

# **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, October 19, 2020 at 7:00 p.m.***

Council Members: David Hill, Mayor  
Mary Lou Shipley, Mayor Pro Tem  
Chuck Beatty, Councilmember  
Kevin Strength, Councilmember  
Melissa Olson, Councilmember

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 October 5, 2020
  - b. Minutes of the City Council briefing of October 5, 2020
  - c. Approve funding request by Waxahachie Community Development Corporation for site preparation of 1601 W. Highway 287
6. ***Recognition*** of Robert W. Sokoll Water Treatment Plant for receiving the 2020 Outstanding Small Membrane Plant Award
  7. ***Request to appear*** by Elizabeth Tull, President of the Waxahachie Arts Council, to present Annual Financial Report for Waxahachie Arts Council and consider request to extend current contract between Waxahachie Arts Council and City of Waxahachie for one year expiring on December 31, 2021
  8. ***Consider*** request by Mark Wilson, Maxwell Custom Homes, LLC, for a Plat of The Estates of Hidden Creek for seventy (70) lots being 99.170 acres situated in the D. Mitchell Survey, Abstract 703, J. Steele Survey, Abstract 991, and the J. Starrett Survey, Abstract 1026 (Property ID 183399 and 277593) in the Extra Territorial Jurisdiction – Owner: Konark Singh, Konark Real Estate Enterprises and Navito Development, LLC (SUB-85-2020)

9. **Public Hearing** on a request by Jaime Eagleson, Keller Williams, for a Zoning Change from a General Retail zoning district to Planned Development-General Retail, located at 2760 Venture Way (Property ID 273975) - Owner: ROUX PROPERTIES LLC (ZDC-126-2020)
10. **Consider** proposed Ordinance approving ZDC-126-2020
11. **Continue Public Hearing** on a request by John Kennedy, Bannister Engineering, for a Zoning Change from a Light Industrial-1 and Heavy Industrial to Planned Development-General Retail and Planned Development-Multi Family-2, with Concept Plan, located SW of Butcher Road at N Highway 77 (Property ID 189377, 189370, and 239005) - Owner: DMJ Properties LTD, Saldena Properties LP, and Citizens National Bank in Waxahachie (ZDC-117-2020)
12. **Consider** proposed Ordinance approving ZDC-117-2020
13. **Consider** Development Agreement for ZDC-117-2020
14. **Public Hearing** on a request by Marshall Patton, KFM Engineering & Design, for a Zoning Change from a Planned Development-41-Commercial and Commercial zoning district to Planned Development-Mixed Use Non-Residential, located at the SW corner of I-35 and Highway 287 (Property ID 180322, 180349, and 189254) - Owner: LIDE FAMILY INC and FAYE J MOSELEY & ERNEST M HOWELL (ZDC-124-2020)
15. **Consider** proposed Ordinance approving ZDC-124-2020
16. **Consider** Development Agreement for ZDC-124-2020
17. **Consider** award of a bid to A&M Construction & Utilities, Inc. associated with the Ennis, Elder, Cleaver water and sewer system capital improvement project
18. **Convene** into Executive Session for deliberation regarding real property as permitted by **Section 551.072** of the **Texas Government Code**, and to review Performance Evaluation for City Manager as permitted by **Section 551.074** of the **Texas Government Code**
19. **Reconvene** and take any necessary action
20. Comments by Mayor, City Council, City Attorney and City Manager
21. 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

(56)

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, October 5, 2020 at 7:00 p.m.

Councilmembers Present: David Hill, Mayor  
Mary Lou Shipley, Mayor Pro Tem  
Chuck Beatty, Councilmember  
Kevin Strength, Councilmember  
Melissa Olson, Councilmember

Others Present: Michael Scott, City Manager  
Albert Lawrence, Assistant City Manager  
Tommy Ludwig, Assistant City Manager  
Robert Brown, City Attorney  
Lori Cartwright, 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**

Mayor Hill gave the invocation and led the Pledge of Allegiance and the Texas Pledge of Allegiance.

**4. Public Comments**

Mr. Paul Christenson, 110 Williams Street, Waxahachie, expressed concern with the proposed contract with Waste Connections for municipal solid waste services and the impact of having a garbage truck making two passes on city streets. He suggested City Council eliminate Impact Fees and require the builders pay them.

Mr. Ira Tenpenny, 109 Rosa Street, Waxahachie, referenced the city dump ground and recommended better safety precautions. He addressed Lions Park noting safety issues with park benches that are in need of repair. Mr. Tenpenny recommended the city require chain link fencing in lieu of wood fencing due to long-term maintenance.

**5. Consent Agenda**

- a. Minutes of the City Council meeting of September 21, 2020
- b. Minutes of the City Council Work Session of September 28, 2020
- c. Approval of the Homecoming parade for 2020

**Action:**

*Councilmember Kevin Strength moved to approve items a. through c. on the Consent Agenda. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

(5A)

**6. Present Proclamation proclaiming October 5, 2020 as “Dan Ed Morton Day”**

Councilmember Kevin Strength introduced Mr. Dan E. Morton and Mayor Hill presented Mr. Morton with a Proclamation for his service of 50 years in banking and the many organizations he serves and has served in Waxahachie.

**7. Public Hearing on a request by Edward Wooten for a Specific Use Permit (SUP) for Accessory Building (Residential), greater than or equal to 700 SF use within a Rural Residential zoning district located at 122 Lakeshore Dr (Property ID 233847) - Owner: EDWARD M AND JENNY CHIN WOOTEN (ZDC-118-2020)**

Mayor Hill opened the Public Hearing.

Planning Director Shon Brooks reported the applicant intends to construct an accessory structure (carport) in the rear of their single-family property. He noted the carport shall be constructed on a concrete paved surface.

There being no others to speak for or against ZDC-118-2020, Mayor Hill closed the Public Hearing.

**8. Consider proposed Ordinance approving ZDC-118-2020**

**ORDINANCE NO. 3217**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A +700 SQUARE FOOT ACCESSORY STRUCTURE USE WITHIN A RURAL RESIDENTIAL (RR) ZONING DISTRICT, LOCATED AT 122 LAKESHORE DRIVE, PROPERTY ID 233847, BEING LOT 13 OF LINDMARK ESTATES-REV, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Melissa Olson moved to approve Ordinance No. 3217 as presented. Councilmember Chuck Beatty seconded, All Ayes.*

**9. Public Hearing on a request by Ian Deffebach for a Specific Use Permit (SUP) for Accessory Building (Residential), greater than or equal to 700 SF use within a Planned Development-23-Single Family-1 zoning district located at 213 Hunter Pass (Property ID 277728) - Owner: IAN & LAURIE DEFFEBACH (ZDC-122-2020)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported the applicant intends to use the accessory structure as a garage, storage, game room, kitchenette, bath, and workout room. Staff recommended approval per the following comments:

(5A)

- The structure will not be used as a dwelling.
- The structure shall be constructed on a concrete paved surface.
- Applicant to obtain a building permit prior to construction.

There being no others to speak for or against ZDC-122-2020, Mayor Hill closed the Public Hearing.

**10. Consider proposed Ordinance approving ZDC-122-2020**

**ORDINANCE NO. 3218**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT AN ACCESSORY BUILDING GREATER THAN 700 SQ. FEET USE WITHIN A PLANNED DEVELOPMENT SINGLE FAMILY-1 (PD-SF-1) ZONING DISTRICT, LOCATED 213 HUNTER PASS, BEING PROPERTY ID 277728, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 1C, BLOCK A IN THE CRYSTAL HILLS SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to approve Ordinance No. 3218 as presented. Councilmember Melissa Olson seconded, All Ayes.*

**11. Public Hearing on a request by Judy Fletcher, The Children's Montessori, for a Zoning Change from a Single Family-2 zoning district to Planned Development-General Retail, located at 214 Dunn Street (Property ID 171158) - Owner: MIKE G AND JULIA A FLETCHER (ZDC-114-2020)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported during a city health inspection, staff noticed the applicant did not have the required Planned Development approval to operate the existing Children's Montessori Center. He noted the owner was not aware and has been licensed and regulated by the Texas Department of Family and Protective Services for 20 years. Staff recommended approval.

There being no others to speak for or against ZDC-114-2020, Mayor Hill closed the Public Hearing.

**12. Consider proposed Ordinance approving ZDC-114-2020**

**ORDINANCE NO. 3219**

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM SINGLE FAMILY-2 (SF2) TO PLANNED DEVELOPMENT-SINGLE FAMILY-2 (PD-SF2), WITH CONCEPT PLAN LOCATED AT 214 DUNN STREET, PROPERTY ID 171158, BEING LOT 3A,**

(5a)

**BLOCK 118 OF TOWN ADDITION, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.5 ACRES, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Kevin Strength moved to approve Ordinance No. 3219 as presented. Mayor Pro Tem Mary Lou Shipley seconded, All Ayes.*

- 13. Public Hearing on a request by LaFonda K. Gentry for a Specific Use Permit (SUP) for Family Home use within a Planned Development-Single Family-3 zoning district located at 108 Wellington Court (Property ID 208441) - Owner: BYRON D SR AND LAFONDA K GENTRY (ZDC-109-2020)**

Mayor Hill opened the Public Hearing.

Mr. Brooks reported during a city health inspection, staff noticed the applicant did not have the required Specific Use Permit approval to operate the existing Family Home. He noted the owner was not aware and has been licensed and regulated by the Texas Department of Health and Human Services for 19 years. Staff recommended approval.

There being no others to speak for or against ZDC-109-2020, Mayor Hill closed the Public Hearing.

- 14. Consider proposed Ordinance approving ZDC-109-2020**

**ORDINANCE NO. 3220**

**AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A FAMILY HOME USE WITHIN A PLANNED DEVELOPMENT-SINGLE FAMILY-3 (PD-SF3) ZONING DISTRICT, LOCATED AT 108 WELLINGTON COURT, PROPERTY ID 208441, BEING LOT 18B OF WINDCHASE ADDITION PHASE IV, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.**

**Action:**

*Councilmember Chuck Beatty moved to approve Ordinance No. 3220 as presented. Councilmember Melissa Olson seconded, All Ayes.*

- 15. Public Hearing on a request by Todd Wintters, Engineering Concept & Design, for a Zoning Change from Planned Development-Single Family-3 to Planned Development-Single Family-3 and Planned Development-Multi Family-2, with Concept Plan, located West of Ovilla Road and 800' South of Highway 287 being 1080 WM C TUNNELL 119.683 ACRES (Property ID 191627) - Owner: A ONE PLUS INVESTMENT GROUP LLC (ZDC-119-2020)**

(5a)

Mayor Hill announced the applicant withdrew ZDC-119-2020.

**16. Consider proposed Ordinance approving ZDC-119-2020**

**Action:**

*No action taken.*

**17. Public Hearing on a request by John Kennedy, Bannister Engineering, for a Zoning Change from a Light Industrial-1 and Heavy Industrial to Planned Development-General Retail and Planned Development-Multi Family-2, with Concept Plan, located SW of Butcher Road at N Highway 77 (Property ID 189377, 189370, and 239005) - Owner: DMJ Properties LTD, Saldena Properties LP, and Citizens National Bank in Waxahachie (ZDC-117-2020)**

Mayor Hill opened the Public Hearing and announced the applicant requested to continue ZDC-117-2020 to the October 19, 2020 City Council meeting.

**18. Consider proposed Ordinance approving ZDC-117-2020**

**Action:**

*Councilmember Kevin Strength moved to continue the Public Hearing on a request by John Kennedy, Bannister Engineering, for a Zoning Change from a Light Industrial-1 and Heavy Industrial to Planned Development-General Retail and Planned Development-Multi Family-2, with Concept Plan, located SW of Butcher Road at N Highway 77 (Property ID 189377, 189370, and 239005) - Owner: DMJ Properties LTD, Saldena Properties LP, and Citizens National Bank in Waxahachie (ZDC-117-2020) to the October 19, 2020 City Council meeting. Councilmember Chuck Beatty seconded, All Ayes.*

**19. Consider authorizing the City Manager to enter into a contract with Waste Connections for municipal solid waste services**

Assistant City Manager Tommy Ludwig reported in July the city issued a Request for Proposal for municipal solid waste services, with six firms responding. He explained an evaluation committee made up of city staff determined that Waste Connections was the most advantageous proposal. Mr. Ludwig stated Waste Connections is the city's current service provider and has been under contract to perform solid waste services for the past 20 years.

Mr. Ludwig noted the contract will include:

1. Replacing loose bag collection with 95-gallon poly carts.
2. Replacing the existing 16-gallon recycling containers with 95-gallon poly carts.
3. Offering weekly bulk collection (current contract provides for annual bulk collection).
4. Providing the ability to place yard clippings in weekly trash collection (current contract allows for a bi-annual special collection for yard clippings).

(5A)

5. Offering a weekly household hazardous waste program for various chemicals, paints, and e-waste.
6. Replacing all existing commercial and industrial trash containers with new containers.

Total rate for recommended options is \$5.70 per home per month. This represents a \$2.37 reduction in rate per home per month.

**Action:**

*Mayor Pro Tem Mary Lou Shipley moved to authorize the City Manager to enter into a service agreement with Waste Connections for solid waste and recycling services, with weekly poly cart trash collection, every other week poly cart recycling collection, and weekly household hazardous waste collection. Councilmember Melissa Olson seconded, All Ayes.*

**20. Consider revisions to the City's Drought Contingency Ordinance**

Mr. Ludwig reported the proposed changes would (1) renumber the drought contingency stages to eliminate confusion associated with Stage 0 of the plan; (2) modify the elevation associated with the initial activation of the Bardwell Reservoir Raw Water Pump Station; and (3) incorporate additional language required by Texas Water Code pertaining to wholesale water contracts.

**ORDINANCE NO. 3221**

**AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, AMENDING AND RESTATING THE DROUGHT CONTINGENCY PLAN; ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PENALTIES FOR THE VIOLATION OF AND PROVISIONS FOR ENFORCEMENT OF THESE RESTRICTIONS; ESTABLISHING PROCEDURES FOR GRANTING VARIANCES; AND AMENDING ORDINANCE NO. 3106; AND PROVIDING SEVERABILITY AND AN EFFECTIVE DATE**

**Action:**

*Councilmember Kevin Strength moved to approve Ordinance No. 3221 as presented. Councilmember Chuck Beatty seconded, All Ayes.*

**21. Consider authorizing professional engineering services with Tegue, Nall and Perkins, Inc. associated with the corridor restoration of Graham Street**

Assistant Director of Public Works Jim Lockart reported the Graham Street project is part of the corridor rehabilitation Capital Improvement Program and requested authorizing professional engineering services with Tegue, Nall and Perkins, Inc. in the amount of \$541,135. Funding for the engineering phase of this project is a planned expense with \$503,280 budgeted as part of the FY2019-2020 capital improvement plan. The additional funding for the full authorized amount of this project, should it be needed, is available from prior year capital improvement funding.



(50)

**Action:**

*Councilmember Kevin Strength moved to approve professional engineering services with Tegue, Nall and Perkins, Inc. associated with the corridor restoration of Graham Street as presented. Councilmember Chuck Beatty seconded, All Ayes.*

**22. Consider appointments to Boards and Commissions**

City Manager Michael Scott presented various appointments to the following Boards and Commissions:

**AIRPORT BOARD (3 year term)**

Nanette Paghi

**BUILDING STANDARDS COMMISSION (2 year term)**

Joshua Atilano

Lawrence Kollie

**CEMETERY BOARD (2 year term)**

Chad Hicks

Peggy Crabtree

**ELECTRICAL ADVISORY BOARD (2 year term)**

Gary Estes

Harold DeBorde

**ELLIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO.1**

**(2 year term)**

Wayne Eiland

Brian Ford

**HERITAGE PRESERVATION (2 year term)**

Becky Kauffman

Curtiss Thompson

Jeff Smith

**KEEP WAXAHACHIE BEAUTIFUL (3 year term)**

Scott Poarch

Jim Kauffman

Christy Waters

**PARK BOARD (3 year term)**

Ginger Cole

Dr. William Major

(5a)

**PLANNING AND ZONING COMMISSION (2 year term)**

Bonney Ramsey  
Jim Phillips  
Erik Test

**SENIOR CENTER ADVISORY COMMITTEE (2 year term)**

Theresa Taylor  
Peggy Loftis  
Heather Fuller

**TAX INCREMENT REINVESTMENT ZONE (2 year term)**

Ron Ansell  
Coy Sevier  
Brad Yates

**WAXAHACHIE COMMUNITY DEVELOPMENT CORPORATION (2 year term)**

Daniel Morton  
Bob Lynn

**WAXAHACHIE HOUSING AUTHORITY (2 year term)**

Wendy Cunningham  
Johnny Rodriguez  
Don Nelson  
Jane Vineyard

**WAXAHACHIE INDUSTRIAL DEVELOPMENT AUTHORITY**

**(2 year term)**  
Ginger Cole  
Michael Hirtzel

**ZONING BOARD OF ADJUSTMENTS (2 year term)**

Brad Yates  
Marion Reynolds  
Diane Collard

**Action:**

*Councilmember Kevin Strength moved to approve the appointments to Boards and Commissions as presented. Councilmember Chuck Beatty seconded, All Ayes.*

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

Assistant City Manager Tommy Ludwig thanked the city staff team and Senior Director of Building & Community Services Jose Martinez for the time they spent working on the Waste Connections contract.

(50)

Planning Director Shon Brooks thanked Ms. Judy Fletcher and Ms. LaFonda Gentry for their understanding and assistance in bringing their facilities current with city codes.

City Manager Michael Scott echoed Mr. Ludwig's comments pertaining to Waste Connections and thanked the city team for the process they went through to assist with this project. He thanked City Council for their direction on the 2020-2021 budget and acknowledged Finance Director Chad Tustison and his department for their hard work on the annual budget.

Mayor Pro Tem Mary Lou Shipley acknowledged Mr. Dan E. Morton noting he is a true banker and asset to our community.

Councilmember Melissa Olson thanked city staff on the hard work they spent on the 2020-2021 budget. She thanked the city staff team for their hard work on the Waste Connections process.

Mayor David Hill thanked city staff on all their work on the annual budget. He thanked them for their time they spent on Waste Connections and the new trash pickup process. Mayor Hill thanked Police Chief Wade Goolsby and Fire Chief Ricky Boyd for keeping Waxahachie safe. He acknowledged Mr. Dan E. Morton noting he is an asset to Waxahachie.

#### **24. Adjourn**

There being no further business, the meeting adjourned at 7:47 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary

(5b)

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, October 5, 2020 at 6:30 p.m.

Councilmembers Present: David Hill, Mayor  
Mary Lou Shipley, Mayor Pro Tem  
Chuck Beatty, Councilmember  
Kevin Strength, Councilmember  
Melissa Olson, Councilmember

Others Present: Michael Scott, City Manager  
Albert Lawrence, Assistant City Manager  
Tommy Ludwig, Assistant City Manager  
Robert Brown, City Attorney  
Lori Cartwright, 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 reported Item 5c on the Consent Agenda references approval of the WISD homecoming parade, a revised route and city services supporting the event. He stated this is the first parade since the COVID breakout. Both parties are favorable to the new plan.

Director of Planning Shon Brooks reviewed the following Planning and Zoning cases:

- ZDC-118-2020 – The applicant is proposing to construct a carport and intends to use the structure to park additional cars. The carport shall be constructed on a concrete paved surface. Staff recommended approval.
- ZDC-122-2020 – The applicant is proposing to construct a 4,000 square foot accessory structure. The applicant intends to use the accessory structure as a garage, storage, game room, kitchenette, bath, and workout room. The structure will not be used as a dwelling. Staff recommended approval.
- ZDC-114-2020 – During a city health inspection, staff noticed that the applicant did not have the required Planned Development approval to operate the existing Children’s Montessori Center. The zoning change will bring the property into compliance with city zoning requirements. Staff recommended approval.
- ZDC-109-2020 - During a city health inspection, staff noticed that the applicant did not have the required Specific Use Permit (SUP) for Family Home within the Planned Development. The SUP will bring the use into compliance with city requirements. Staff recommended approval.
- ZDC-119-2020 – Applicant withdrew.

(5b)

- ZDC-117-2020 – Applicant requested to continue to the City Council meeting of October 19, 2020.

Assistant City Manager Tommy Ludwig reviewed a proposed contract with Waste Connections for municipal solid waste services and the process city staff went through to make their recommendation to approve the contract.

Mr. Ludwig reviewed the revisions to the city's Drought Contingency Ordinance and will make recommendation for amending and restating the Drought Contingency Plan.

Assistant Director of Public Works Jim Lockart presented a professional engineering services contract with Tegue, Nall and Perkins, Inc. associated with the corridor restoration of Graham Street in the amount of \$541,135. Funding for the engineering phase of this project is a planned expense with \$503,280 budgeted as part of the FY2019-2020 capital improvement plan. The additional funding for the full authorized amount of this project, should it be needed, is available from prior year capital improvement funding.

