod set for the most easterly Northeast corner of said 151.499 acre tract, the Southeast corner of said 11.168 acre tract, being in the Southwest line of said 681.000 acre tract, and being in the recognized Southwest line of the J. Barker Survey, and the Northeast line of the J. J. Davidson Survey, from which a 1/2" iron rod found bears North 60 deg. 11 min. 33 sec. East – 1.30 feet;

THENCE North 31 deg. 16 min. 02 sec. West along the Southwest line of said 681.000 acre tract, the Northeast line of said 11.168 acre tract, and the recognized Southwest line of the J. Barker Survey and the recognized Northeast line of the J. J. Davidson Survey, a distance of 1060.24 feet to a 1/2" iron rod found for a Northwest corner of said 681.000 acre tract and the Southwest corner of a called 10.059 acre tract described in a deed to Mark Livingston and Monica Louise Livingston recorded in Volume 2559, Page 2132 (DIRECT);

THENCE North 58 deg. 36 min. 52 sec. East departing the Northeast line of said 11.168 acre tract and said survey lines and continue along the Northwest line of said 681.000 acre tract, the South line of said 10.059 acre tract, the South line of a called 10.059 acre tract described in a deed to Joe Bourland and Barbara Bourland recorded in Volume 2559, Page 2122 (DIRECT), and the South line of a remainder of called 58.092 acre tract described in a deed to Armstrong 98, LLC recorded in Volume 2431, Page 1623 (DIRECT), a distance of 1893.09 feet to a 1/2" capped iron rod found for the Southeast corner of said 58.092 acre tract;

THENCE North 31 deg. 34 min. 40 sec. West along the Northwest line of said 681.000 acre tract and the East line of said 58.092 acre tract, a distance of 11.05 feet to a 1/2" capped iron rod set for the

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Southwest corner of a called 8.000 acre tract described in a deed to Iglesia Vaquera recorded in Volume 2504, Page 887 (DRECT);

THENCE North 58 deg. 40 min. 31 sec. East along the Northwest line of said 681.000 acre tract and the South line of said 8.000 acre tract, a distance of 289.78 feet to a 60D nail found for the Southeast corner of said 8.000 acre tract and the Southwest corner of a called 13.885 acre tract described in a deed to Nelson C. Ridgway recorded in Volume 1948, Page 238 (DRECT);

THENCE North 58 deg. 40 min. 33 sec. East along the Northwest line of said 681.000 acre tract and the South line of said 13.885 acre tract, a distance of 601.09 feet to a 5/8" iron rod found for the Southeast corner of said 13.885 acre tract and the Southwest corner of a called 10.168 acre tract described as Tract 1 in a deed to Rapeapat Unarut recorded in Volume 2517, Page 1087 (DRECT);

THENCE North 58 deg. 37 min. 40 sec. East along the Northwest line of said 681.000 acre tract and the South line of said 10.168 acre tract, a distance of 439.41 feet to a 1/2" iron rod found for the Southeast corner of said 10.168 acre tract and the Southwest corner of a called 3.0 acre tract described as Tract 2 in said Volume 2517, Page 1087 (DRECT);

THENCE North 58 deg. 43 min. 52 sec. East along the Northwest line of said 681.000 acre tract and the South line of said 3.0 acre tract, a distance of 372.79 feet to a 1/2" iron rod found for an ell corner of said 681.000 acre tract, the Southeast corner of said 3.0 acre tract, and being in the East line of Memory Lane (12' wide private road);