Mr. Scott presented various appointments to Boards and Commissions for consideration.

### **3. Adjourn**

There being no further business, the meeting adjourned at 6:51 p.m.

Respectfully submitted,

Lori Cartwright  
City Secretary



## Memorandum

To: Honorable Mayor and City Council  
From: Albert Lawrence, Assistant City Manager  
Thru: Michael Scott, City Manager  
Date: October 15, 2020  
Re: Consider Waxahachie Community Development Corporation Expenditure for the Site Preparation of 1601 W. HWY 287 for Future Economic Development Opportunities

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**Item Description:** Consider Waxahachie Community Development Corporation expenditure not to exceed \$350,000 for the site preparation of 1601 W. HWY 287 for future economic development opportunities.

**Item Summary:** In 2018, the City of Waxahachie purchased the property at 1601 W. HWY 287 for the purpose of assisting, as necessary, with the expansion of the Navarro College Waxahachie Campus and use the site as an incentive to promote economic development. At this time, it does not appear that the site would be needed for expansion of Navarro and if it were needed, it may only be for shared parking.

On October 13, 2020, the Waxahachie Community Development Corporation (WCDC) unanimously approved a \$322,525 quote from J&K Excavation, LLC for the site preparation work at 1601 W. HWY 287. The project will remove the concrete, take down the fencing, cap the water and sewer lines, remove most of the rail spur on the property and bring in clean fill dirt to backfill the areas where the concrete is removed. The site will also need to be seeded for re-vegetation which was not included in the quote. Therefore, the WCDC approved the project at an expense not to exceed \$350,000. This should cover the re-vegetation costs and any contingency costs that may arise.

**Fiscal Impact:** The proposed \$350,000 expenditure would be funded out of the WCDC unrestricted reserve balance and not the General Fund. The WCDC has sufficient fund balance to cover the expenditure.

(1)  
*Waxahachie Arts Council*  
*136 Mustang Creek Drive*  
*Waxahachie, Texas 75165*

972-938-1020

October 6, 2020

Ms. Lori Cartwright  
City of Waxahachie  
401 S. Rogers Street  
Waxahachie, Texas 75165

Dear Ms. Cartwright:

Attached below are copies of the financial reports for the members of the Waxahachie Arts Council. This report gives a Profit and Loss view of the money received from the City for the Arts Council's portion of the Hotel/Motel Tax and the uses of these funds.

This report is being presented to the City Council under the agreement with the Arts Council. Please let me know when we are on the agenda so I can be present to make the report.

I have also enclosed a request to the city council to extend the current contract between the City Council and the Waxahachie Arts Council. Please notify me of the date that this request is to be submitted to Council. I can be reached at the address above, or at (972)938-1020 or cell (972)523-6559. On behalf of the Waxahachie Arts Council, I want to thank the City Council for its past support of the eight Arts Council members.

Sincerely,

Elizabeth Nelson Tull

/ent

(7)

**MR. MAYOR AND MEMBERS OF THE CITY COUNCIL**

In 2003, the City Council approved a two-year contract extension with the Waxahachie Arts Council to receive 25% of the Hotel/Motel tax. Over the years, these funds have been used by non-profit organizations to promote the arts and tourism in Waxahachie and are greatly needed and appreciated.

When the contract was approved in 2003, there were five members of the Waxahachie Arts Council and they are as follows: Ellis County Museum, Ellis County Art Association, Historic Waxahachie, Waxahachie Community Theater and the Waxahachie Symphony Association. In 2003 the Chautauqua Preservation Society applied and was approved for membership. In 2007, we had an application from Bethlehem Revisited and it was approved and in 2015, we received an application from the Crossroads of Texas Film Festival and it was also approved. Currently, these are the eight organizations that comprise the membership.

This request is made to allow the member organizations to better plan for their expenditures and prepare their budgets. This is especially true for the Waxahachie Symphony Association which must contract for future concerts.

On behalf of the non-profit organizations that are members of the Waxahachie Arts Council, I want to thank the City Council for their past support and request approval of this extension of the contract.

Elizabeth Nelson Tull, President  
Waxahachie Arts Council





P.O. Box 126, Waxahachie, TX 75168

[www.WaxahachieChautauqua.org](http://www.WaxahachieChautauqua.org)

19 January 2020

Elizabeth Tull  
Waxahachie Arts Council  
136 Mustang Creek Drive  
Waxahachie, TX 75165

Dear Elizabeth,

Attached is the annual report for the Chautauqua Preservation Society that includes the 2019 cash flow report and an outline of activities and accomplishments for the year. The cash flow report does not show a 4<sup>th</sup> Quarter distribution for 2019 from the Arts Council. However, the 4<sup>th</sup> Quarter distribution check of \$11,000 was received on January 17, 2020.

We are deeply appreciative of the Arts Council funds. Because of this funding, we are able to offer high quality programs given by regionally and nationally respected scholars, artists and performers, as well as highlighting Waxahachie's treasured historic Chautauqua Auditorium and Getzendaner Park. Additionally, these funds, along with sponsorships and memberships, have allowed us to offer all of these activities with no admission charge, making these events accessible to everyone in the community and in the North Texas region.

Sincerely,

Kirk Hunter  
President  
Chautauqua Preservation Society

(7)

# Chautauqua Preservation Society - Last year

1/1/2019 through 12/31/2019

1/18/2020

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Category	1/1/2019- 12/31/2019	OVERALL TOTAL
<b>INCOME</b>		
Arts Council	19,750.00	19,750.00
Communities Foundation	51.56	51.56
Corporate Donations	4,800.00	4,800.00
Donations for Branded Items	502.15	502.15
Membership	6,364.05	6,364.05
Other Inc	400.00	400.00
Reimbursement	231.67	231.67
Transfer from Savings Acct	2,100.00	2,100.00
<b>TOTAL INCOME</b>	<b>34,199.43</b>	<b>34,199.43</b>
<b>EXPENSES</b>		
Uncategorized	0.00	0.00
Contract worker	1,600.00	1,600.00
Event Production	11,042.12	11,042.12
Food & Dining	60.00	60.00
Marketing	5,444.69	5,444.69
Membership Promotion	1,026.42	1,026.42
Office Supplies	57.76	57.76
Organization Membership	450.00	450.00
Phone	115.00	115.00
Presenter-Performer	12,701.10	12,701.10
Rental	628.00	628.00
Special Projects	1,267.70	1,267.70
Tax Preparation	95.00	95.00
Trash Can Transformation	288.22	288.22
Travel - Presenters&Performers	665.05	665.05
Webhosting	253.82	253.82
<b>TOTAL EXPENSES</b>	<b>35,694.88</b>	<b>35,694.88</b>
<b>OVERALL TOTAL</b>	<b>-1,495.45</b>	<b>-1,495.45</b>

(1)



ELLIS COUNTY MUSEUM  
Waxahachie, Texas

# ELLIS COUNTY MUSEUM, INC.

972-937-0681 201 S. COLLEGE P.O. BOX 706 WAXAHACHIE, TEXAS 75168

January 23, 2020

Ms. Elizabeth Tull  
Waxahachie Arts Council  
136 Mustang Creek Drive  
Waxahachie, Texas 75165

Dear Ms. Tull:

Enclosed please find the 2019 income/expense report for the Ellis County Museum as well as the Annual Hotel/Motel Tax Questionnaire. The museum's representative to the Arts Council is Shannon Simpson and the treasurer is Sam Meade. Thanks for all of your work with the Arts Council.

Sincerely,

Shannon Simpson, Director  
Ellis County Museum, Inc.

(1)

Treasurer's Report (YTD) - 2019  
1/1/2019 through 12/31/2019

1/23/2020

Page 1

Category	1/1/2019- 12/31/2019
<b>INCOME</b>	
Arts Council	19,750.00
Cowboy & BBQ	4,900.00
Donations	4,896.38
Love Locks	2,070.00
TOTAL Donations	6,966.38
Dues	6,385.00
Duff Estate Dividend	20,833.82
Hagler Estate	3,995.88
Interest Income	3,893.87
Memorials	3,430.00
Middleton Estate	503.52
Misc. Income	2,368.49
Progressive Dinner	520.00
Sales	5,537.03
Trail Inc	17,741.86
<b>TOTAL INCOME</b>	<b>96,825.85</b>

<b>EXPENSES</b>	
Ads	1,740.00
BBQ Expense	2,152.30
Capital Campaign Expense	4,417.74
Capital Exp.	212,619.70
Contract Labor	5,870.25
Credit Card Exp	493.80
Electrical	2,595.81
Equipment	69.81
Evening Event Reimbursement	270.00
Exhibit Supply	958.37
Gas	973.25
Gift Shop	2,227.99
Health Ins.	6,178.00
Insurance	4,947.00
Internet	316.71
Janitorial	1,920.00
Miscellaneous	3,162.45
Office Supplies	1,068.90
Phone-Internet	672.41
Postage	483.44
Repairs	1,343.91
Salary	48,147.00
Medicare	-698.22
Social Security	-2,985.10
Withholding	-4,125.00
<b>TOTAL Salary</b>	<b>40,338.68</b>

(1)

Organization Name: Ellis County Museum, Inc.

Name of Person Completing the Questionnaire: Shannon Simpson

Using the above information as a guide, how does your organization fulfill the obligations of the "two-part test"? (Note: It is not enough to meet one of the two prongs of the two-part test. You must meet both):

The Ellis County Museum (ECM) puts "heads in beds," serves as the downtown visitor/tourist information center, is an attraction/destination for tourists, promotes the city's historical elements and hotels/motels with various handouts, maps, shopping guides, pamphlets, etc. The ECM preserves and interprets the history of Ellis County by collecting, maintaining and exhibiting artifacts relevant to the county's history. ECM also provides information to individuals interested in preserving personal artifacts and/or restoring/preserving historical architecture in the county.

Per the statute, all entities that are funded by local hotel occupancy tax must provide a list of the scheduled activities, programs or events that they will offer that will directly enhance and promote tourism and the convention and hotel industry annually to the city secretary or his/her designee.

Please provide a list of activities/events that fulfill the statement above:

- The ECM is the downtown tourist information center for the community.
- The ECM is, in itself, a tourist attraction promoting the history of Ellis County.
- The ECM hosts visitors from around the state and USA conducting genealogical and historical research.
- The ECM sponsors the Gingerbread Trail historic home tour, a two day event with an attendance of around 2,000.
- The ECM sponsors the Gingerbread Trail Arts & Crafts Festival, a two day event with an attendance of around 1,500.
- The ECM is open 6 days a week and has annual attendance of 6,000 - 8,000 guests.
- The ECM promotes the county's history with a "brown bag" speaker series and a new exhibits each year
- The ECM is housed in and maintains an 1889 Masonic Lodge Hall

Please list below and attach any examples of marketing materials that were used to promote the event outside the local area:

Ellis County Museum, Gingerbread Trail Home Tour, Gingerbread Trail Arts & Crafts promotion - highway billboard, magazine ads in Midlothian Now, North Ellis County Now, Mansfield Now, Waxahachie Now, Living Magazine, Tea in Texas magazine, KBEC radio spots, direct mail and email to museum members and previous Gingerbread Trail participants, website listings and social media marketing i.e. Facebook.

(Sources: *Texas Town & City* - April 2013, [www.tml.org](http://www.tml.org), and State of Texas Tax Code Chapter 351)

(1)

# HISTORIC WAXAHACHIE, INC.

POST OFFICE BOX 22, WAXAHACHIE, TEXAS 75168

January 6, 2020

Mrs. Elizabeth Tull  
Waxahachie Arts Council  
136 Mustang Creek Drive  
Waxahachie TX 75165

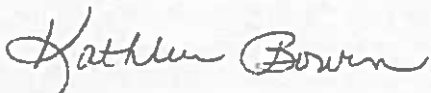
Dear Liz,

Please find enclosed Historic Waxahachie, Inc.'s year-end financials and our 2019 accomplishments. HWI continuously strives to expand historic preservation efforts which increases historic tourism for our great city.

I would like to thank you and the Arts Council for all you do in helping non-profit organizations like HWI. We look forward to continuing working with you and having another great year in 2020.

Please don't hesitate to contact me if you need any further information.

Regards,



Kathleen Bowen  
2019 HWI President  
713.557.6871

Enclosures:

2019 Year End Financials  
2019 Accomplishments

(11)

## HWI 2019 Accomplishments

- Five board members attended the Real Places Conference in Austin
- Performed maintenance on the Wyatt Real Estate and Calaboose buildings
- Conducted tours of the Wyatt and Calaboose buildings during Oddfest
- Held public program on Historic Preservation with external speaker
- Took over the Christmas Tour of Homes from WDMA – over 1300 tickets were sold
- Continuing work on the Interurban Freight car restoration which will be donated to the City and placed near the amphitheater as a tourist attraction
- Sponsored “This Place Matters” at the Ellis County Art Association
- Sponsor for The Gingerbread Trail
- Sponsor for Oddfest
- Updated and continue to finance “Tour Waxahachie” free app
- Replaced 2 historic signs that were damaged
- Gave out the first HWI Scholarship to a graduating senior
- Hosted Courthouse tours during Gingerbread Trail, Texas Country Reporter festival and Christmas Tour of Homes
- Completed and financed the 2019 Historic Resource Survey for an expanded area of the City which is now available online for use by all residents of Waxahachie
- Held meetings on Historic Resource Survey with City staff and the public
- Conducted tours of the Red Caboose for an elementary school
- Held the 3<sup>rd</sup> annual Endangered Places event at the African American Museum
- Continued our house marker program
- Strengthened, simplified and updated many of our internal processes
- Began work on donated original Viaduct street light
- We currently have 197 members – which is a new record!

(11)

**Historic Waxahachie Inc**  
**Balance Sheet**  
As of December 31, 2019

	<u>Dec 31, 19</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
Checking/Savings	
Citizens National Bank	68,897.27
<b>Total Checking/Savings</b>	<u>68,897.27</u>
<b>Total Current Assets</b>	68,897.27
<b>Fixed Assets</b>	
Fixed Assets	2,000.00
<b>Total Fixed Assets</b>	<u>2,000.00</u>
<b>TOTAL ASSETS</b>	<u><u>70,897.27</u></u>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Equity</b>	
Unrestricted Net Assets	88,881.53
Net Income	-17,984.26
<b>Total Equity</b>	<u>70,897.27</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>70,897.27</u></u>



(1)

## Historic Waxahachie Inc

### Income Statement

December 2019

	Dec 19	Jan - Dec 19
<b>Ordinary Income/Expense</b>		
<b>Income</b>		
Arts Council Income	0.00	19,750.00
Christmas Tour of Homes		
Sponsorship Revenue	0.00	12,450.00
Ticket Sales	12,800.00	12,800.00
Ticket Sales - Pre-Event	12,780.00	13,360.00
<b>Total Christmas Tour of Homes</b>	<b>25,580.00</b>	<b>38,610.00</b>
Historic Marker Income	0.00	730.00
Interest Income	16.83	197.27
Membership Dues	85.00	7,180.00
Other Income	0.00	1,120.00
<b>Total Income</b>	<b>25,681.83</b>	<b>67,587.27</b>
<b>Expense</b>		
Bank Service Charges	15.53	169.87
Christmas Tour - Expenses		
Advertising	571.39	6,466.99
Cash for Change	0.00	0.00
Graphic Design	0.00	759.00
Homeowner Meals	169.41	169.41
Insurance	0.00	226.00
Plaques for Tour Homes	0.00	672.50
Progressive Dinner	213.40	213.40
Service Fees	145.91	149.63
Supplies	196.18	196.18
Ticket Booklet	0.00	2,753.65
Tour Home Pedestals	230.05	432.48
Yard Signs	0.00	450.00
<b>Total Christmas Tour - Expenses</b>	<b>1,526.34</b>	<b>12,489.24</b>
Community Improvement		
Most Endangered Places	0.00	618.82
<b>Total Community Improvement</b>	<b>0.00</b>	<b>618.82</b>
Contract Labor	640.00	15,240.00
Convention Expense	0.00	1,868.96
Donations	0.00	950.00
Dues and Memberships	0.00	200.00
Educational Programs		
Program Other	0.00	319.58
Veterans Day Event	0.00	0.00
<b>Total Educational Programs</b>	<b>0.00</b>	<b>319.58</b>
Historic Markers	0.00	986.00
Historic Signage	75.00	138.00
Insurance Expense	0.00	1,072.00
Membership	10.35	422.36
Office Expense	170.38	974.75
Professional Fees	0.00	90.00
Public Relations and Publicity	54.00	1,446.85
Rent	0.00	385.00
Service Fees	0.00	86.18
Social	1,110.88	1,263.33
Tours		
Courthouse	416.94	576.94
<b>Total Tours</b>	<b>416.94</b>	<b>576.94</b>
<b>Total Expense</b>	<b>4,019.42</b>	<b>39,297.88</b>
<b>Net Ordinary Income</b>	<b>21,662.41</b>	<b>28,289.39</b>

(1)

**Historic Waxahachie Inc**  
**Income Statement**  
December 2019

	<u>Dec 19</u>	<u>Jan - Dec 19</u>
<b>Other Income/Expense</b>		
<b>Other Expense</b>		
<b>Special Projects</b>		
Calaboose & Wyatt	0.00	725.00
Hardy Heck & Moore Survey	0.00	40,660.65
Interurban Car	0.00	2,500.00
Walking Tour App	0.00	2,388.00
<b>Total Special Projects</b>	<u>0.00</u>	<u>46,273.65</u>
<b>Total Other Expense</b>	<u>0.00</u>	<u>46,273.65</u>
<b>Net Other Income</b>	<u>0.00</u>	<u>-46,273.65</u>
<b>Net Income</b>	<u>21,662.41</u>	<u>-17,984.26</u>

(17)

<b>BETHLEHEM REVISITED</b>		
<b>FINANCIAL STATEMENT 2019</b>		
<b>BEGINNING BALANCE</b>		<b>55,468.74</b>
<b>GENERAL INCOME</b>		
Gate Receipts	14,269.80	
Memorials	0.00	
Donation	0.00	
Petty Cash Returned/Souvenirs	400.00	
Souvenirs	5,701.72	
Waxahachie Arts Council	19,750.00	
<b>TOTAL GENERAL INCOME</b>		<b>40,121.52</b>
<b>OPERATING EXPENSES</b>		
Administrative Fee, 501C3	2,000.00	
Advertising	4,421.31	
Animals (Camels/\$5,190; Ewe Petting Zoo/\$2,400)	7,590.00	
Building & Grounds	17,437.10	
Cast	836.63	
Costumes	607.09	
Custodial Help	120.00	
Lighting & Tech Services	3,958.51	
Membership (Waxahachie Chamber of Commerce)	400.00	
Petty Cash (Souvenirs)	400.00	
Postage	1,190.05	
Production	4,487.00	
Signs	89.90	
Souvenir Expense	10,744.56	
Supplies & Props	2,299.53	
Utilities (Electricity/\$1,907.48 Water/\$224.90)	2,132.38	
Yard Maintenance	1,350.00	
<b>LESS TOTAL EXPENSES</b>		<b>60,064.06</b>
<b>ENDING BALANCE</b>		<b>35,526.20</b>

**Waxahachie Community Theater  
2019 Income and Expense Summary**

(1)

	<u>Paid Amount</u>
<b>Income</b>	
Total Concession Sales	1,762.50
Total Corporate Underwriting	7,500.00
Total Donations - Build the Dream	950.00
<b>Donations Received</b>	
Total Arts Council	19,750.00
Total Donations Received - Other	12,651.07
<b>Total Donations Received</b>	<u>32,401.07</u>
Total Interest	88.74
Total Membership Dues	2,010.00
Total Membership Meeting Income	1,130.00
Total Other Inc	2,203.04
Total PROMO_INC	265.00
Total Season Tickets 2019	3,255.00
Total Season Tickets 2020	1,270.00
Total Show Apparel Income	2,805.00
Total Ticket Sales	32,187.00
Total Tickets to the City Rebate	70.70
<b>Total Income</b>	<u>87,898.05</u>
<b>Expense</b>	
Total Advertising	1,784.29
Total Cash Box	300.00
Total Concession Costs	559.39
Total Courtesy Memberships	200.00
Total Directing Fees	4,000.00
Total Donations	500.00
Total Insurance	872.00
Total Membership Meeting Expense	1,296.81
Total Miscellaneous	9,949.26
Total Office Equipment	545.62
Total Office Supplies	541.59
Total Payroll Tax Expense	2,838.39
Total Postage	173.98
Total PRINTING	1,645.17
Total PROD COSTS	25,076.88
Total PROF_MEMB	693.59
Total PROF_SERV	350.00
Total PROMO_EXP	646.18
Total Recognition Gifts	1,500.00
Total Royalties and Scripts	4,871.82
Total Salary	14,300.00
Total Show Apparel Expense	1,769.50
Total Square fees	260.27
Total Storage	14,712.00
Total Subscriptions	403.84
Total WCT Scholarship	1,000.00
Total Web Site	328.90
<b>Total Expense</b>	<u>91,119.48</u>
<b>Net Total</b>	-3,221.43

(1)

ELLIS COUNTY ART ASSO.