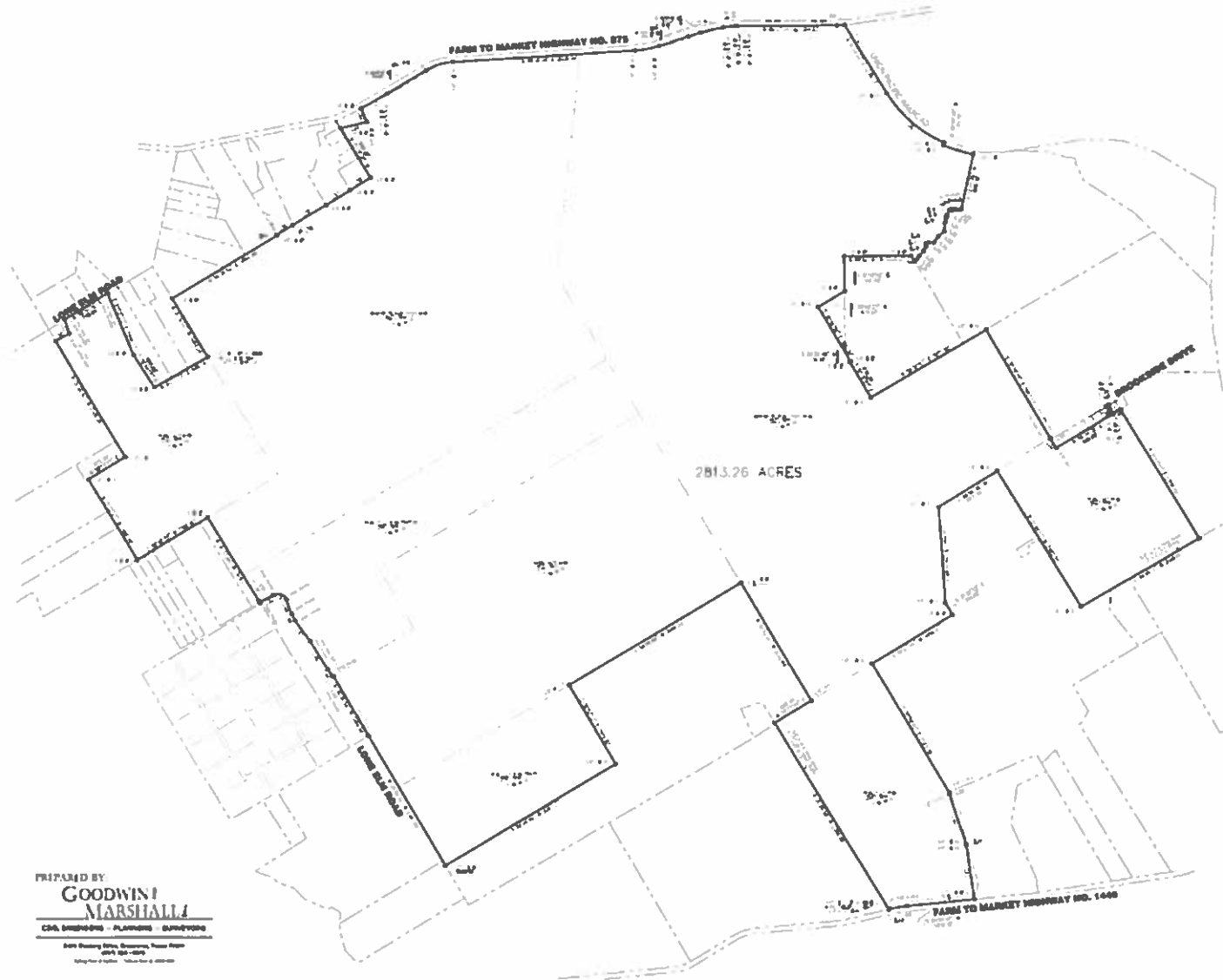
THENCE North 31 deg. 19 min. 29 sec. West along the Northwest line of said 681.000 acre tract and the East line of said Memory Lane, a distance of 899.22 feet to a 1/2" iron rod found for a Northwest corner of said 681.000 acre tract and the Southwest corner of said 1.725 acre tract;

THENCE North 76 deg. 25 min. 44 sec. East along the North line of said 681.000 acre tract and the South line of said 1.725 acre tract, a distance of 416.30 feet to a 1/2" iron rod found for an ell corner of said 681.000 acre tract and the Southeast corner of said 1.725 acre tract;

THENCE North 22 deg. 02 min. 17 sec. West along the West line of said 681.000 acre tract and the East line of said 1.725 acre tract, a distance of 225.35 feet to the POINT OF BEGINNING, containing 122,545,629 square feet or 2813.26 acres of land, more or less.

Bearings are referenced to Texas State Plane Coordinate System, North Central Zone (4202), North American Datum of 1983 as derived from GPS observation.

**Exhibit B**  
**Depiction of the Property**



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PREPARED BY  
**GOODWIN  
MARSHALL**  
CIVIL ENGINEERS - PLANNERS - SURVEYORS  
2000 Ross Street, Suite 100  
Dallas, Texas 75201  
972-341-1000

**PID EXHIBIT**  
OF  
2813.26 ACRES  
ELLIS COUNTY, TEXAS  
(Date: December 2011)

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## EXHIBIT C

### **CITY OF WAXAHACHIE, TEXAS NOTICE OF PUBLIC HEARING REGARDING THE CREATION OF A PUBLIC IMPROVEMENT DISTRICT**

Pursuant to Section 372.009(c) and (d) of the Texas Local Government Code, as amended, notice is hereby given that the City Council of the City of Waxahachie, Texas (“City”), will hold a public hearing to accept public comments and discuss the petition (the “Petition”), filed by Walton Texas, LP, a Texas limited partnership (“Walton Texas”) acting in its own capacity as an owner and for and on behalf of various other owners of undivided interests in the property in the District (as defined below) (the “UDI Owners”), in its capacity as manager, operator or agent, as applicable, Walton TX Dallas Kemp Ridge LP, an Alberta limited partnership (“Walton Kemp Ridge”), and Walton TX Dallas Kemp Ranch LP 1, an Alberta limited partnership (“Walton Kemp Ranch”) (Walton Texas, the UDI Owners, Walton Kemp Ridge, and Walton Kemp Ranch are collectively referred to herein as the “Petitioners”), requesting that the City create the Emory Lakes Public Improvement District (the “District”) to include property owned by the Petitioners.