PO BOX 2064

WAXAHACHIE TX 75168

Dear Elizabeth Tull and the Waxahachie Arts Council board,

We at the Ellis County Art Association cannot begin to express our appreciation for your generous support this past year. Our association has an over 60 year record of promoting art, the appreciation of art, and the teaching of art here in Waxahachie. It would be almost impossible to fulfill our mission statement without both the WAC and the City of Waxahachie.

With sincere gratitude,

Ellis County Art Association Board members

Shawn Davis-Treasurer

(1)

## ANNUAL HOTEL/MOTEL TAX QUESTIONNAIRE

### ELLIS COUNTY ART ASSOCIATION

SUBMITTED BY:

TINA BOHLMAN, PRESIDENT

#### PART 1: Heads in Beds

Ellis County Art Association hosted 2 art instruction workshops with "high profile" professional artists. The artist/instructors were from out of state. 15 students registered in each class (30 total).

Workshop #1 Kathie Odom Plein Air Workshop: Odom traveled from Nashville, Tennessee

Workshop #2 Patrick Saunders Floral Workshop: Saunders traveled from K.C. Missouri

Eighteen (18) students booked lodging for 1 to 3 days each. The rest commuted daily from DFW area & North Texas areas. ECAA paid fee for each instructor which included 4 nights lodging (8 total) plus travel expense.

Ellis County Art Association produced a 10-day Plein Air (outdoor painting, on location) event. 35 artists registered to compete for awards:

14<sup>th</sup> Annual Paint Historic Waxahachie

5 artists booked lodging for 3 days, several booked lodging 1 or 2 nights and/or commuted daily from DFW & North Texas areas.

#### PART 2: Category 4 – Promotion of the Arts

- 60<sup>th</sup> Annual Membership Art Show & Sale: 60 day exhibit of Ellis County Art Association original art.
- 40<sup>th</sup> Annual Student Art Exhibit: Ellis County youth in grades K-12 exhibit art for 10 days in ECAA's ART on the Square gallery. 2 scholarships are awarded to graduating Seniors.
- 14<sup>th</sup> Annual Paint Historic Waxahachie: Artists paint on location throughout Waxahachie for 10 days. Public invited to observe and interact with the artists as they "capture" the charm of our city on canvas or paper. A 2-day "Wet Paint" exhibition follows 8 days of painting.
- First Monday Art Demonstration: Every 1<sup>st</sup> Monday of the month ECAA features a guest artist that gives a painting demonstration and lecture (various media). The demonstration is free and open to the public.
- Summer Art Academy: 5-day "art camp" for children ages 6-12, and Teens 13-17.

#### Promotion of Events outside the local area:

- Our website: [www.elliscountyyart.net](http://www.elliscountyyart.net). Our website has an average of 800 visitors per month. We list our events on a calendar providing visitors opportunity to view and/or register to participate in classes, demonstrations, workshops, exhibitions.
- On the Internet: We regularly list/promote our events in an online service that has 5000+ subscribers state-wide.
- Radio: Monthly contract with KBEC Radio which includes online advertising on KBEC website.
- Publications: In 2020 we have placed a ¼ page ad for upcoming workshops in a fine arts publication, Plein Air Magazine, which is distributed nationally.
- Print Media: We submit events to the Dallas Morning News' weekly "Guide". Monthly advertising contract with Waxahachie Sun and Daily Light newspapers .
- We partner with Arts Council members, Downtown Merchants Association, and Waxahachie Chamber of Commerce in group advertising.
- Ellis County Art Association has several "non-local" members from DFW area including Ft. Worth, Grand Prairie, Arlington, Dallas, Plano, Murphy, Frisco, Mexia, Corsicana, Lancaster, Red Oak, & Duncanville. Each of these members actively promotes the City of Waxahachie.

(1)



### ROBERT BURRIDGE

- Burrige Studio App
- Free Weekly BobBlast
- Current Workshop Schedule
- Workshops in Bob's Studio



RobertBurrige.com

## TUBAC SCHOOL OF FINE ART

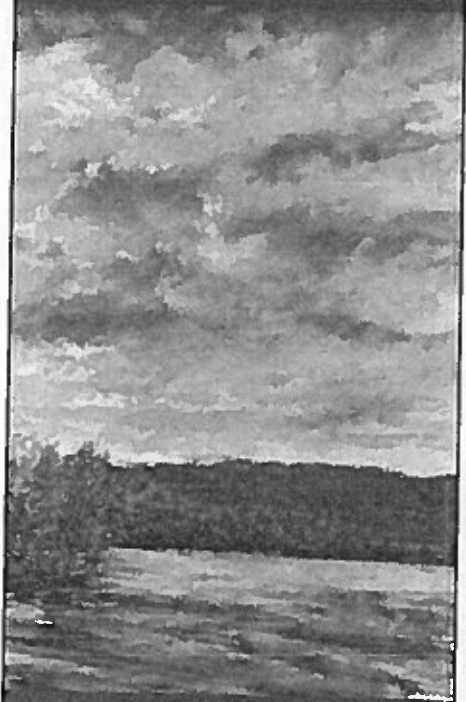


A BOUTIQUE ART WORKSHOP CENTER

WWW.TUBACSCOLOOFFINEARTLLC.COM

# S. Nicholas ART

## SUSAN NICHOLAS ART PLEIN AIR ~ OIL & PASTEL



### Workshops & Retreats

February 1 & March 7  
Hameau Farm, PA

February 14-15  
Lemont, PA

May 11-17  
Hameau Farm, PA

June 19-20  
York, PA

June 23-25  
Centre Hall, PA

PLEIN AIR  
CONVENTION  
& EXPO

FACULTY  
ALUMNI

## SNICHOLASART.COM 814-360-2116

### Tom Lynch WATERCOLOR



### 4-Day Workshop

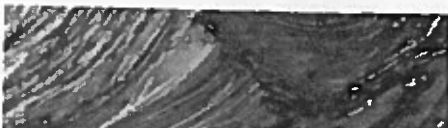
August 5 - 8, 2020  
Waxahachie, Texas

4 days packed with information & individual instruction featuring Tom's unique style of watercolor painting!

Register today... space is limited & this workshop will fill quickly!

Register now: [elliscountyart.net](http://elliscountyart.net)

### EXPAND YOUR CREATIVE GENIUS



Award Winning Artist  
Workshops.com  
Charlotte, NC



Randall Sexton

**2020 Workshops**

Brienne M. Brown  
Watercolor | Mar 26-28

Kim English  
Oil | Apr 22-25 (sold out)

Randall Sexton  
Oil, Acrylic | May 13-16

Liz Haywood-Sullivan  
Pastel | May 28-30

Camille Przewodek "Master Colorist"  
All Media | Sept 23-26

Larry Moore  
Oil, Acrylic | Oct 21-24

Laurin McCracken  
Watercolor Still Life | Oct 26-29

Jan Sitts  
Abstract Mixed Media | Nov 11-14

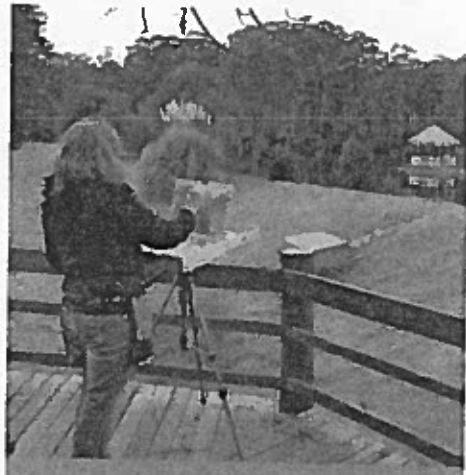


Laurin McCracken

4shirleyart@gmail.com

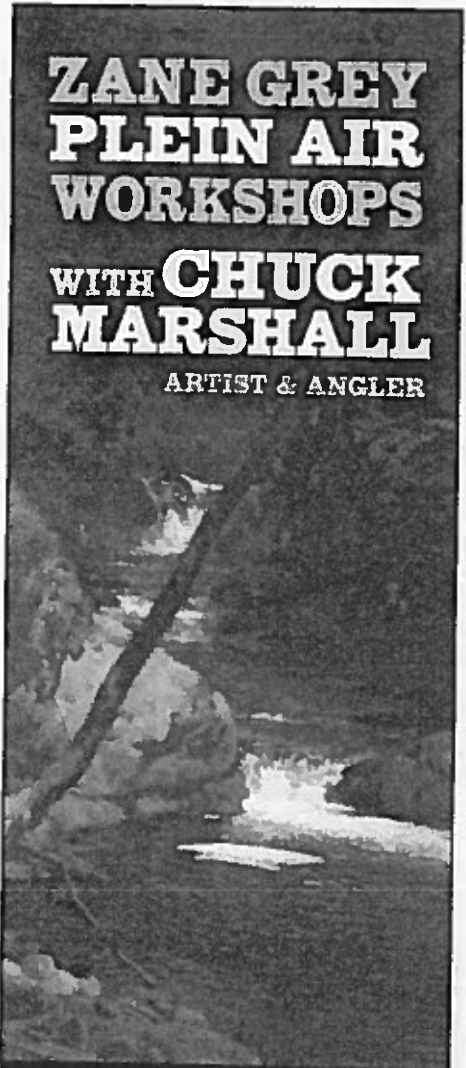
Blackwood Valley  
Plein Air Painting  
Tours Australia  
with local artist Miranda Free  
www.mirandafree.com  
+61 411 045 006

Commencing in August 2020 these painting tours will introduce you to the beautiful scenery and surrounds of the Blackwood River Valley in Western Australia. Situated right next to the world-famous Margaret River region, the area is known for its forests, river and wildflowers as well as fine foods, wines and other produce. It is also brimming with arts and crafts throughout its charming towns and villages.



REGISTER YOUR  
INTEREST NOW  
www.mirandafree.com

- Proposed Dates for 2020
- Aug 17 – 20 (3 days 4 nights)
  - Aug 31 – Sept 6 (7 days 8 nights)
  - Sept 18 – 21 (3 days 4 nights)
  - Oct 18 – 23 (5 days 6 nights)
  - Oct 29 – Nov 1 (3 days 4 nights)
  - Nov 15 – 22 (7 days 8 nights)
  - Dec 4 – 7 (3 days 4 nights)



**ZANE GREY  
PLEIN AIR  
WORKSHOPS  
WITH CHUCK  
MARSHALL**  
ARTIST & ANGLER

**Four Days in Two  
Scenic Locations**

**July 30-31, 2020**  
Catskill Fly Fishing  
Center and Museum  
Livingston Manor, NY

Then downstream we go...  
**August 1-2, 2020**  
Zane Grey Museum  
Lackawaxen, PA

Visit us online for info:  
ZaneGreyPleinAir.com

To register, email:  
Info@ZaneGreyPleinAir.com

ANGLING ENCOURAGED/OPTIONAL!  
NY/PA LICENSES REQUIRED



(7)

**ART ON THE SQUARE**  
113 Franklin • Waxahachie, TX 75165

CHECK OUT OUR  
**UPCOMING CLASSES**

**PASTEL PORTRAIT CLASS**  
with MICHAEL GILLESPIE  
Starting July 2

**MIXED DRY MEDIA CLASS**  
with DAVE MCSPADDEN  
Starting July 10

**SCRAPBOX CREATIONS** for children ages 8-12  
with BARBARA WOODS  
Saturday July 28

**ART AROUND THE WORLD** for children ages 6-7  
with BARBARA WOODS  
Saturday July 28

**SCRAPBOX CREATIONS** for children ages 5-7  
with BARBARA WOODS  
Saturday August 24

A limited number of spots are available for each class  
so register early! Go online today for more information.

Register at: [elliscountyeart.net](http://elliscountyeart.net)

Ellis County Art is a 501(c)(3)  
non-profit corporation

Daily Light June 2019

PROOF O.K. BY: \_\_\_\_\_  O.K. WITH CORRECTIONS BY: \_\_\_\_\_

PLEASE READ CAREFULLY • SUBMIT CORRECTIONS ONLINE

**WA-00111905 (100%)**

ADVERTISER: ELLIS COUNTY ART ASSOCIA      PROOF CREATED AT 6/26/2019 6 13 21 PM  
SALES PERSON: WA-R3      NEXT RUN DATE 06/30/19  
SIZE: 4 915X10      PROOF DUE 06/28/19 12 59 55  
PUBLICATION: WA-DAILY LIGHT

(17)

**ART**  
**ON THE SQUARE**  
113 Franklin • Waxahachie, TX 75165  
*VACAY OR STAYCAY*  
*MINI SHOW*



**EXHIBITION DATES:**  
**AUGUST 5 - SEPTEMBER 7**

You have to stop by to see this "themed" exhibition featuring miniature paintings by Gallery Staff Volunteers. This is a great time to stock up on those Christmas gifts early!

At any given time, the gallery inventory boasts over 250 original works of art by members of Ellis County Art Association including paintings, photography, sculpture, china painting, fiber art, pottery and fine hand-crafted jewelry.

Ellis County Art is a 501(c)3 non-profit corporation

*Daily Light Aug. 2019*

<input type="checkbox"/> PROOF O.K. BY: _____	<input type="checkbox"/> O.K. WITH CORRECTIONS BY: _____
PLEASE READ CAREFULLY • SUBMIT CORRECTIONS ONLINE	
<b>WA-00113477 (100%)</b>	
ADVERTISER: ELLIS COUNTY ART ASSOCIA	PROOF CREATED AT 8/5/2019 7 10 42 PM
SALES PERSON: WA R3	NEXT RUN DATE 08/09/19
SIZE: 4.915X10	PROOF DUE 08/08/19 12:59:55
PUBLICATION: WA-DAILY LIGHT	

(1)



113 Franklin • Waxahachie, TX 75165

**WATERCOLOR SECRETS REVEALED  
with TOM LYNCH**



We're extremely excited to welcome Tom Lynch to Waxahachie!  
(By the way... He will be the guest artist demonstrator at our monthly meeting October 7!!)

**OCTOBER 8 - 10, 2019**  
3 days packed with information & individual instruction featuring Tom's unique style of watercolor painting!

**"DON'T DELAY - SPACE IS LIMITED AND THIS WORKSHOP WILL FILL QUICKLY!"** Register at: [www.elliscountyart.net](http://www.elliscountyart.net)

**BONUS!**  
Tom supplies each student with 3 sheets of 300# paper (\$60 value) AND Workshop fee includes daily lunch!

Tom is a natural teacher who is especially intuitive in developing the student's own individual needs. For 35 years students from all over the world have attended his successful workshops and acclaimed them with high regard. He has mentored many who are now accomplished professionals. When Tom speaks, he talks openly and candidly. His paintings have that same intensity, expression, and direct appeal.



Visit Tom's website to view his work as well as several videos! [www.tomlynch.com](http://www.tomlynch.com)

Ellis County Art is a 501(c) 3 non-profit corporation

*Daily Light  
Sep 2019*

PROOF O.K. BY: \_\_\_\_\_  O.K. WITH CORRECTIONS BY: \_\_\_\_\_

PLEASE READ CAREFULLY • SUBMIT CORRECTIONS ONLINE

**WA-00115311 (100%)**

ADVERTISER: ELLIS COUNTY ART ASSOCIA      PROOF CREATED AT: 9/20/2019 1:04:22 AM  
 SALES PERSON: WA-R3      NEXT RUN DATE: 09/22/19  
 SIZE: 4 9.5X10      PROOF DUE: 09/20/19 12:59:55  
 PUBLICATION: WA-DAILY LIGHT

(7)

**ART**  
**ON THE SQUARE**  
113 Franklin • Waxahachie, TX 75165

**2019 Member Holiday Show**  
November 9 - December 31, 2019

*This Christmas ....  
Give Them Something.....  
.....ORIGINAL!*

Holiday Show and Sale...New work featuring paintings, sculpture, jewelry and more by Ellis County Art Association artists. This show opens just in time for you to purchase that "one-of-a-kind" original for that special person on your gift-giving list!

At any given time, the gallery inventory boasts over 250 original works of art by members of Ellis County Art Association including paintings, photography, sculpture, china painting, fiber art, pottery and fine hand-crafted jewelry. Drop by the gallery soon. We have just what you've been looking for!

Visit us online at: [www.elliscountyart.net](http://www.elliscountyart.net)

Ellis County Art is a 501(c)(3) non-profit corporation

*Daily Light Nov 2019*

<input type="checkbox"/> PROOF O.K. BY: _____	<input type="checkbox"/> O.K. WITH CORRECTIONS BY: _____
<b>PLEASE READ CAREFULLY • SUBMIT CORRECTIONS ONLINE</b>	
<b>WA-00117550 (100%)</b>	
ADVERTISER: ELLIS COUNTY ART ASSOCIA	PROOF CREATED AT: 11/18/2019 8:13:27 PM
SALES PERSON: WA-R3	NEXT RUN DATE: 11/24/19
SIZE: 4 915X10	PROOF DUE: 11/22/19 12:59:55
PUBLICATION: WA-DAILY LIGHT	

(7)

2:47 PM

**Crossroads of Texas Film Festival  
Profit & Loss  
January through December 2019**

01/10/20

Accrual Basis

	<u>Jan - Dec 19</u>
<b>Ordinary Income/Expense</b>	
<b>Income</b>	
Arts Council	25,425.00
Program Income	
Membership Dues	-200.00
<b>Total Program Income</b>	-200.00
Sponsorships	18,500.00
Ticket Sales	35,694.01
<b>Total Income</b>	79,419.01
<b>Gross Profit</b>	79,418.01
<b>Expense</b>	
Advertising/Marketing	2,350.00
Airfare	1,813.90
Alcohol	4,897.23
Appearance Fee	8,000.00
Catering/Food	10,137.52
Film Licensing	1,269.29
Gifts	785.05
Lodging	5,430.52
Music	14,942.56
Other Types of Expenses	
Insurance - Liability, D and O	333.82
<b>Total Other Types of Expenses</b>	333.82
Petty Cash	200.00
Production	10,517.19
Refund	330.00
Security	1,200.00
Supplies	4,321.19
Travel Stipend/Mileage	1,348.36
<b>Total Expense</b>	65,876.63
<b>Net Ordinary Income</b>	13,542.38
<b>Net Income</b>	13,542.38

Waxahachie Symphony Association, Inc.  
Profit & Loss Budget vs. Actual  
August 2019 through July 2020

(2)

P & L Budget vs Actual 19-20

Ordinary Income/Expense	TOTAL			
	Aug '19 - Jul 20	Budget	\$ Over Budget	% of Budget
<b>Income</b>				
401 - Arts Council Grants	26,750.00	19,750.00	7,000.00	135.44%
410 - Waxahachie Foundation Grants	5,000.00			
415 - Gifts	0.00			
420 - Season Ticket Subscriptions	14,050.00	14,400.00	-350.00	97.57%
425 - Individual Concert Ticket Sales	968.00	2,500.00	-1,532.00	38.72%
430 - Belles & Beaus Fees	4,250.00			
435 - Other Grants	6,380.00	17,500.00	-11,120.00	36.46%
440 - Corporate Donors & Sponsors	17,700.00	22,500.00	-4,800.00	78.67%
445 - Private Donors/Sponsors	97.02			
460 - Interest Income	0.00	180.00	-180.00	0.0%
<b>Total Income</b>	<b>75,195.02</b>	<b>76,830.00</b>	<b>-1,634.98</b>	<b>97.87%</b>
<b>Expense</b>				
463 - Contract Labor	265.00			
501 - Insurance	682.50			
506 - Advertising	1,261.81	7,075.00	-5,813.19	17.84%
510 - Office Supplies	118.00	35.00	83.00	337.14%
515 - Belles & Beaus Expenses	1,810.16			
520 - Dues & Subscriptions	418.68	350.00	68.68	119.62%
525 - Rent Expense	1,907.50	2,500.00	-592.50	76.3%
530 - Bookkeeping & Accounting Fees	1,333.12			
535 - Postage & Freight	187.00	230.00	-43.00	81.3%
540 - Storage Rental	330.00	300.00	30.00	110.0%
545 - Instrument Rental & Tuning	950.00	1,050.00	-100.00	90.48%
550 - Performer/ Artist Fees	28,500.00	45,500.00	-17,000.00	62.64%
555 - Printing-Non Programs	1,197.01	375.00	822.01	319.2%
560 - Supplies	1,216.47	1,000.00	216.47	121.65%
565 - Scholarships	5,347.39	5,000.00	347.39	106.95%
570 - Venue Fees	0.00			
575 - Programs Printing Cost	212.55	1,000.00	-787.45	21.26%
580 - Travel	942.95	2,400.00	-1,457.05	39.28%
581 - Hospitality	1,251.17	1,725.00	-473.83	72.53%
580 - Credit Card fees	325.87			
595 - Misc Concert Exp-Stage/Photo	0.00	625.00	-625.00	0.0%
<b>Total Expense</b>	<b>48,257.18</b>	<b>69,165.00</b>	<b>-20,907.82</b>	<b>69.77%</b>
<b>Net Ordinary Income</b>	<b>26,937.84</b>	<b>7,665.00</b>	<b>19,272.84</b>	<b>351.44%</b>
<b>Other Income/Expense</b>				
<b>Other Income</b>				
100 - Interest	313.67			
<b>Total Other Income</b>	<b>313.67</b>			
<b>Net Other Income</b>	<b>313.67</b>	<b>0.00</b>	<b>313.67</b>	<b>100.0%</b>
<b>Net Income</b>	<b>27,251.51</b>	<b>7,665.00</b>	<b>19,586.51</b>	<b>355.53%</b>

4:24 PM  
08/14/20  
Cash Basis

(1)

**Waxahachie Symphony Association, Inc.**  
**Balance Sheet**  
As of July 31, 2020

	<u>Jul 31, 20</u>
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
101 - CNB Checking Account	104,106.99
102 - CNB Money Market Account	55,322.43
103 - CNB Belles & Beaus	5,295.12
Total Checking/Savings	<u>164,724.54</u>
Total Current Assets	<u>164,724.54</u>
<b>TOTAL ASSETS</b>	<u><u>164,724.54</u></u>
<b>LIABILITIES &amp; EQUITY</b>	
Equity	
301 - Fund Balance Unrestricted	137,473.03
Net Income	27,251.51
Total Equity	<u>164,724.54</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>164,724.54</u></u>

12:45 PM

01/22/20

Accrual Basis

(7)

**ELLIS COUNTY ART ASSOCIATION**  
**Profit & Loss**  
 January through December 2019

Ordinary Income/Expense	Jan - Aug 19	Sep - Dec 19	TOTAL
<b>Income</b>			
ART ACADEMY INCOME	3,120.00	0.00	3,120.00
DONATIONS INCOME	735.33	410.90	1,146.23
GALLERY SALES	12,622.59	4,213.74	16,836.33
INTEREST INCOME	1,533.23	478.02	2,011.25
MEMBERSHIP DUES	2,200.00	360.00	2,560.00
PLEIN AIRE INCOME	5,261.78	0.00	5,261.78
SUMMER SHOW -ENTRY FEES	755.00	0.00	755.00
WAXAHACHIE ARTS COUNCIL	19,750.00	11,000.00	30,750.00
WORKSHOP INCOME	4,950.00	0.00	4,950.00
YOUTH ART SHOW DONATIONS	157.58	0.00	157.58
<b>Total Income</b>	<b>51,085.51</b>	<b>16,462.66</b>	<b>67,548.17</b>
<b>Gross Profit</b>	<b>51,085.51</b>	<b>16,462.66</b>	<b>67,548.17</b>
<b>Expense</b>			
ADVERTISING	2,449.09	1,941.96	4,391.05
ART ACADEMY EXPENSES	1,065.69	0.00	1,065.69
ARTWORK SOLD (PMT TO ARTIST)	9,100.54	2,314.79	11,415.33
BANKCARD CHARGES	442.21	67.03	509.24
BANKCARD CHARGES-WORLDPAY	240.66	0.00	240.66
BOOKKEEPING SERVICE	2,400.00	1,200.00	3,600.00
BUILDING	787.04	2,176.29	2,963.33
BUILDING RENTAL EXPENSES	16,912.00	10,268.00	27,180.00
CHRISTMAS PARTY EXPENSES	0.00	157.82	157.82
DEMONSTRATOR-ARTIST	1,000.00	300.00	1,300.00
DUES, SUBSCRIPTIONS & FEES	181.12	2,159.60	2,340.72
FALL ART SHOW	100.00	0.00	100.00
GALLERY STAFF	2,000.00	3,000.00	5,000.00
GALLERY SUPPLIES	60.53	971.67	1,032.20
OFFICE	1,431.76	479.59	1,911.35
OFFICE EQUIPMENT	617.01	0.00	617.01
PLEIN AIRE	5,407.43	0.00	5,407.43
PO BOX RENTAL	102.00	0.00	102.00
POSTAGE	55.00	55.00	110.00
PROFESSIONAL DUES/FEES/SUBSCRIP	0.00	1,350.00	1,350.00
PUBLIC ART PROJECT	270.43	0.00	270.43
REFUND	953.59	267.91	1,221.50
STATE COMPROLLER	2,414.17	389.54	2,803.71
TAX RETURNS - YEARLY	0.00	475.00	475.00
TELEPHONE	1,540.94	709.68	2,250.62
UTILITIES	2,004.30	1,083.08	3,087.38
VOLUNTEER RECOGNITION EXPENSE	62.48	384.93	447.41
WEBSITE PROGRAM	977.89	546.00	1,523.89
WORKSHOP EXPENSES	7,432.50	0.00	7,432.50
YOUTH ART SHOW	728.20	0.00	728.20



8)

# Planning & Zoning Department Plat Staff Report

**Case: SUB-85-2020**



**MEETING DATE(S)**

*Planning & Zoning Commission:* September 15, 2020

*City Council:* October 19, 2020

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held September 15, 2020, the Commission voted 5-1 to recommend disapproval of plat no. SUB-85-2020. At the September 21, 2020 City Council meeting, the Council voted 4-1 to deny the petition of relief waiver. However, Council did vote 5-0 to approve the plat on the condition that a connection between the proposed Estates of Hidden Creek subdivision and the existing Quail Creek Village subdivision be created by way of the platted stub out extending from Clover Lane.

**CAPTION**

Consider request by Mark Wilson, Maxwell Custom Homes, LLC, for a Plat of The Estates of Hidden Creek for seventy (70) lots being 99.170 acres situated in the D. Mitchell Survey, Abstract 703, J. Steele Survey, Abstract 991, and the J. Starrett Survey, Abstract 1026 (Property ID 183399 and 277593) in the Extra Territorial Jurisdiction – Owner: Konark Singh, Konark Real Estate Enterprises and Navito Development, LLC (SUB-85-2020)

**APPLICANT REQUEST**

The applicant is requesting a plat for a new residential subdivision in the Waxahachie ETJ. The plat will consist of 70 lots (3 lots will be HOA maintained open space lots), and would be a single family development.

**CASE INFORMATION**

*Applicant:* Mark Wilson, Maxwell Custom Homes, LLC

*Property Owner(s):* Konark Singh

*Site Acreage:* 99.170 acres

*Number of Lots:* 69 lots

*Number of Dwelling Units:* 67 units

*Park Land Dedication:* N/A (ETJ)

*Adequate Public Facilities:* A Water Letter from Rockett SUD states that adequate domestic flow and fire flow are available to this site.

(8)

**SUBJECT PROPERTY**

*General Location:*

The subject property is adjacent to and north of Butcher Road and Ring Road.

*Parcel ID Number(s):*

183399 and 277593

*Current Zoning:*

N/A (ETJ)

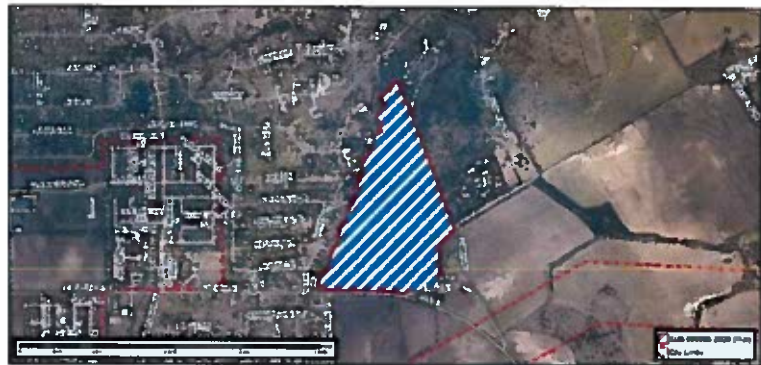
*Existing Use:*

Currently Undeveloped

*Platting History:*

The subject property is situated in the D. Mitchell Survey, Abstract 703, J. Steele Survey, Abstract 991, and the J. Starrett Survey, Abstract 1026.

*Site Aerial:*



**STAFF NOTE**

The applicant is adhering to the required right-of-way dedication for the plat, due to the inclusion of Lot 42 of the development and the establishment of ROW connection to Quail Creek Village. The Lot 42 dedication is imperative for the future development of Ring Road, as it will ensure an improved roadway.

**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.
- Approval, per the following conditions:

**ATTACHED EXHIBITS**

1. Plat drawing
2. Water Letter

(8)

**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.

**STAFF CONTACT INFORMATION**

*Prepared by:*

Chris Webb

Planner

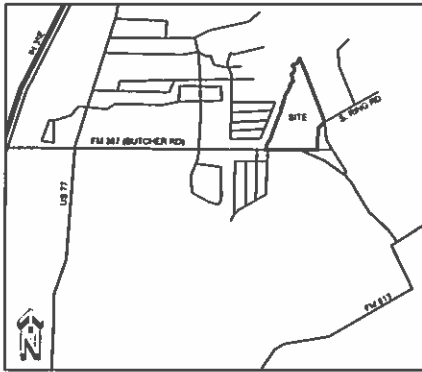
[cwebb@waxahachie.com](mailto:cwebb@waxahachie.com)

*Reviewed by:*

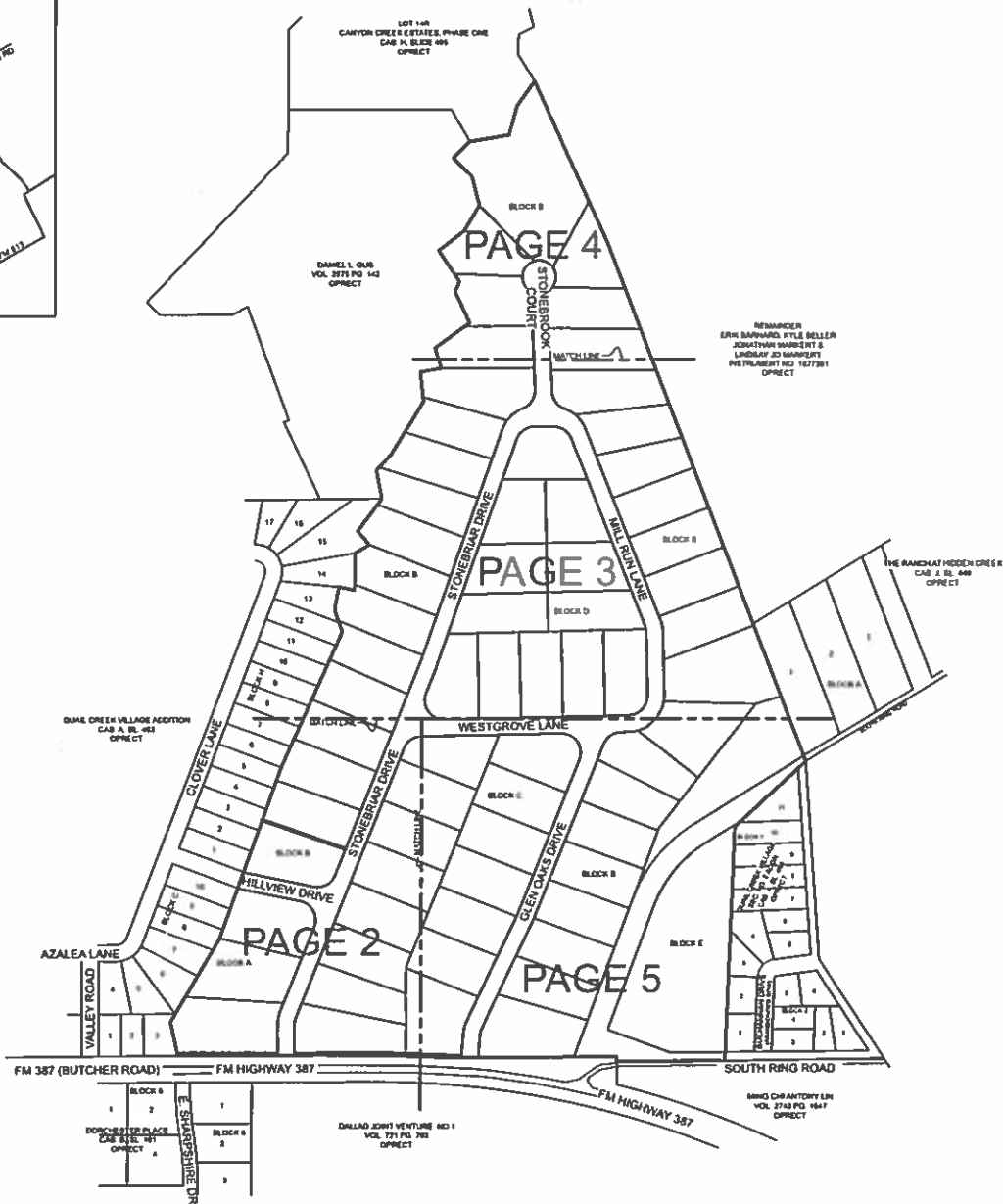
Shon Brooks, AICP

Director of Planning

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



VICINITY MAP  
N.T.S.



(18)

PLAT  
**ESTATES OF HIDDEN CREEK**

99.170 ACRES  
87 RESIDENTIAL LOTS  
& 2 H.O.A. LOTS  
SITUATED IN THE  
D. MITCHELL SURVEY, ABSTRACT NO. 703,  
J. STEELE SURVEY, ABSTRACT NO. 891  
AND THE  
J. STARRETT SURVEY, ABSTRACT NO. 1026  
ET J., CITY OF WAXAHACHE,  
ELLIS COUNTY, TEXAS  
CASE NO: SUB-85-2020

OWNERS:  
NAVITO DEVELOPMENT, LLC  
4844 HOLLY TREE DR.  
DALLAS, TX 75287  
617.777.0220

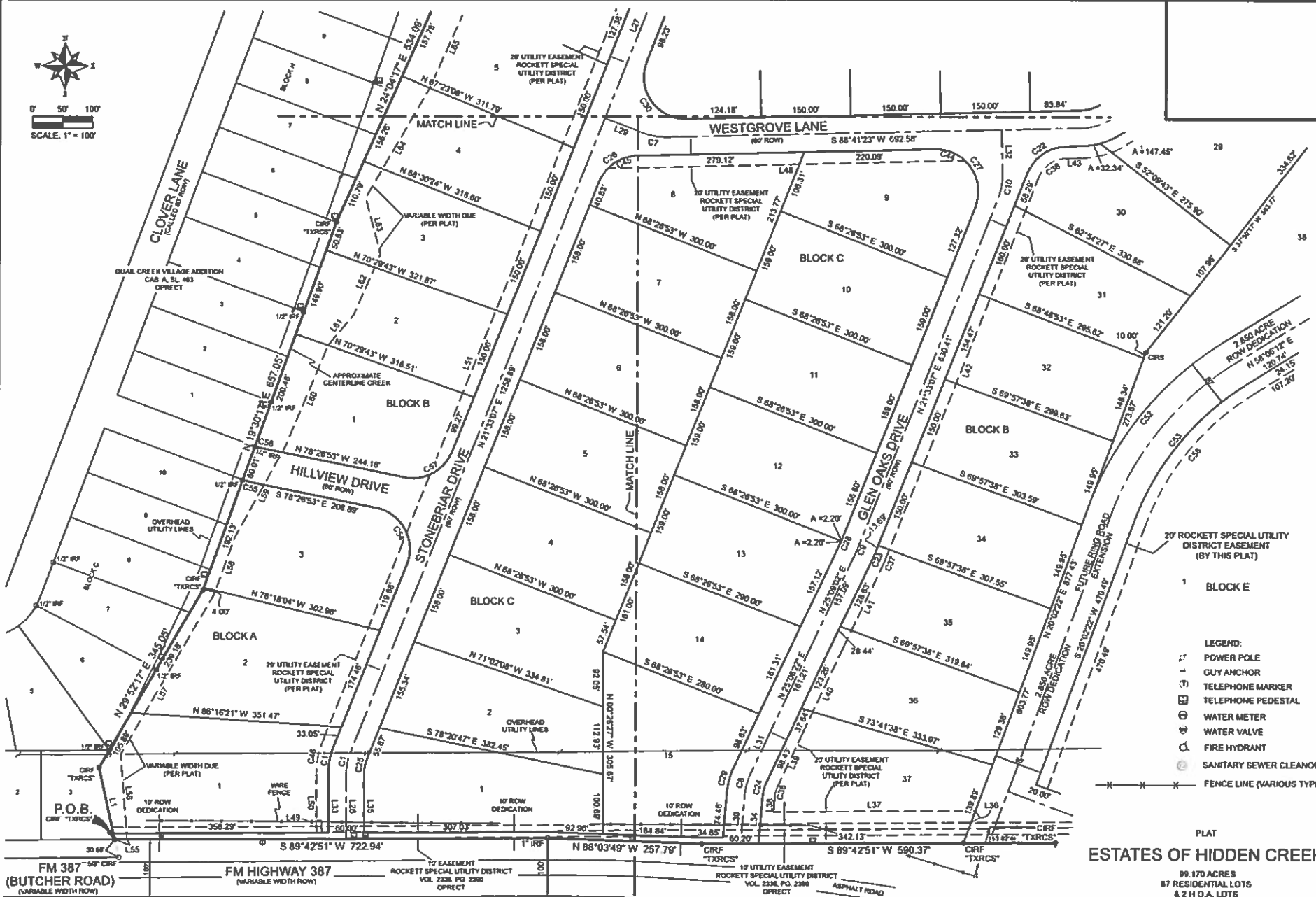
OWNERS:  
KONARK REAL ESTATE  
ENTERPRISES BUTCHER LLC  
4844 HOLLY TREE DR.  
DALLAS, TX 75287  
617.777.0220

ENGINEER:  
CUMULUS DESIGN, INC.  
2080 N HWY 360  
GRAND PRAIRIE, TX 75050  
214.235.0367

SURVEYOR:  
TEXAS REALITY CAPTURE &  
SURVEYING, LLC.  
P.O. BOX 252  
WAXAHACHE, TEXAS 75168  
409.518.0338  
TBPLS FIRM NO 10194359



SCALE: 1" = 100'



- LEGEND:
- - - POWER POLE
  - - - GUY ANCHOR
  - ⊙ TELEPHONE MARKER
  - ⊞ TELEPHONE PEDESTAL
  - ⊞ WATER METER
  - ⊞ WATER VALVE
  - ⊞ FIRE HYDRANT
  - ⊞ SANITARY SEWER CLEANOUT
  - - - FENCE LINE (VARIOUS TYPES)

PLAT  
**ESTATES OF HIDDEN CREEK**

99.170 ACRES  
67 RESIDENTIAL LOTS  
& 2 H.O.A. LOTS  
SITUATED IN THE  
D. MITCHELL SURVEY, ABSTRACT NO. 703,  
J. STEELE SURVEY, ABSTRACT NO. 991  
AND THE  
J. STARRETT SURVEY, ABSTRACT NO. 1026  
ET., CITY OF WAXAHACHE,  
ELLIS COUNTY, TEXAS

CASE NO: SUB-85-2020

FM 387 (BUTCHER ROAD)  
FM HIGHWAY 387  
10' ROW DEDICATION  
ROCKETT SPECIAL UTILITY DISTRICT  
VOL. 2236, PG. 2380  
OPRECT

BLOCK 8  
2  
DORCHESTER PLACE  
CAB. B. S.L. 101  
OPRECT

BLOCK 5  
1  
E. SHARPSHIRE DR  
(CALLED BY ROW)

DALLAS JOINT VENTURE NO 1  
VOL. 721 PG. 783  
OPRECT

OWNERS:  
NAVITO DEVELOPMENT, LLC  
4844 HOLLY TREE DR.  
DALLAS, TX 75287  
617.777.0220

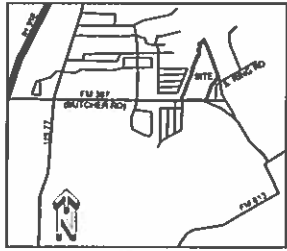
OWNERS:  
KONARK REAL ESTATE ENTERPRISES BUTCHER LLC  
4844 HOLLY TREE DR.  
DALLAS, TX 75287  
617.777.0220

ENGINEER:  
CUMULUS DESIGN, INC.  
2080 N HWY 360  
GRAND PRAIRIE, TX 75050  
214.235.0367

SURVEYOR:  
TEXAS REALITY CAPTURE &  
SURVEYING, LLC.  
P.O. BOX 252  
WAXAHACHE, TEXAS 75168  
488.518.0338  
TEPLS FIRM NO 10194350



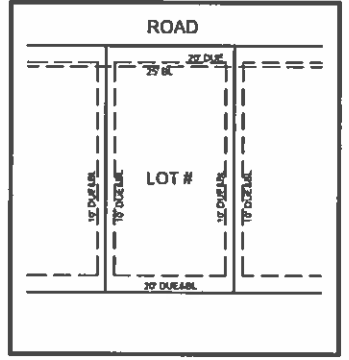
0' 50' 100'  
SCALE: 1" = 100'



VICINITY MAP  
N.T.S.