**Time and Place of the Hearing.** The public hearing will start at or after 7:00 p.m. on April 5, 2021, at the regular meeting place of the City Council of the City in the Council Chambers located at 401 S. Rogers Street, Waxahachie, Texas 75165.

**General Nature of the Proposed Authorized Improvements.** The purposes of the District include the design, acquisition, construction, and improvement of public improvement projects authorized by the Public Improvement District Assessment Act, codified as Chapter 372, Texas Local Government Code, as amended (the “Act”), that are necessary for the development of the Property, which public improvements will include, but not be limited to: (1) design, construction and other allowed costs related to street and roadway improvements, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage, and rights-of-way; (2) design, construction and other allowed costs related to storm drainage improvements; (3) design, construction and other allowed costs related to water, wastewater and drainage (including detention) improvements and facilities; (4) design, construction and other allowed costs related to erection of fountains, distinctive lighting and signs, and acquisition and installation of pieces of art; (5) design, construction and other allowed costs related to parks, open space, and recreational improvements, including trails, landscaping, and irrigation related thereto; (6) design, construction and other allowed costs related to off-street parking facilities, including related sidewalks, drainage, utility relocation, signalization, landscaping, lighting, signage and rights-of-way; (7) design, construction and other allowed costs related to projects similar to those listed in subsections (1) - (6) above authorized by the Act, including similar off-site projects that provide a benefit to the Property within the District; (8) design, construction and other allowed costs related to special supplemental services for improvement and promotion of the District, including services related to advertising, promotion, health and sanitation, water and wastewater, public safety, security, business recruitment, development, recreation, and cultural enhancement; (9) payment of expenses incurred in the establishment, administration and operation of the District; and, (10) payment of expenses associated with financing such public improvement projects, which may include but are not limited to, costs associated with issuance and sale of revenue bonds secured by assessments levied against the Property (collectively, the “Authorized Improvements”). These Authorized Improvements shall promote the interests of the City and confer a special benefit on the Property.

**Estimated Cost of the Authorized Improvements.** The estimated cost to design, acquire and construct the Authorized Improvements, including eligible costs related to the establishment, administration and operation of the District and expenses associated with financing Authorized Improvements is \$300,000,000.

**Proposed District Boundaries.** The District is proposed to include approximately 2813.26 acres of land generally located north of Farm to Market Highway No. 1446, south of Farm to Market Highway No. 875, east of Lone Elm Road, and west of Interstate Highway 35, and as more particularly described by a metes

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and bounds description available at Waxahachie City Hall located at 401 S. Rogers Street, Waxahachie, Texas 75165 and available for public inspection during regular business hours.

**Proposed Method of Assessment.** City shall levy assessments on each parcel within the District in a manner that results in imposing equal shares of the costs on property similarly benefited. All assessments may be paid in full at any time (including interest and debt), and certain assessments may be paid in annual installments (including interest and debt). If an assessment is allowed to be paid in installments, then the installments must be paid in amounts necessary to meet annual costs for those Authorized Improvements financed by the assessments and must continue for a period necessary to retire the indebtedness issued to finance or refinance those Authorized Improvements (including interest).

**Proposed Apportionment of Cost between the District and City.** City will not be obligated to provide any funds to finance the Authorized Improvements, other than from assessments levied on the District property and possible tax increment reinvestment zone revenue. No municipal property in the District shall be assessed. The Petitioners or their successors in interest may also pay certain costs of the improvements from other funds available to it as developer of the District.



## Memorandum

To: Honorable Mayor and City Council

From: Tommy Ludwig

Thru: Michael Scott, City Manager for *Tommy Ludwig*

Date: March 12, 2021

Re: Comprehensive Plan Advisory Committee

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On Monday March 15 an item will appear before the City Council for consideration associated with the creation of the Comprehensive Plan Advisory Committee. As a reminder, City Council recently awarded a contract to Verdunity to update the City's comprehensive and thoroughfare plans. This committee will participate throughout the comprehensive plan process and serve as an advisory board to staff, the Planning and Zoning Commission, and the City Council. The Comprehensive Plan update is estimated to be a 12 to 15 month project.

Staff will provide City Council with recommendations for potential candidates to serve as a part of this advisory committee at the City Council briefing. Staff encourages City Council to recommend individuals that they believe would be well suited to serve in this capacity. Staff recommends the advisory committee be made up of individuals who represent the varied interests and makeup of the community as a whole. Potential membership could be comprised of representatives from Historic Waxahachie Inc., Waxahachie Downtown Merchants Association, Waxahachie Chamber of Commerce, Waxahachie ISD, community activists, and local business owners.

While an item will appear before Council to officially appoint members to the committee, if further deliberation is needed, the item may be table until the April 5<sup>th</sup> City Council meeting. Time will be allotted during the briefing session to discuss potential members and consider recommendations from staff. I am available at your convenience should you have any questions.

Tommy Ludwig