- LEGEND:**
- POWER POLE
  - GUY ANCHOR
  - TELEPHONE MARKER
  - TELEPHONE PEDESTAL
  - WATER METER
  - WATER VALVE
  - FIRE HYDRANT
  - SANITARY SEWER CLEANOUT
  - FENCE LINE (VARIOUS TYPES)

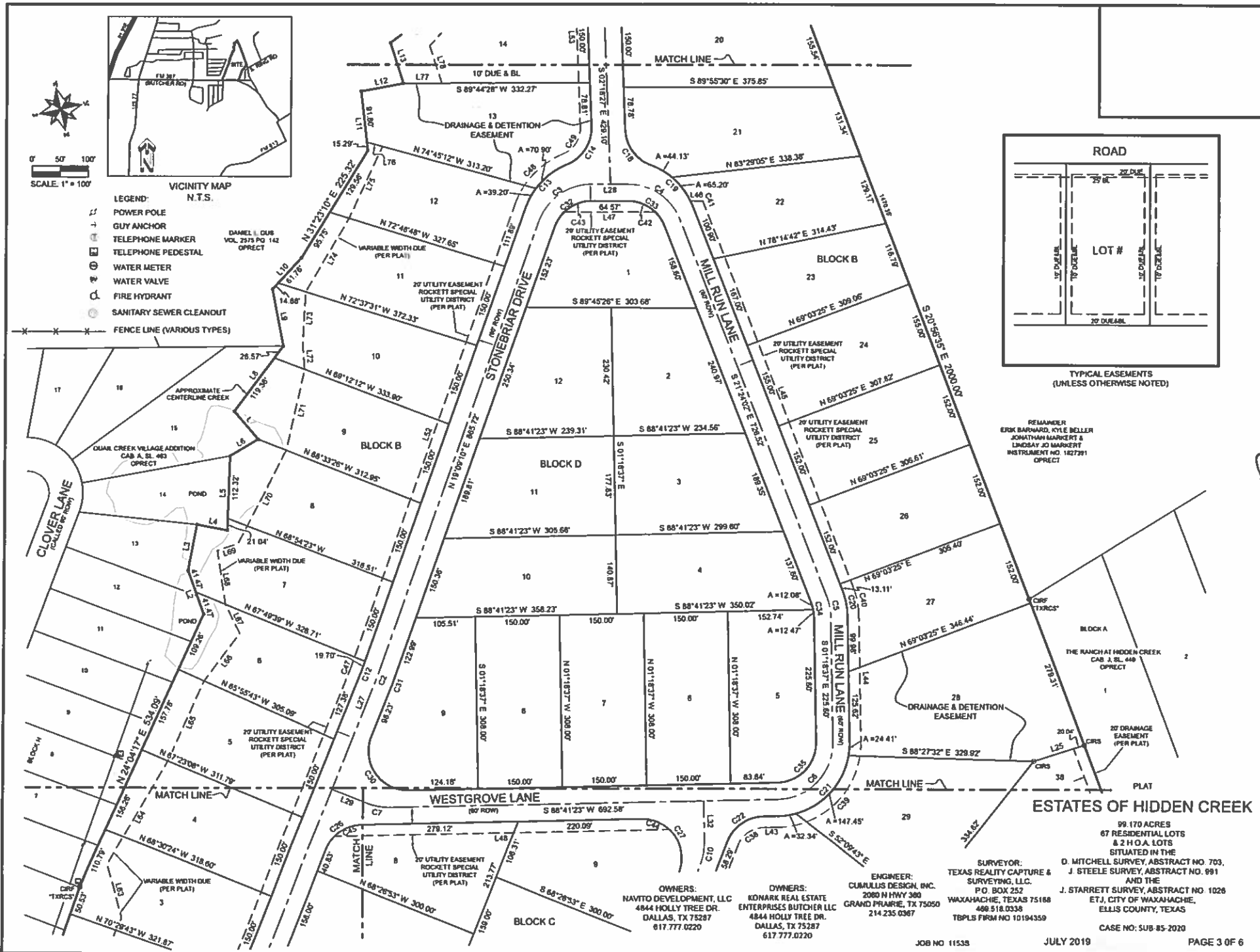
DAMEL I. DUB  
VOL. 2975 PG 142  
OPRECT



TYPICAL EASEMENTS  
(UNLESS OTHERWISE NOTED)

REMAINDER  
ERIK BARHARD, KYLE BELLER  
JONATHAN MARKERT &  
LINDSAY JO MARKERT  
INSTRUMENT NO. 1627991  
OPRECT

18



**ESTATES OF HIDDEN CREEK**

99.170 ACRES  
67 RESIDENTIAL LOTS  
& 2 H.O.A. LOTS  
SITUATED IN THE  
D. MITCHELL SURVEY, ABSTRACT NO. 703,  
J. STEELE SURVEY, ABSTRACT NO. 991  
AND THE  
J. STARRETT SURVEY, ABSTRACT NO. 1026  
ET.J, CITY OF WAXAHACHE,  
ELLIS COUNTY, TEXAS

SURVEYOR:  
TEXAS REALITY CAPTURE &  
SURVEYING, LLC.  
P.O. BOX 252  
WAXAHACHE, TEXAS 75168  
466.518.0338  
TBPLS FIRM NO 10194359

ENGINEER:  
CUMULUS DESIGN, INC.  
2080 N HWY 380  
GRAND PRAIRIE, TX 75050  
214.235.0367

OWNERS:  
KONARK REAL ESTATE  
ENTERPRISES BUTCHER LLC  
4844 HOLLY TREE DR.  
DALLAS, TX 75287  
617.777.0220

OWNERS:  
NAVITO DEVELOPMENT, LLC  
4844 HOLLY TREE DR.  
DALLAS, TX 75287  
617.777.0220



LEGEND

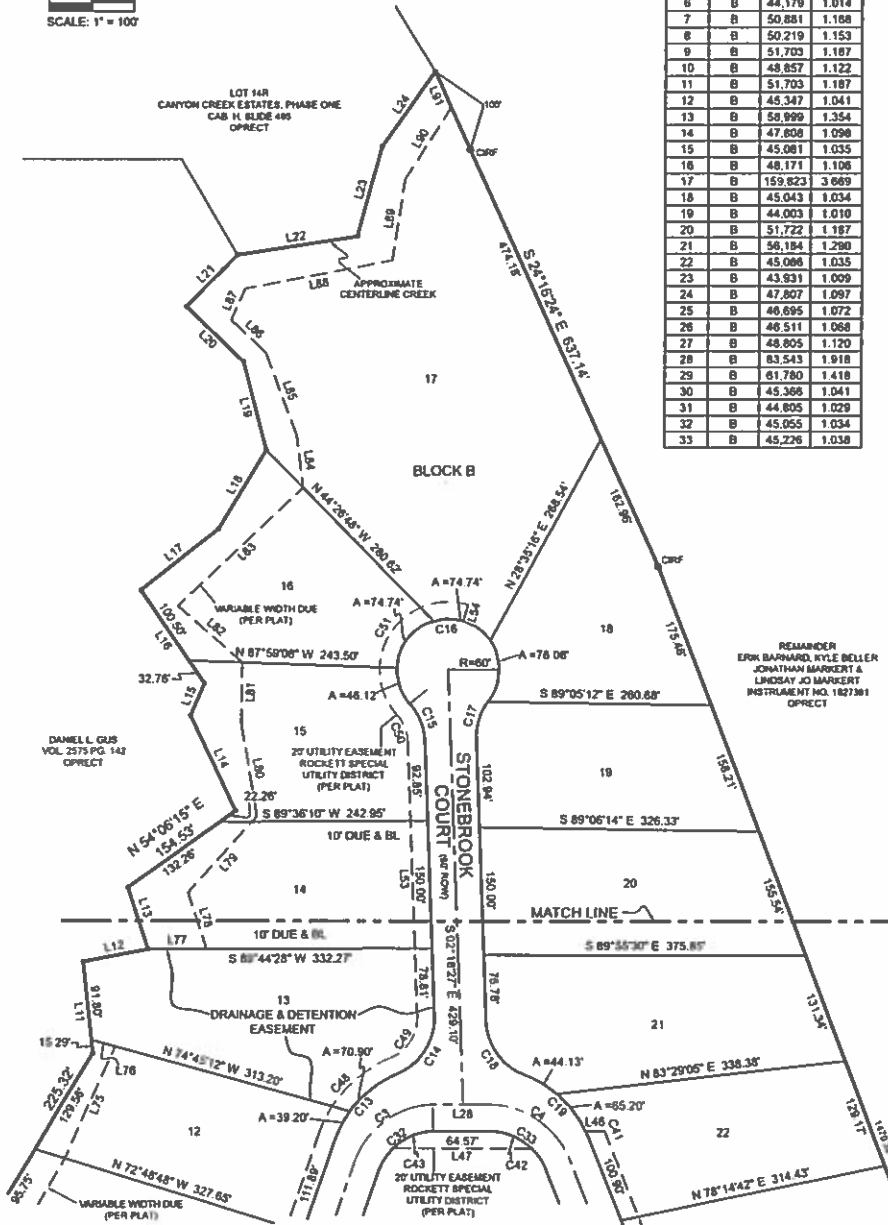
CRS = 5/8 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "TRICS" SET  
RF = IRON ROD FOUND  
FND = FOUND  
OPRECT = OFFICIAL PUBLIC RECORDS ELLIS COUNTY TEXAS  
DUE = DRAINAGE & UTILITY EASEMENT  
BL = BUILDING LINE

AREA CHART table with columns: LOT #, BLOCK, SQ FT, ACRES. Lists lots 1-33 with their respective areas.

AREA CHART table with columns: LOT #, BLOCK, SQ FT, ACRES. Lists lots 34-50 and 1-11 with their respective areas.

CURVE table with columns: CURVE, RADIUS, DELTA ANGLE, ARC LENGTH, CHORD BEARING, CHORD LENGTH. Lists curves C1 through C56.

LINE BEARING DISTANCE table with columns: LINE BEARING, DISTANCE. Lists lines L1 through L35.

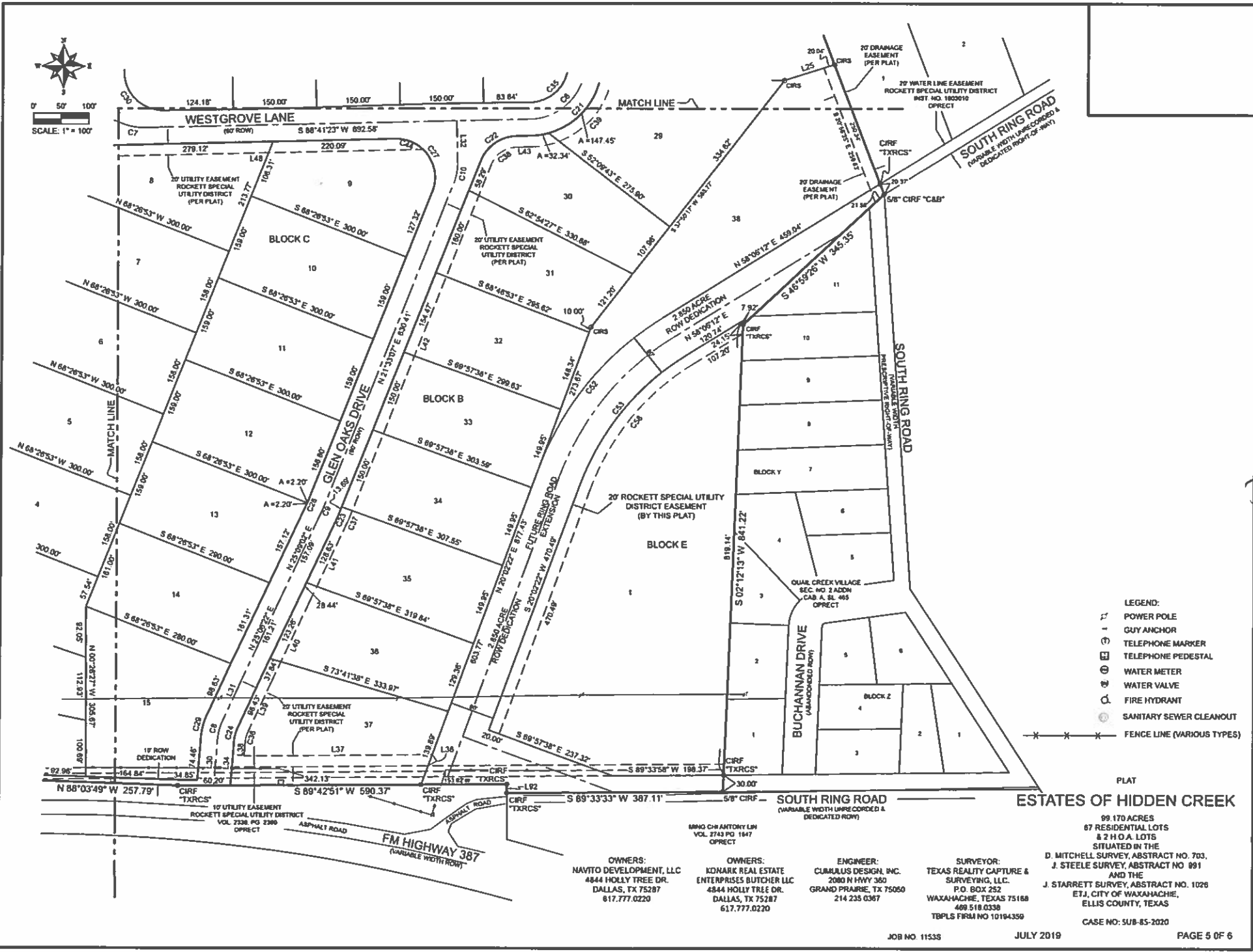
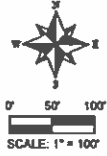


NOTES section containing: BEARING BASIS FOR THIS SURVEY IS TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, MAD 83, PER GPS OBSERVATIONS... ALL LOTS SHALL BE SERVICED BY AN ON SITE SEWAGE FACILITY SYSTEM FOR RESIDENTIAL USE...

LINE BEARING DISTANCE table with columns: LINE BEARING, DISTANCE. Lists lines L36 through L92.

ESTATES OF HIDDEN CREEK

OWNERS: KONARK REAL ESTATE ENTERPRISES BUTCHER LLC, DALLAS, TX 75287, 617.777.0120  
ENGINEER: CUMULUS DESIGN, INC. 2080 N HWY 360 GRAND PRAIRIE, TX 75050, 214.235.0387  
SURVEYOR: TEXAS REALTY CAPTURE & SURVEYING, L.L.C., P.O. BOX 252 WAXAHACHE, TEXAS 75168, 409.518.0338  
PLAT: 99.170 ACRES, 87 RESIDENTIAL LOTS & 2 H.O.A. LOTS SITUATED IN THE D. MITCHELL SURVEY, ABSTRACT NO. 703, J. STEELE SURVEY, ABSTRACT NO. 981 AND THE J. STARRETT SURVEY, ABSTRACT NO. 1026 ETJ, CITY OF WAXAHACHE, ELLIS COUNTY, TEXAS  
CASE NO: SUB-85-2070



- LEGEND:**
- P POWER POLE
  - G GUY ANCHOR
  - ⊙ TELEPHONE MARKER
  - ⊕ TELEPHONE PEDESTAL
  - ⊗ WATER METER
  - ⊕ WATER VALVE
  - ⊙ FIRE HYDRANT
  - ⊙ SANITARY SEWER CLEANOUT
  - X — FENCE LINE (VARIOUS TYPES)

**PLAT**  
 99.170 ACRES  
 87 RESIDENTIAL LOTS  
 & 2 H.O.A. LOTS  
 SITUATED IN THE

D. MITCHELL SURVEY, ABSTRACT NO. 703,  
 J. STEELE SURVEY, ABSTRACT NO. 091  
 AND THE  
 J. STARRETT SURVEY, ABSTRACT NO. 1026  
 ET.J., CITY OF WAXAHACHE,  
 ELLIS COUNTY, TEXAS

CASE NO: SUB-85-2020

**OWNERS:**  
 NAVITO DEVELOPMENT, LLC  
 4844 HOLLY TREE DR.  
 DALLAS, TX 75287  
 817.777.0220

**OWNERS:**  
 KONARK REAL ESTATE  
 ENTERPRISES BUTCHER LLC  
 4844 HOLLY TREE DR.  
 DALLAS, TX 75287  
 617.777.0220

**ENGINEER:**  
 CUMULUS DESIGN, INC.  
 2080 N HWY 360  
 GRAND PRAIRIE, TX 75060  
 214.235.0367

**SURVEYOR:**  
 TEXAS REALITY CAPTURE &  
 SURVEYING, LLC.  
 P.O. BOX 252  
 WAXAHACHE, TEXAS 75168  
 409.519.0338  
 TBPLS FIRM NO 101943359

(8)



STATE OF TEXAS  
COUNTY OF ELLIS KNOWALL MEN BY THESE PRESENTS:

WHEREAS KDMARK REAL ESTATE ENTERPRISES BUTCHER LLC IS THE SOLE OWNER OF A TRACT OF LAND SITUATED BY THE H. ALLEN SURVEY ABSTRACT NO. 11, THE D. MITCHELL SURVEY ABSTRACT NO. 793, THE J. STEELE SURVEY ABSTRACT NO. 991, AND THE J. STARRETT SURVEY ABSTRACT NO. 1026, ELLIS COUNTY, TEXAS AND BEING A PORTION OF THAT TRACT OF LAND DESCRIBED IN DEED TO KDMARK REAL ESTATE ENTERPRISES BUTCHER LLC, INSTRUMENT NO. 1916378, OF THE OFFICIAL PUBLIC RECORDS OF ELLIS COUNTY, TEXAS CORRECT, AND ALL OF THAT TRACT OF LAND DESCRIBED IN DEED TO NAVITO DEVELOPMENT, L.L.C. RECORDED IN INSTRUMENT NO. 1928789, CORRECT, AND BEING MORE PARTICULARLY DESCRIBED, AS FOLLOWS:

BEGINNING AT A 64' IRON ROD WITH CAP STAMPED "TJRC3" FOUND FOR THE SOUTHEAST CORNER OF LOT 3, BLOCK C, OF QUAIL CREEK VILLAGE ADDITION AN ADDITION TO ELLIS COUNTY, ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET A, SLIDE 483, CORRECT, FROM WHICH A 64' IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID QUAIL CREEK VILLAGE ADDITION BEARS S 12°30'45" E, A DISTANCE OF 39.69 FEET.

THENCE ALONG THE COMMON WEST LINE OF SAID KDMARK TRACT AND THE EAST LINE OF SAID QUAIL CREEK VILLAGE ADDITION, AND A GENERALLY ALONG THE APPROXIMATE CALLED CENTERLINE OF A CREEK, AS FOLLOWS:

N 12°38'49" W, A DISTANCE OF 123.42 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TJRC3" FOUND FOR A COMMON ANGLE POINT IN THE WEST LINE OF SAID KDMARK TRACT AND THE EAST LINE OF SAID QUAIL CREEK VILLAGE ADDITION.

N 29°32'17" E, A DISTANCE OF 343.98 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TJRC3" FOUND SET FOR CORNER.

N 19°32'17" E, A DISTANCE OF 657.04 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TJRC3" FOUND SET FOR CORNER.

N 24°34'17" E, A DISTANCE OF 634.98 FEET TO A POINT FOR CORNER IN A POND.

N 28°57'45" W, A DISTANCE OF 62.84 FEET TO A POINT FOR CORNER IN A POND.

N 19°42'17" E, A DISTANCE OF 84.26 FEET TO A POINT FOR CORNER IN A POND.

S 79°07'42" E, A DISTANCE OF 56.35 FEET TO A POINT FOR CORNER IN A POND.

N 81°48'17" E, A DISTANCE OF 133.36 FEET TO A POINT FOR CORNER IN A POND.

N 58°34'17" E, A DISTANCE OF 58.08 FEET TO A POINT FOR CORNER IN A POND.

N 49°24'57" W, A DISTANCE OF 85.36 FEET TO A POINT FOR CORNER IN A POND.

N 38°24'19" E, A DISTANCE OF 145.93 FEET TO A COMMON ANGLE POINT IN THE WEST LINE OF SAID KDMARK TRACT THE COMMON NORTH-EAST CORNER OF SAID QUAIL CREEK VILLAGE ADDITION AND THE SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN DEED TO DANIEL L. GUB, RECORDED IN VOLUME 2173 PAGE 142, CORRECT.

THENCE CONTINUING ALONG THE COMMON WEST LINE OF SAID KDMARK TRACT AND THE EAST LINE OF SAID GUB TRACT AND ALONG THE APPROXIMATE CENTERLINE OF CANYON CREEK, AS FOLLOWS:

N 19°36'21" W, A DISTANCE OF 103.98 FEET TO A POINT FOR CORNER.

N 42°25'45" E, A DISTANCE OF 78.94 FEET TO A POINT FOR CORNER.

N 31°22'16" E, A DISTANCE OF 225.32 FEET TO A POINT FOR CORNER.

N 09°27'34" W, A DISTANCE OF 157.98 FEET TO A POINT FOR CORNER.

N 79°17'40" E, A DISTANCE OF 78.97 FEET TO A POINT FOR CORNER.

N 19°18'08" W, A DISTANCE OF 76.98 FEET TO A POINT FOR CORNER.

N 64°56'15" E, A DISTANCE OF 154.53 FEET TO A POINT FOR CORNER.

N 25°29'39" W, A DISTANCE OF 123.53 FEET TO A POINT FOR CORNER.

N 23°08'29" E, A DISTANCE OF 41.81 FEET TO A POINT FOR CORNER.

N 34°14'51" W, A DISTANCE OF 133.36 FEET TO A POINT FOR CORNER.

N 51°29'39" E, A DISTANCE OF 115.71 FEET TO A POINT FOR CORNER.

N 31°38'54" E, A DISTANCE OF 107.73 FEET TO A POINT FOR CORNER.

N 14°38'57" W, A DISTANCE OF 197.70 FEET TO A POINT FOR CORNER.

N 48°38'51" W, A DISTANCE OF 93.41 FEET TO A POINT FOR CORNER.

N 44°32'17" E, A DISTANCE OF 84.82 FEET TO A COMMON ANGLE POINT IN THE WEST LINE OF SAID KDMARK TRACT AN ANGLE POINT IN THE EAST LINE OF SAID GUB TRACT AND AN ANGLE POINT IN THE SOUTHWEST CORNER OF SAID KDMARK TRACT, PHASE ONE, AN ADDITION TO ELLIS COUNTY ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET A, SLIDE 498, CORRECT.

THENCE CONTINUING ALONG THE COMMON WEST LINE OF SAID KDMARK TRACT AND THE SOUTH LINE OF SAID LOT 14A, AND ALONG THE APPROXIMATE CENTERLINE OF CANYON CREEK, AS FOLLOWS:

N 81°12'38" E, A DISTANCE OF 141.98 FEET TO A POINT FOR CORNER.

N 13°17'33" E, A DISTANCE OF 108.68 FEET TO A POINT FOR CORNER.

N 38°09'09" E, A DISTANCE OF 187.58 FEET TO THE NORTH-EAST CORNER OF SAID KDMARK TRACT AND THE COMMON SOUTHEAST CORNER OF SAID LOT 14A, AND AN ANGLE POINT IN THE WEST LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO ERIC BARNHARD, KYLE BEJLER, JONATHAN MARKERT AND LINDSEY JI MARKERT, RECORDED IN INSTRUMENT NO. 1927381, CORRECT.

THENCE ALONG THE EAST LINE OF SAID KDMARK TRACT AND THE COMMON WEST LINE OF SAID ERIC BARNHARD TRACT, AS FOLLOWS:

S 24°18'24" E, PASSING A 5/8" IRON ROD WITH CAP STAMPED "TJRC3" FOUND FOR THE SE CORNER AT A DISTANCE OF 188.68 FEET CONTINUING IN ALL A TOTAL DISTANCE OF 657.14 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TJRC3" FOUND FOR CORNER.

S 28°56'30" E, PASSING A 5/8" IRON ROD WITH CAP STAMPED "TJRC3" FOUND FOR THE NORTH-EAST CORNER OF THE RANCH AT HIDDEN CREEK, AN ADDITION TO ELLIS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET J, SLIDE 488, CORRECT AT A DISTANCE OF 1479.38 FEET, PASSING A 5/8" IRON ROD WITH CAP STAMPED "TJRC3" SET FOR THE NORTH MOST NORTH-EASTS CORNER OF SAID NAVITO DEVELOPMENT TRACT AT A DISTANCE OF 1149.88 FEET, PASSING A 5/8" IRON ROD WITH CAP STAMPED "TJRC3" FOUND FOR THE SOUTHWEST CORNER OF LOT 1, BLOCK A OF SAID THE RANCH AT HIDDEN CREEK AND THE NORTH LINE OF A 38' RIGHT OF WAY (ROW) DEDICATION OF SOUTH RING ROAD (A VARIABLE WIDTH PRESCRIPTIVE AND DEDICATED ROW) OF SAID THE RANCH AT HIDDEN CREEK AT A DISTANCE OF 1979.53 FEET, IN ALL A TOTAL DISTANCE OF 2999.88 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TJRC3" FOUND FOR A COMMON ANGLE POINT IN THE SOUTH LINE OF SAID KDMARK TRACT, THE SOUTHWEST CORNER OF SAID THE RANCH AT HIDDEN CREEK, THE NORTH-EAST CORNER OF QUAIL CREEK VILLAGE SECTION NO. 2 ADDN, AN ADDITION TO ELLIS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET A, SLIDE 483, CORRECT, AND IN THE NORTH ROW LINE OF SAID SOUTH RING.

THENCE ALONG THE EAST LINES OF SAID NAVITO DEVELOPMENT TRACT AND THE COMMON WEST LINES OF SAID QUAIL CREEK VILLAGE SECTION NO. 2 ADDN, AS FOLLOWS:

S 4°58'28" W, A DISTANCE OF 345.35 FEET A 5/8" IRON ROD WITH CAP STAMPED "TJRC3" FOUND FOR CORNER.

S 62°12'13" W, PASSING A 5/8" IRON ROD WITH CAP STAMPED "TJRC3" FOUND FOR THE INTERSECTION OF THE EAST LINE OF SAID NAVITO DEVELOPMENT TRACT AND THE NORTH ROW LINE OF SOUTH RING ROAD (A VARIABLE WIDTH PRESCRIPTIVE AND DEDICATED ROW) AT A DISTANCE OF 811.22 FEET, IN ALL A TOTAL DISTANCE OF 841.22 FEET, A 5/8" IRON ROD WITH CAP STAMPED "TJRC3" FOUND FOR THE SOUTHEAST CORNER OF SAID NAVITO DEVELOPMENT TRACT, THE COMMON SOUTHWEST CORNER OF SAID QUAIL CREEK VILLAGE SECTION NO. 2 ADDN, AND IN THE NORTH LINE OF THAT TRACT OF LAND DESCRIBED IN DEED TO MING CH ANTHONY LIN RECORDED IN VOLUME 2743, PAGE 1847, CORRECT, AND IN SAID SOUTH RING ROAD.

THENCE S 89°33'37" W ALONG THE SOUTH LINE OF SAID NAVITO DEVELOPMENT TRACT AND THE COMMON NORTH LINE OF SAID LIN TRACT AND ALONG SAID SOUTH RING ROAD, A DISTANCE OF 187.11 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TJRC3" FOUND FOR AN ELL CORNER OF SAID NAVITO DEVELOPMENT TRACT AND THE COMMON NORTHWEST CORNER OF SAID LIN TRACT, AND IN THE NORTH ROW LINE OF SAID FM HIGHWAY 387 (BUTCHER ROAD) (A VARIABLE WIDTH ROW).

THENCE N 80°17'06" W ALONG A SOUTH LINE OF SAID NAVITO DEVELOPMENT TRACT AND THE COMMON NORTH ROW LINE OF SAID FM HIGHWAY 387, A DISTANCE OF 15.75 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TJRC3" FOUND FOR AN INTERIOR ELL CORNER OF SAID NAVITO DEVELOPMENT TRACT AND A COMMON ELL CORNER OF THE NORTH ROW LINE OF SAID FM HIGHWAY 387.

THENCE S 89°42'31" W ALONG THE SOUTH LINES OF SAID NAVITO DEVELOPMENT TRACT, SAID KDMARK TRACT AND THE COMMON NORTH ROW LINE OF SAID FM HIGHWAY 387, PASSING A 5/8" IRON ROD WITH CAP STAMPED "TJRC3" FOUND FOR THE SOUTHWEST CORNER OF SAID NAVITO DEVELOPMENT TRACT AT A DISTANCE OF 153.82 FEET, IN ALL A TOTAL DISTANCE OF 598.37 FEET TO A 5/8" IRON ROD WITH CAP STAMPED "TJRC3" FOUND FOR CORNER.

THENCE N 88°59'49" W ALONG A SOUTH LINE OF SAID KDMARK TRACT AND THE COMMON NORTH ROW LINE OF SAID FM HIGHWAY 387, A DISTANCE OF 217.79 FEET TO A 1" IRON ROD FOUND FOR CORNER.

S 89°42'31" W ALONG A SOUTH LINE OF SAID KDMARK TRACT AND THE COMMON NORTH ROW LINE OF SAID FM HIGHWAY 387, A DISTANCE OF 122.84 FEET TO THE POINT OF BEGINNING, AND CONTAINING 98.179 ACRES OF LAND, MORE OR LESS.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS

THAT KDMARK REAL ESTATE ENTERPRISES BUTCHER LLC, DO HEREBY CERTIFY AND ADOPT THIS PLAT DESIGNATING THE HEREIN ABOVE DESCRIBED PROPERTY AS ESTATES OF HIDDEN CREEK, AN ADDITION TO ELLIS COUNTY, AND DOES HEREBY DEDICATE TO THE PUBLIC USE FOREVER, THE STREETS AND ALLEYS SHOWN THEREON. SAID DEVELOPMENTS DOES HEREBY CERTIFY THE FOLLOWING:

1. THE STREETS AND ALLEYS ARE DEDICATED IN FEE SIMPLE FOR STREET AND ALLEY PURPOSES.
2. ALL PUBLIC IMPROVEMENTS AND DEDICATIONS SHALL BE FREE AND CLEAR OF ALL DEBT LIENS, AND/OR ENCUMBRANCES.
3. THE EASEMENTS AND PUBLIC USE AREAS, AS SHOWN AND CREATED BY THIS PLAT, ARE DEDICATED FOR THE PUBLIC USE FOREVER FOR THE PURPOSES INDICATED ON THIS PLAT.
4. NO BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS SHALL BE CONSTRUCTED OR PLACED UPON, OVER OR ACROSS THE EASEMENTS AS SHOWN.
5. ELLIS COUNTY IS NOT RESPONSIBLE FOR REPAIRING ANY IMPROVEMENTS IN UNDER OR OVER ANY EASEMENTS CAUSED BY MAINTENANCE OR REPAIR.
6. UTILITY EASEMENTS MAY ALSO BE USED FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES SERVING TO USE OR URING THE SAME UNLESS THE EASEMENT LIMITS THE LINE TO PARTICULAR UTILITIES. SAID USE BY PUBLIC UTILITIES BEING SUBORDINATE TO THE PUBLIC'S AND ELLIS COUNTY'S USE THEREOF.
7. ELLIS COUNTY AND/OR PUBLIC UTILITIES SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PARTS OF ANY BUILDING, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS WHICH MAY IN ANY WAY ENDOSE OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE, OR EFFICIENCY OF THEIR RESPECTIVE SYSTEMS IN THE EASEMENTS.
8. ELLIS COUNTY AND PUBLIC UTILITIES SHALL AT ALL TIMES HAVE THE FULL RIGHT OF ACCESS AND EGRESS TO OR FROM THEIR RESPECTIVE EASEMENTS FOR THE PURPOSE OF CONSTRUCTION, RECONSTRUCTION, INSPECTION, PATROLLING, MAINTAINING, READING METERS, AND ADDING TO OR REMOVING ALL OR PARTS OF THEIR RESPECTIVE SYSTEMS WITHOUT THE NECESSITY AT ANY TIME PROCURING PERMISSION FROM ANYONE.
9. ALL MODIFICATIONS TO THIS DOCUMENT SHALL BE BY MEANS OF PLAT AND APPROVED BY ELLIS COUNTY, TEXAS.

THIS PLAT IS APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS AND RESOLUTIONS OF THE ELLIS COUNTY, TEXAS.

WITNESS MY HAND, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

BY:

AUTHORIZED AGENT / PRINTED NAME  
KDMARK REAL ESTATE ENTERPRISES BUTCHER LLC

STATE OF TEXAS  
COUNTY OF ELLIS.

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_ SHOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSES HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL THIS, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

NOTARY PUBLIC, IN AND FOR THE STATE OF TEXAS

BY:

AUTHORIZED AGENT / PRINTED NAME  
KDMARK REAL ESTATE ENTERPRISES BUTCHER LLC

STATE OF TEXAS  
COUNTY OF ELLIS.

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED \_\_\_\_\_ SHOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE EXECUTED THE SAME FOR THE PURPOSES HEREIN EXPRESSED AND IN THE CAPACITY STATED.

GIVEN UNDER MY HAND AND SEAL THIS, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

NOTARY PUBLIC, IN AND FOR THE STATE OF TEXAS

KNOWALL MEN BY THESE PRESENTS

THAT J. JEREMY D. BUCKMAN, DOES HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON AS SET HEREIN PROPERLY PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE OF THE CITY OF WAXAHACHE.

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

JEREMY D. BUCKMAN  
REGISTERED PROFESSIONAL LAND SURVEYOR  
REGISTRATION NUMBER 6197

OWNERS  
NAVITO DEVELOPMENT, LLC  
4844 HOLLY TREE DR.  
DALLAS, TX 75287  
617.777.0220

SURVEYOR:  
TEXAS REALTY CAPTURE & SURVEYING, LLC.  
P.O. BOX 252  
WAXAHACHE, TEXAS 75168  
468.518.0338  
TBPLS FIRM NO. 10194359

ENGINEER:  
CURMULLUS DESIGN, INC.  
2080 N HWY 380  
GRAND PRAIRIE, TX 75050  
214.235.0367

OWNERS  
KDMARK REAL ESTATE ENTERPRISES BUTCHER LLC  
4844 HOLLY TREE DR.  
DALLAS, TX 75287  
617.777.0220

APPROVED BY PLANNING AND ZONING COMMISSION CITY OF WAXAHACHE

BY: \_\_\_\_\_ DATE \_\_\_\_\_

ATTEST \_\_\_\_\_ DATE \_\_\_\_\_

APPROVED BY: THE CITY COUNCIL OF THE CITY OF WAXAHACHE, TEXAS

BY: \_\_\_\_\_ DATE \_\_\_\_\_

ATTEST \_\_\_\_\_ DATE \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF ELLIS

CERTIFICATE OF APPROVAL BY THE COMMISSIONERS COURT OF ELLIS COUNTY TEXAS

APPROVED THIS, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020

ATTEST \_\_\_\_\_

TORR LITTLE  
COUNTY JUDGE

KRYSTAL WALDEZ  
COUNTY CLERK

RANDY STIVSON  
COMMISSIONER PRECINCT 1

LANE GRAYSON  
COMMISSIONER PRECINCT 2

PAUL PURRY  
COMMISSIONER PRECINCT 3

KYLE BUTLER  
COMMISSIONER PRECINCT 4

THIS PLAT HAS BEEN APPROVED BY THE DEPARTMENT OF DEVELOPMENT FOR AN ON-SITE SEWAGE FACILITY SYSTEM PENDING ANY AND ALL INFORMATION AS MAY BE REQUIRED BY THE ELLIS COUNTY DEPARTMENT OF DEVELOPMENT

DEPARTMENT OF DEVELOPMENT DIRECTOR DATE \_\_\_\_\_

PLAT  
ESTATES OF HIDDEN CREEK

99.170 ACRES  
87 RESIDENTIAL LOTS  
& 2 H.O.A. LOTS  
SITUATED IN THE  
D. MITCHELL SURVEY, ABSTRACT NO. 703,  
J. STEELE SURVEY, ABSTRACT NO. 991  
AND THE  
J. STARRETT SURVEY, ABSTRACT NO. 1026  
ET AL, CITY OF WAXAHACHE,  
ELLIS COUNTY, TEXAS  
CASE NO: SUB-85-2020

(8)



PLANNING & ZONING DEPARTMENT  
401 South Rogers Street | Waxahachie, Texas 75168  
(469) 309-4290 | www.waxahachie.com/Departments/PlanningandZoning



### WATER UTILITY PROVIDER'S ENDORSEMENT

Applicant Name: Ghazal Kellesly Parcel ID #: 183399  
Subdivision Name: Estates of Hidden Creek  
Email: Ghazal@cumulusdesign.net

The City of Waxahachie requires new lots in subdivisions have adequate water flow and pressure to comply with TCEQ and latest Insurance Service Office (ISO) guidelines. Subdivisions served by water providers outside of the City of Waxahachie will need to ensure they can provide water flow/pressure per TCEQ and fire flow per the latest ISO guidelines.

*Applicants, please submit this form to your water provider for completion. This completed form must be turned in at the time you submit your application packet to the Planning Department.*

Contact Information:

Buena Vista-Bethel SUD (972) 937-1212  
Carroll Water Company (972) 617-0817  
Mountain Peak SUD (972) 775-3765  
Rockett SUD (972) 617-3524  
Sardis-Lone Elm WSC (972) 775-8566  
Nash Foreston WSC (972) 483-3039

To be completed by the water utility provider:

*Rockett has comments/changes* Yes | No

1. I have reviewed a copy of the proposed plat.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The platted lots fall within our CCN area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Our water system can provide water flow and pressure for domestic service per TCEQ regulations. <i>With off-site/onsite waterline upgrades</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Our water system can provide the water flow and pressure for firefighting per ISO guidelines. <i>With off-site/onsite waterline upgrades</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. The water line size servicing the lots is <u>8 &amp; 24</u> inches.	<input type="checkbox"/>	<input type="checkbox"/>

Morgan Massey, Development Coordinator  
Print Name of General Manager of water provider or Designee

Rockett SUD  
Name of water provider company

Morgan Massey  
Signature of General Manager of water provider or Designee

01-13-2020  
Date

(9)

# Planning & Zoning Department

## Zoning Staff Report



**Case: ZDC-126-2020**

**MEETING DATE(S)**

*Planning & Zoning Commission:* October 13, 2020

*City Council:* October 19, 2020

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held October 13, 2020, the Commission voted 7-0 to recommend approval of zoning change ZDC-126-2020, as presented.

**CAPTION**

Request by Jaime Eagleson, Keller Williams, for a Zoning Change from a General Retail zoning district to Planned Development-General Retail, located at 2760 Venture Way (Property ID 273975) - Owner: ROUX PROPERTIES LLC (ZDC-126-2020)

**APPLICANT REQUEST**

The applicant is requesting a zoning change from General Retail to Planned Development-General Retail to allow for a Convenience Store with alcohol sales (Daiquiri Shop) and the drive-through sales of prepackaged, sealed beverages.

**CASE INFORMATION**

*Applicant:* Jaime Eagleson, Keller Williams

*Property Owner(s):* Marc Roux, Roux Properties, LLC

*Site Acreage:* 1.246 acres

*Current Zoning:* General Retail

*Requested Zoning:* Planned Development-General Retail

**SUBJECT PROPERTY**

*General Location:* 2760 Venture Way

*Parcel ID Number(s):* 273975

*Existing Use:* A general retail strip center has been built at 2761 Venture Way, while the subject site still remains under construction.

*Development History:* The Final Plat for North Grove Business, Phases 2 & 4 was approved by City Council on April 2, 2018. An SUP for a drive-through establishment (Bahama Bucks) located at 2761 Venture Way was approved by City Council on May 4, 2020.

(9)

**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	PD-GR	General Retail Strip Center
East	C	Restaurant
South	GR	Undeveloped
West	PD-GR	Undeveloped

*Future Land Use Plan:*

Retail

*Comprehensive Plan:*

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:*

This property can be accessed via Venture Way, Corporate Pkwy, and the neighboring GR property located at 2801 N Hwy 77.

*Site Image:*



**PLANNING ANALYSIS**

**Purpose of Request:**

The purpose of this request is to allow a proposed convenience store (Candy Shack Daiquiris) with alcohol sales that will include drive-through sales of pre-packaged, sealed beverages. Per the City of Waxahachie Zoning Ordinance, a drive-through establishment requires an SUP. However, Sec. 7.12 of the City of Waxahachie Zoning Ordinance prohibits drive-through sales of pre-packaged, sealed beverages. Therefore a Planned Development will need to be approved by City Council to allow for this use.

9)

Proposed Use:

The applicant is requesting approval to allow for a proposed convenience store use with alcohol sales and drive-through sales of prepackaged, sealed beverages within a retail strip center (North Grove Business Park), located along Venture Way and Corporate Pkwy. The proposed development, Candy Shack Daiquiris, will provide wine-based daiquiris, food, and non-alcoholic beverages such as soda and water. The daiquiris are often topped with candy and will be served in sizes ranging from small cups to sealed jugs available for purchase. There will be a kitchen installed so food can be prepared and provided to customers. Customers will also be able to enjoy food and drinks within the proposed daiquiri shop. Various table games will be available for customers' entertainment. The proposed alcohol to food percentage sales ratio will be eighty-five percent (85%) alcohol to fifteen percent (15%) food.

Per the Operational Plan, in addition to four owners, they plan to hire approximately 40 additional employees. The owners will be involved in day-to-day operations, but will also rely heavily on a Manager to be onsite at all times. Business hours will be:

- Monday – Thursday: 4pm – 11pm
- Friday – Saturday: 12pm – 12am
- Sunday: 12pm – 11pm

Note:

On December 16, 2019 an SUP for a daiquiri shop was approved for a suite located on the property adjacent to the north of the subject property. However, this location remains vacant as of the time of this staff report. Per Sec. 2 of the Compliance portion of Ordinance No. 3166, the Specific Use Permit is vacated and will require another SUP in order for a store of similar use to operate within those premises.

It should also be noted that approval of this zoning does not waive or supersede the requirement to obtain a license from TABC to serve or sell alcohol. It will only allow for the proposed use to occur on the subject property.

**PUBLIC NOTIFICATIONS**

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

**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. The applicant shall adhere to standards put forth in the Planned Development Ordinance.

**ATTACHED EXHIBITS**

1. Ordinance
2. Location Exhibit
3. Site Plan
4. Operations Plan/Menu
5. Rendering

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

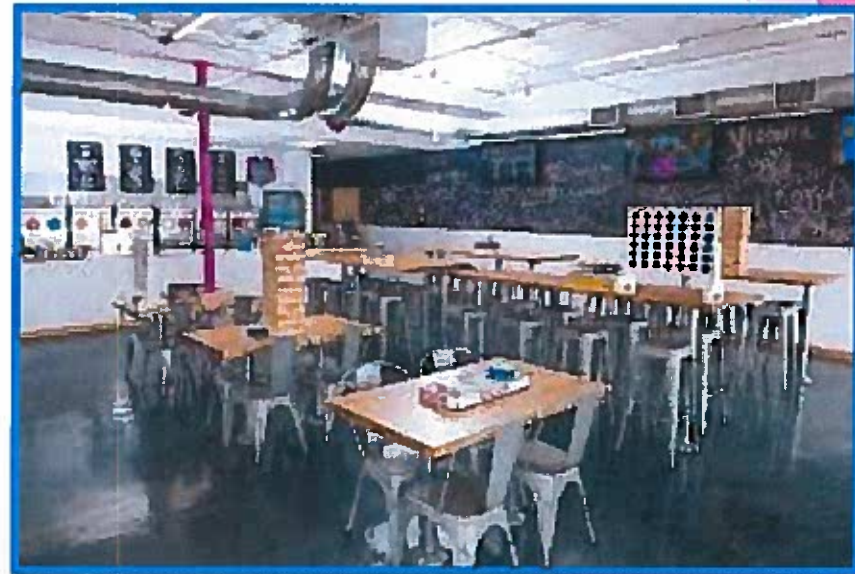
*Reviewed by:*  
Shon Brooks, AICP  
Director of Planning  
[sbrooks@waxahachie.com](mailto:sbrooks@waxahachie.com)



Daiquiris Done Different

6

# Design Concept



19



Candy Shack Daiquiris has 5 locations in the Houston-area, and 1 Dallas-area location!

Often known for our candy toppings and gourmet look, Candy Shack still maintains the strong kick of a traditional New Orleans daiquiri but will be wine based.

While you're always free to take your drinks to go, Candy Shack provides a laid-back environment to enjoy games and good vibes, over drinks and our tasty bites.

We will host Sunday Funday festivities and a variety of kickbacks and events you won't want to miss!



6

# Bio's

## Cody & Leann Herndon

- ▶ Cody has lived in the community since 1988, graduating high school from Waxahachie High in 1996. After living in different areas of the country, Cody, his wife LeAnn, and family returned to the community in 2014. Since, the Herndon's have invested nearly \$2M in the area's first Family Entertainment Venue, Urban Air Adventure Park in 2016. Cody has almost 20 years experience in leadership roles in Healthcare currently serving as VP of Sales at Philips Healthcare, an entrepreneurial spirit, and a passion for economic expansion of FUN in the Waxahachie community. LeAnn serves as COO of Urban Air and is a Registered Nurse.

## Bob & Lindsay Bruton

- ▶ Lindsay has lived in Waxahachie/Ellis Co. her whole life. She is a Waxahachie High School graduate and received her BBA in Business Management from the University of North Texas. She opened and worked at several local restaurants including Chili's and Buffalo Wild Wings. She worked at CNB of Texas for 11 years and was AVP when she switched from the lending side of real estate to the title side and has been an escrow officer for the last 5 years. She is one of the Board of Directors on the Waxahachie Chamber of Commerce, and highly involved in the community. Bob is a Texas Tech graduate with a BBA in Management Information Systems and currently a Special Projects Manager at CNB of Texas. They reside with their family in Waxahachie.

# Operations

- ▶ Candy Shack plans to hire approximately 40 employees
- ▶ All owners will be involved in day-to-day operations but will rely heavily on a Manager to be onsite at all times
- ▶ Hours of operation will be (subject to change with market demand)
  - ▶ Monday - Thursday: 4pm - 11pm
  - ▶ Friday - Saturday: 12pm - 12am
  - ▶ Sunday - 12pm - 11pm

# Menu

Café Revenue is projected to be approximately 15% of sales



## CLASSIC FLAVORS

- VIRGIN FLAVOR**
- VICTORIA'S SECRET**
- TEXAS TEA**
- SUNRISE**
- PIÑA COLADA**
- ISLAND BREEZE**
- INCREDIBLE HULK**
- HURRICANE**
- FREESTYLE FLAVOR**
- CREAMY CRACK**
- BABY MAMA DRAMA**
- LETHAL WEAPON**

## MIXOLOGY

- CARAMEL APPLE**  
Incredible Hulk w/ Caramel Syrup and Whipped Cream
- TRIPLE THREAT**  
Hurricane + Incredible Hulk + Lethal Weapon
- COOKIES 'N CREAM**  
Creamy Crack w/ Oreo Crumbles and Whipped Cream
- COFFEE ON CRACK**  
Creamy Crack with Caramel and Chocolate Syrup, and Whipped Cream
- PEACHES 'N CREAM**  
Creamy Crack w/ Peach Syrup and Whipped Cream
- PINK PANTIES**  
Incredible Hulk and Victoria's Secret fusion.
- STRAWBERRY SHORTCAKE**  
Creamy Crack + Victoria's Secret, with Whipped Cream
- BUTTERY NIPPLE**  
Incredible Hulk + Creamy Crack, with Caramel Syrup
- SUNSET**  
Sunrise and Hurricane
- TROPIC PASSION**  
Victoria's Secret, Baby Mama Drama, Sunrise, Incredible Hulk and Lethal Weapon fusion.
- CAUTION**  
All Flavors 20%

## BITES

- CATFISH & FISH + FRIES** \$8 - \$16  
A Combination of Our Jumbo Strima and Southern Style Catfish \$10
- CHICKEN STRIPS + FRIES** \$8 - \$16  
Original recipe Chicken Strips served with Shark Sauce \$8
- CHICKEN + WAFFLES** \$8 - \$16  
Served with our homemade spicy syrup. \$10
- CHICKEN SLIDERS** \$8 - \$16  
Served on Sweet Hawaiian Bread with homemade pickles & Sriracha Mayo \$10
- CHICKEN WINGS + FRIES** \$8 - \$16  
Sauce 'em Up - Your Choice of Honey BBQ, Hot Mango Habanero, or Sweet Teriyaki Flavors \$8
- CATFISH + FRIES** \$8 - \$16  
Southern Style Crispy Fried (Golden Brown With A Hint of Lemon) \$10
- SHRIMP + FRIES** \$8 - \$16  
Five Jumbo Shrimp Battered With Our Original Seafood Recipe \$10
- FISH TACOS** \$8 - \$16  
Served on four tortillas with our homemade pineapple Salsa \$10
- SOUTHWEST CHICKEN EGGROLLS** \$8  
Served with jalapeño ranch dressing \$8
- MEXICAN STREET CORN** \$7  
Grilled corn served with Crema, queso fresco and Flote Seasoning \$7
- CHEESY BITES** \$8 - \$16  
Chunks of cheese with a delicious spicy batter \$8
- FRENCH FRIES** \$8 - \$16  
\$3
- SODA POP** \$8 - \$16  
\$3
- BOTTLED WATER** \$8 - \$16  
\$2

## DRINKS



(10)

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM GENERAL RETAIL (GR) TO PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR), WITH SITE PLAN TO ALLOW FOR A CONVENIENCE STORE WITH ALCOHOL SALES (DAIQUIRI SHOP) AND WITH DRIVE-THROUGH USE LOCATED AT 2760 VENTURE WAY, BEING A PORTION OF PROPERTY ID 273975, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 1.246 ACRES KNOWN AS LOT 2, BLOCK B OF THE NORTH GROVE BUSINESS PARK SUBDIVISION PHASE 2 & 4, 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 Site Plan has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-126-2020. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from GR to PD-GR, with Site Plan; and

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

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

**NOW, THEREFORE**, this property is rezoned from GR to PD-GR, with Site Plan in order to facilitate development of the subject property in a manner that allows a Convenience Store with Alcohol Sales (Daiquiri Shop) with a Drive-Through on the following property: a portion of Property ID 273975 of the North Grove Business Park Subdivision Phase 2 & 4, which is shown on Exhibit A, in accordance with the Site Plan provisions attached as Exhibit B and the conceptual elevation rendering attached as Exhibit C.

#### **PLANNED DEVELOPMENT**

The purpose of this Planned Development is to provide the appropriate restrictions and development controls that ensure this Planned Development is compatible with the surrounding development and zoning 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.

(10)

**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).

1. The site plan shall conform as approved by the City Council under case number ZDC-126-2020.
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 with the exception of Section 7.12 Drive-Through Sales of Pre-packaged Beverages.
3. The business must conform to City of Waxahachie requirements as well as adhere to TABC provisions, as defined in the Alcoholic Beverage Code of the State of Texas.
4. The operator must maintain compliance with State regulations and local ordinances for food service operations.
5. The development shall adhere to the City Council approved in Exhibit A- Location Exhibit and Exhibit B- Site Plan.

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 19<sup>th</sup> day of October, 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

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



**Exhibit A - Location Exhibit**

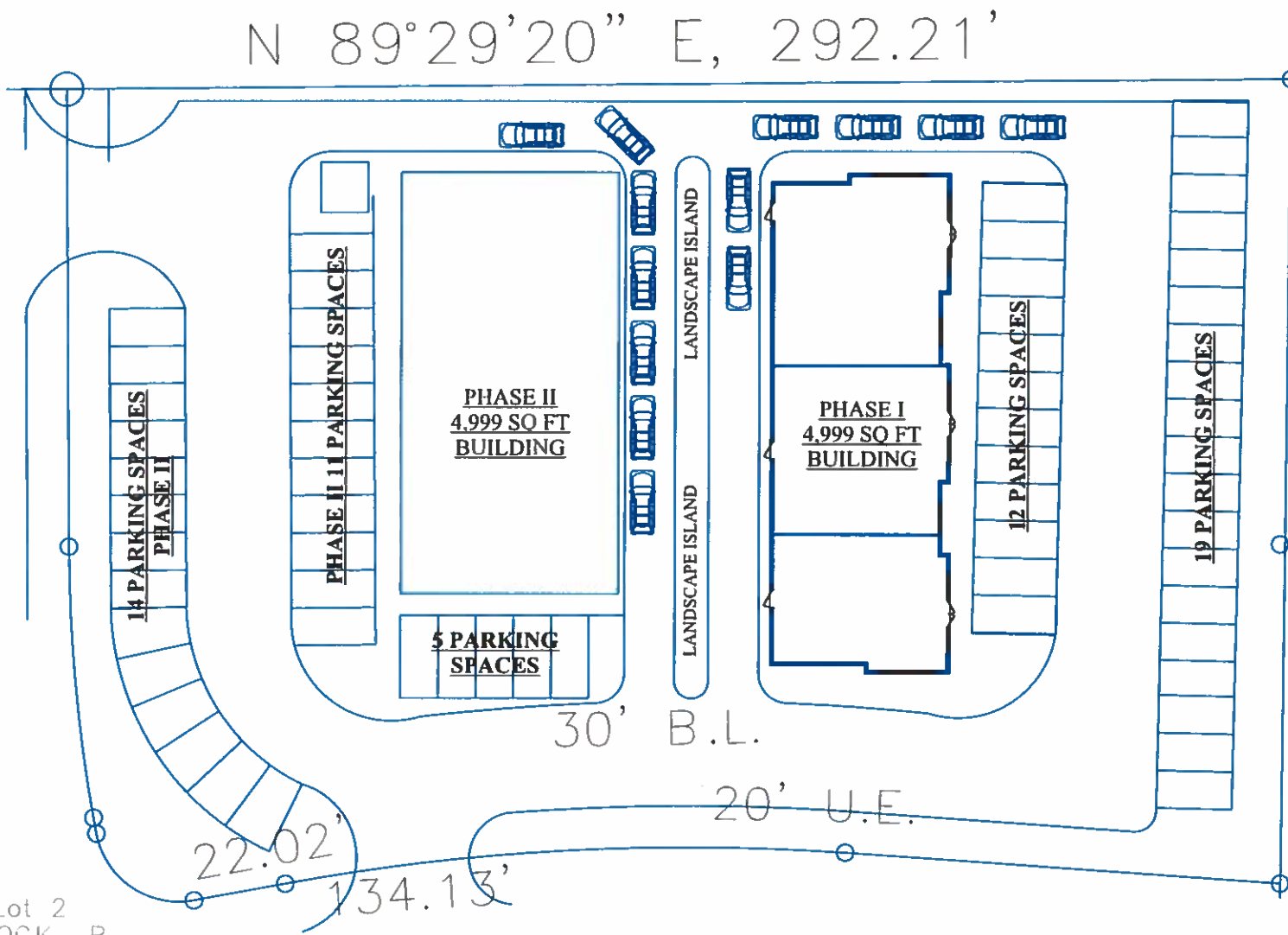
0 200 400 800 1,200 1,600 Feet

ZDC-000126-2020 (PD)  
City Limits

(01)

VENTURE WAY

N 89°29'20" E, 292.21'



HWY 77

Lot 2  
 BLOCK B  
 1.246 Acres  
 ( 54,258 s.f. )  
 MIN. FF 806.0

# Exhibit B - Site Plan

EXECUTIVE WAY



MANUFACTURED BY  
 COMPAK SYSTEMS  
 1572 08/2017 13



JUNE 9th, 2019  
 A NEW RETAIL CENTER TO BE  
 LOCATED AT  
 2761 HWY 77 NORTH  
 WAXAHACHIE, TEXAS 75165



LOT 2 BLK B  
 NORTH GROVE BUSINESS PARK  
 WAXAHACHIE, TEXAS 75165  
 ABLI CONSULTING & CO  
 1500 W. HAWK CREEK BLVD  
 WAXAHACHIE, TEXAS 75165

(01)





**Exhibit C - Site Rendering**

(10)

(11)

# Planning & Zoning Department

## Zoning Staff Report



**Case: ZDC-117-2020**

**MEETING DATE(S)**

*Planning & Zoning Commission:* October 13, 2020

*City Council:* October 19, 2020 (continued from October 5, 2020 City Council meeting)

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held October 13, 2020, the Commission voted 7-0 to recommend approval of case number ZDC-117-2020, subject to staff comments.

**CAPTION**

**Public Hearing** on a request by John Kennedy, Bannister Engineering, for a Zoning Change from a Light Industrial-1, Commercial, and Heavy Industrial to Planned Development-General Retail and Planned Development-Multi Family-2, with Concept Plan, located SW of Butcher Road at N Highway 77 (Property ID 189377, 189370, and 239005) - Owner: DMJ Properties LTD, Saldena Properties LP, and Citizens National Bank in Waxahachie (ZDC-117-2020)

**APPLICANT REQUEST**

The applicant intends to create a Planned Development to allow for retail, commercial, office, and townhome uses on 42.94 acres.

**CASE INFORMATION**

*Applicant:* Remington Wheat, Bannister Engineering, LLC

*Property Owner(s):* Saldena Properties, LP, DMJ Properties, LTD, and First Citizens Bank

*Site Acreage:* 42.94 acres

*Current Zoning:* Light Industrial-1, Heavy Industrial, and Commercial

*Requested Zoning:* Planned Development-General Retail and Planned Development-Multi Family-2

**SUBJECT PROPERTY**

*General Location:* SW corner of Butcher Rd. and U.S. Highway 77

*Parcel ID Number(s):* 189377, 189370, and 239005

*Existing Use:* Currently Undeveloped

*Development History:* N/A

(11)

**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	LI1	Life High School
East	C	Exxon Gas Station
South	PD-GR & C	North Grove Business Park
West	HI	ABC Supply Co., Inc.

*Future Land Use Plan:*

Commercial and Heavy Industrial

*Comprehensive Plan:*

Commercial areas are intended for establishments that provide services to customers. Examples include car dealerships, self-storage businesses, and repair shops. Such uses are generally not significant contributors to a municipality's tax revenue, and, by their nature, commercial businesses can detract from positive aesthetics. Primarily for these reasons, commercial uses have generally only been recommended in locations consistent with where such uses currently exist.

Industrial applies to areas intended for a range of heavy commercial, assembly, warehousing, and manufacturing uses. Large tracts of land with easy access to major roadways and air transportation are becoming increasingly difficult to find for the industrial business community. However, these businesses can be advantageous for a municipality in terms of providing employment and an increased tax base. Examples of desirable uses within these areas include company headquarters, computer technology businesses, and other types of large businesses.

*Thoroughfare Plan:*

The subject property is accessible via Butcher Rd. and U.S. Highway 77. The subject property will also be accessible via future roadways of Ali Dr., Venture Way, and Dena Dr.

*Site Image:*



(11)

## **PLANNING ANALYSIS**

### **Purpose of Request:**

The applicant intends to create a Planned Development to allow for retail, commercial, office, and townhome uses on 42.94 acres.

### **Proposed Use:**

The applicant intends to create a Planned Development to allow for retail, commercial, office, and townhome uses on 42.94 acres, located along Butcher Rd. and U.S. Highway 77. Proposed uses within the development will include townhomes, retail, commercial, and office.

Note: The proposed Taco Bell and Car Wash (drive-thru uses) for the development shall be allowed by right per the Planned Development. Any other use within the development that proposes a drive-thru shall require a Specific Use Permit. Also, the 2.71 acres reserved for restaurant/retail in the southeast corner of the development shall be reserved for sit down dining only.

### **CHANGES FROM THE 10/13/2020 PZ MEETING**

- A roundabout shall be provided at the intersection of Dena & Ali Dr. (with amenity fountain feature in the middle).
- Alcohol variances will be reviewed on a case by case basis.
- Phase sidewalks along Butcher Rd., as development is constructed.
- All front entry townhome shall have architectural garage doors.
- The minimum front yard setback for townhomes shall be 9ft.
- The minimum rear yard setback for townhomes shall be 8ft.
- Townhomes within the development shall be minimum 69% alley entry
- No digital sign is allowed at the corner of Butcher Rd. and US 77. A multi-tenant ground monument sign, as approved by City Council, will be allowed at the intersection of Butcher Rd. and US 77.
- All townhomes shall be flat roofs.
- Multiple elevations for townhome buildings shall be provided within the development.

Note: It should be noted that the exhibits presented in the City Council packet do not include the approved changes by the Planning and Zoning Commission. If approved, the applicant intends to have all revised exhibits submitted to staff before applying for any building permits.

### **Staff Analysis:**

Staff believes that the proposed development will be beneficial to the uses surrounding the subject property. Due to Victron Park proposing uses such as retail, commercial, office, and townhomes, the development will help compliment the adjacent development, North Grove Business Park, which also consist of similar uses.

If the proposed development is approved, the development will be consistent with the envisioned character for the surrounding area. Furthermore, staff believes the development has the potential to continue to create positive change to the surrounding area.

The Concept Plan depicts a development that includes amenities such as:

- Walking Trail
- Amenity Ponds
  - One pond includes an observation deck behind a restaurant and retail building

(11)

Conformance with the Comprehensive Plan:

The proposed development is consistent with the following goals and objectives in the 2016 Comprehensive Plan Addendum:

- Growth Strategies – Goal 12: Promote growth of the community where infrastructure exists.

Development Standards:

Allowed uses shall be those provided within the City of Waxahachie Zoning Ordinance with additional changes listed below.

Permitted Uses:

- Townhomes
- Office
- Retail
- Car Wash (Typically requires SUP. Permitted by right with the approval of this PD)

SPECIAL EXCEPTION/VARIANCE REQUEST:

General Retail

Lot Depth

The minimum lot depth requirement is 100ft.

- The applicant is proposing a minimum lot depth requirement of 90ft.

Front Yard Setback

The minimum front yard setback requirement is 40ft.

- The applicant is proposing a minimum front yard setback of 10ft.

Side Yard Setback

The minimum side yard setback requirement is 15ft. (20ft. adjacent to ROW)

- The applicant is proposing a minimum side yard setback of 10ft.

Rear Yard Setback

The minimum rear yard setback is 20ft. (25ft. adjacent to residential)

- The applicant is proposing a minimum rear yard setback of 15ft. (20ft. adjacent to residential)

Lot Coverage

The maximum lot coverage allowed is 40%.

- The applicant is proposing a maximum lot coverage of 50%.

Dumpster location

Dumpsters are not permitted within a building setback.

- The applicant is requesting two dumpsters to be located within the building setback.

Dumpsters shall not be accessible from a street ROW.

- The applicant is requesting one dumpster with access from a street ROW.

Townhome Area

Lot Size

The minimum lot size requirement is 3,630 sq. ft.

- The applicant is proposing a minimum lot size of 2,240 sq. ft.

(11)

**Lot Coverage**

The maximum lot coverage allowed is 50%.

- The applicant is proposing a maximum lot coverage of 80%.

**Front Setback**

The minimum front setback requirement is 15ft.

- The applicant is proposing a minimum front setback of 9ft. for rear entry townhome lots

**Rear Setback**

The minimum rear setback requirement is 10ft.

- The applicant is proposing a minimum rear setback of 8ft. for front entry townhome lots

**Roof Pitch**

The minimum roof pitch requirement is 7:12

- The applicant is proposing a minimum roof pitch of 1:12.

**Right-of-Way**

The minimum ROW requirement is 54ft.

- The applicant is proposing a 50 ft. ROW for all townhome streets opposed to the required 54 ft. ROW.

**Monument Sign**

The maximum height allowed for a multi-tenant monument sign is 10ft.

- The applicant is proposing a 38ft. multi-tenant monument sign at the corner of Butcher and US 77
  - Note: The development will consist of four monument signs. Three of four signs are proposed to meet the City of Waxahachie Zoning Ordinance.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 18 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.

**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. Per the applicant's request, a mutually agreed upon Development Agreement will be required for the development.

**ATTACHED EXHIBITS**

1. Development Agreement/Ordinance
2. Planned Development Provisions
3. Location Exhibit
4. Concept Plan
5. Site Plan
6. Townhome Renderings
7. Sign Rendering

(11)

Note: It should be noted that the exhibits presented in the City Council packet, including the Planned Development Provisions, do not include the approved changes by the Planning and Zoning Commission. If approved, the applicant intends to have all revised exhibits submitted to staff before applying for any building permits.

**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)

(12)

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM LIGHT INDUSTRIAL-1 (LI1), HEAVY INDUSTRIAL (HI), AND COMMERCIAL (C), TO PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) AND PLANNED DEVELOPMENT-MULTI-FAMILY-2, WITH CONCEPT PLAN LOCATED AT THE SOUTHWEST CORNER OF BUTCHER ROAD AND U.S. HIGHWAY 77 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 42.94 ACRES KNOWN AS A PORTION OF PROPERTY ID 189377, 189370, AND 239005 OF ABSTRACT 848 OF THE A S PRUETT SURVEY, ABSTRACT 1000 OF THE J SHAVER SURVEY, ABSTRACT 1003 OF THE T B STOUT SURVEY, ABSTRACT 1 OF THE A DMJ BUSINESS CENTRE UNIT AND LOT 2AR, BLOCK A OF DMJ BUSINESS CENTRE UNIT 1 REV. 1.1 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-117-2020. 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 LI1, HI & C to PD-GR and PD-MF2, 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 LI1, HI & C to PD-GR & PD-MF2, with Concept Plan in order to facilitate development of the subject property in a manner that allows retail, restaurants, office, townhomes, and a carwash on the following property: a portion of Property ID 189377, 189370, and 239005 and Abstract 848 of the A S Pruet Survey, Abstract 1000 of the J Shaver Survey, Abstract 1003 of the T B Stout Survey, Abstract 1 of the A DMJ Business Centre Unit and Lot 2AR, Block A of DMJ Business Centre Unit 1 Rev. 1.1, which is shown on Exhibit A, Concept Plan shown as Exhibit B, Site Plan Exhibit C, Townhome Rendering Exhibits shown as Exhibit D, and Sign Rendering shown as Exhibit E.



(12)

## PLANNED DEVELOPMENT

### Purpose and Intent

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

### Development Standards

All development on land located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this Ordinance/Development Agreement/Planned Development Provisions. 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 Concept Plan (Exhibit B), Site Plan (Exhibit C), Townhome Rendering (Exhibit D), and Sign Rendering (Exhibit E).

### Development Regulations

1. Per the applicant's request, a Developer's Agreement will be required for the property.
2. The Site Plan shall conform as approved by the City Council under case number ZDC-117-2020.
3. A roundabout shall be provided at the intersection of Dena & Ali Dr. (with amenity fountain feature in the middle).
4. Alcohol variances will be reviewed on a case by case basis.
5. Phase sidewalks along Butcher Rd., as development is constructed.
6. All front entry townhome shall have architectural garage doors.
7. The minimum front yard setback for townhomes shall be 9ft.
8. The minimum rear yard setback for townhomes shall be 8ft.
9. Townhomes within the development shall be minimum 69% alley entry.
10. No digital sign is allowed at the corner of Butcher Rd. and US 77. A multi-tenant ground monument sign, as approved by City Council, will be allowed at the intersection of Butcher Rd. and US 77.
11. All townhomes shall be flat roofs.
12. Minimum roof pitch shall be 1:12.
13. Multiple elevations for townhome buildings shall be provided within the development.
14. Any zoning, land use requirement, or restriction not contained within this zoning Ordinance/Development Agreement/Planned Development Provisions shall conform to those requirements and/or standards prescribed in Concept Plan (Exhibit B), Site Plan (Exhibit C), Townhome Rendering (Exhibit D), and Sign Rendering (Exhibit E). Where regulations are not specified in Exhibits B, C, D, E or in this Ordinance/Development Agreement/Planned Development Provisions, the regulations of the City of Waxahachie Zoning Ordinance shall apply to this development.
15. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.

(12)

16. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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 19<sup>th</sup> day of October 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

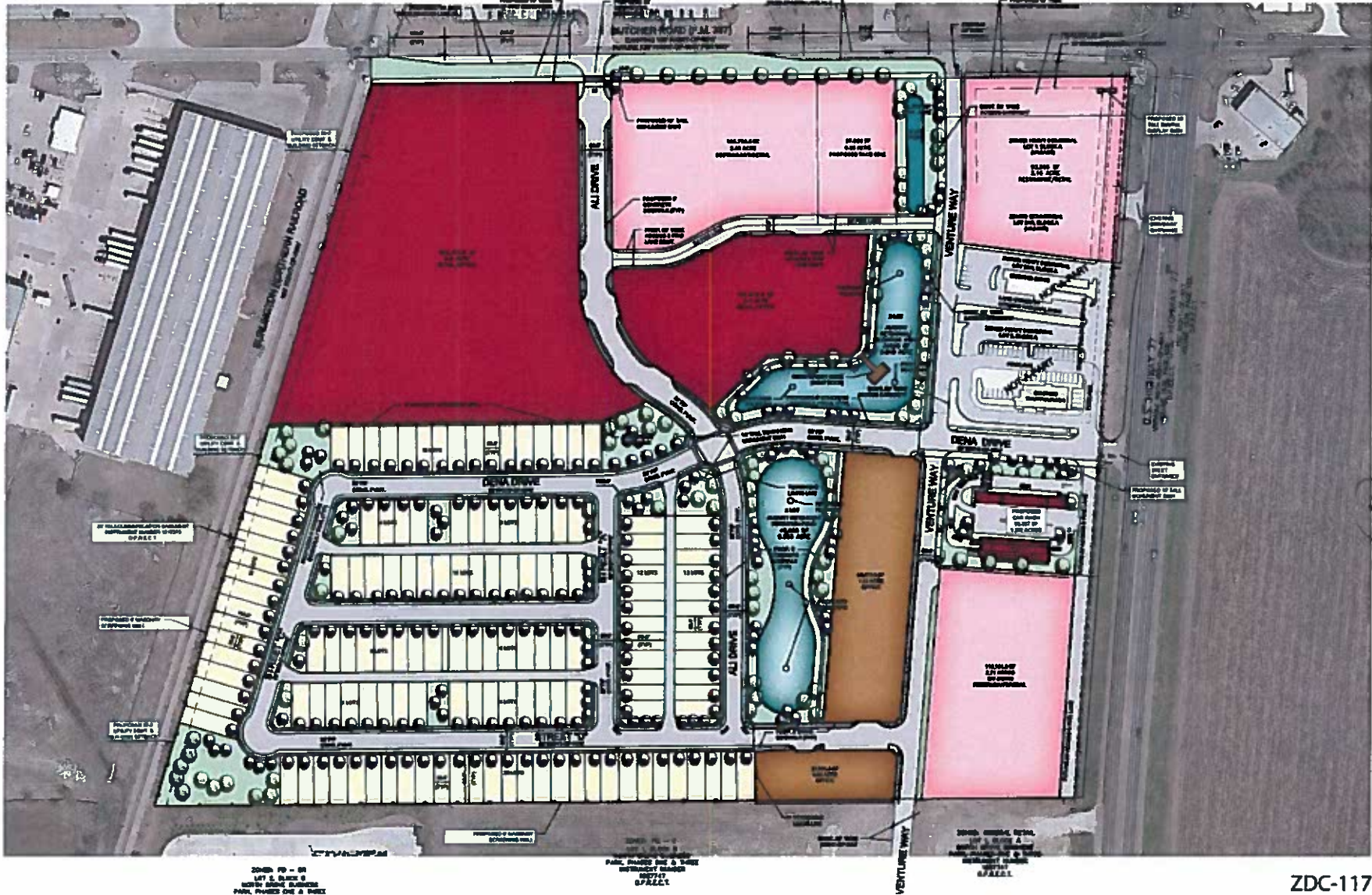
\_\_\_\_\_  
City Secretary



# Exhibit A Location Exhibit

(12)

# Exhibit B - Concept Plan



# Exhibit C - Site Plan

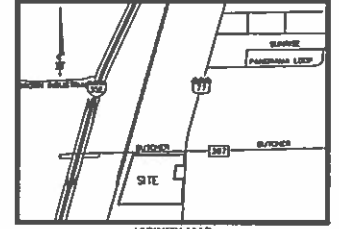
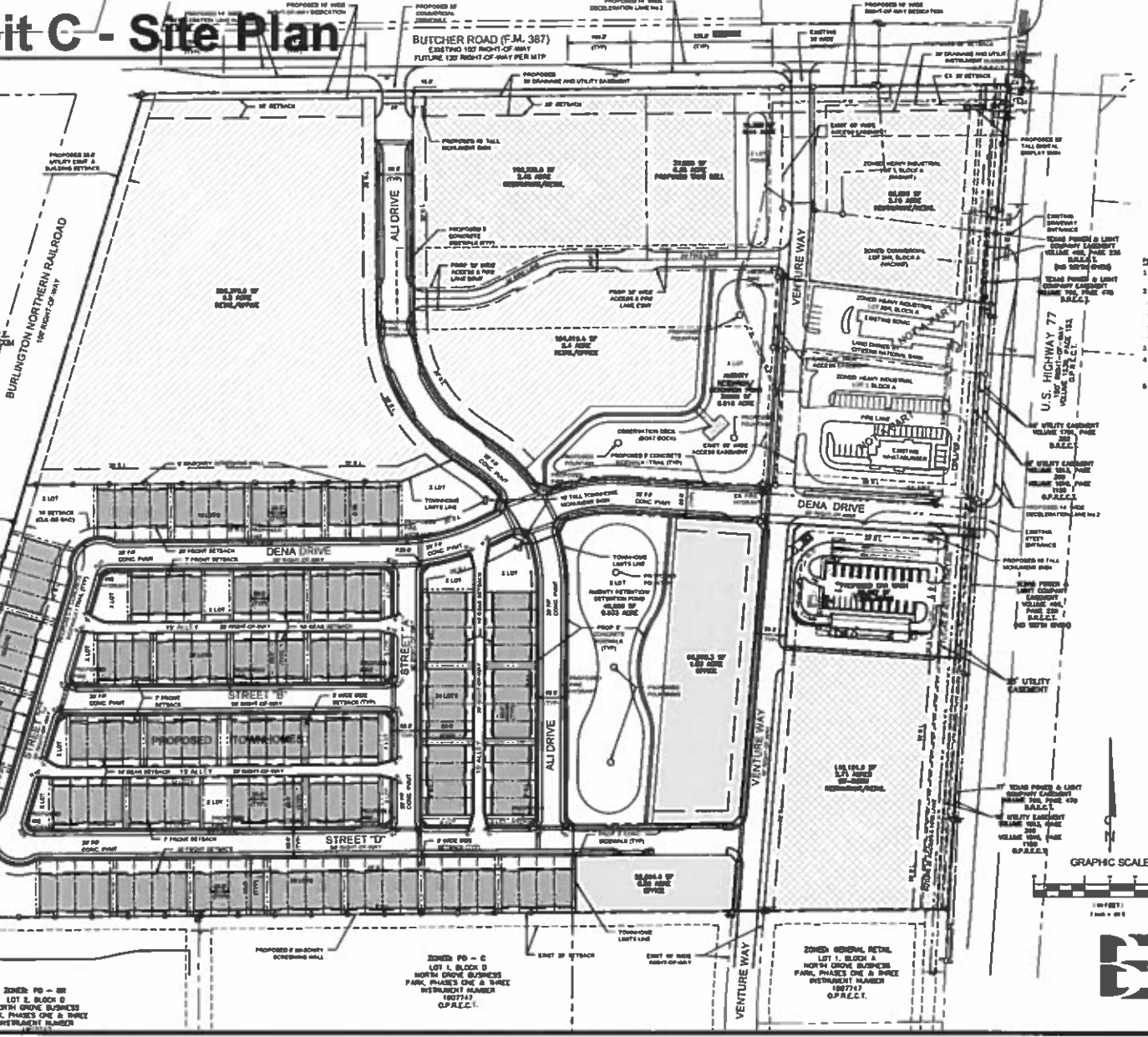
**OWNER:**  
D&J PROPERTIES, LTD.  
100 YACA DRIVE  
WAXAHACHIE, TEXAS 75165  
CONTACT: WILD ALMOND  
PHONE: 469-817-2051

**OWNER:**  
FIRST CREDIT BANK  
P.O. BOX 717  
WAXAHACHIE, TEXAS 75168  
CONTACT: PRESIDENT  
PHONE: 972-838-4300

**ENGINEER:**  
BANNISTER ENGINEERING, LLC  
240 NORTH MITCHELL ROAD  
MANFELD, TEXAS 75063  
(817) 643-2084  
CONTACT: MICHAEL DAVIS

**ENGINEER:**  
BANNISTER ENGINEERING, LLC  
240 NORTH MITCHELL ROAD  
MANFELD, TEXAS 75063  
(817) 643-2084  
CONTACT: REMINGTON C. WHEAT, P.E.  
EMAIL: REMINGTON@BANNISTERENR.COM

**DEVELOPER:**  
VICTRON ENERGY, INC.  
100 YACA DR.  
WAXAHACHIE, TEXAS 75165  
OFFICE: 469-817-2048  
CELL: 972-437-8210  
CONTACT: BRODIE HARRIS  
(DESIGN & DEVELOPMENT)



- PLANNED DEVELOPMENT REGULATIONS**
1. ALL REQUIRED LANDSCAPE AREAS, PLANTINGS, WALLS AND/OR FENCES ADJACENT TO HIGHWAY USE AREAS SHALL BE PROTECTED BY SIGNS, FENCES, OR BY PHYSICAL BARRIERS.
  2. ALL PROPOSED DRIVEWAYS ON THE PROPERTY WILL BE ENCLOSED AND SHALL INCLUDE:
    - 24" HIGH TRANSPARENT MASONRY WALL WITH SCREENING BATES.
    - NO CLOSURE THAN 50 FT TO AN ADJACENT RESIDENTIALLY ZONED PROPERTY.
    - SCREENING BATES NOT CONCEALED FROM VIEW.
    - MINIMUM OF 5 FT IN WIDTH.
  3. NO OUTSIDE STORAGE WILL BE PERMITTED WITHIN THE PLANNED DEVELOPMENT.
  4. PORTIONS OF THE SITE ARE LOCATED WITHIN 200 FT OF A SCHOOL. IN REGARDS TO THE PROPOSED RESTAURANT, TEXAS HEALTH & POLICE DEPARTMENT (TH&PD) PROVIDES THE SALE OF ALCOHOLIC BEVERAGES WITHIN 200 FT OF A SCHOOL, CHURCH, AND/OR HOSPITAL.
  5. ALL MASONRY REQUIREMENTS SHALL BE MET AS ESTABLISHED PER SECTION 8.01 OF THE ZONING ORDINANCE.

SITE SUMMARY TABLE	
<b>GENERAL SITE DATA</b>	
EXISTING ZONING	LS-1 (LIGHT INDUSTRIAL / 1)
LAND USE	TOWNHOME / RETAIL / OFFICE / RESTAURANT
LOT AREA	1,828,522 S.F. (42.941 ACRES)
TOTAL TOWNHOME LOTS	143 LOTS
PARKING REQUIRED	PARKING PROVIDED
FRONT ENTRY TOWNHOMES - 2	60 ENCLOSED GARAGE SPACES
BEHIND FRONT BUILDING LINE AND 3 ENCLOSED	
REAR ENTRY TOWNHOMES - 1	63 ENCLOSED GARAGE SPACES
ENCLOSED	
CAR WASH 1 SPACE PER 150 SF - 4 REQUIRED	6 PROVIDED

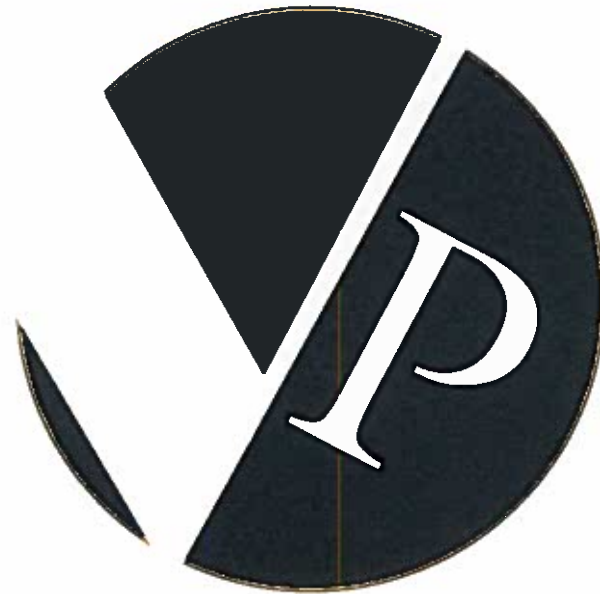
**EXHIBIT "A"**  
**ZONING CONCEPT PLAN**  
Being a Planned Development  
for  
**VICTRON PARK**  
an addition to the City of Waxahachie,  
Ellis County, Texas  
42.941 Acres  
Townhome/Retail/Office/Restaurant  
**ZDC-117-2020**  
Date Prepared: August 19, 2020  
Date Revised: October 06, 2020



**BANNISTER ENGINEERING**  
240 North Mitchell Road | Mansfield, TX 76063 | (817) 643-2084 | (817) 643-2088 fax  
REGISTRATION # 7-10809 (TEXAS)

CONTACT: REMINGTON C. WHEAT, P.E.

# Exhibit D - Townhome Renderings



(12)

THE SHOPS AT VICTRON PARK  
T O W N H O M E S

# Exhibit D - Townhome Renderings



THE SHOPS AT VICTRON PARK  
T O W N H O M E S

## OPTION 2B

(R)

# Exhibit D - Townhome Renderings



(A2)

ELEVATION | OPTION 2.8



# Exhibit D - Townhome Renderings



IMAGERY | OPTION 2.B

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# Exhibit D - Townhome Renderings



IMAGERY | OPTION 2.B

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# Exhibit D - Townhome Renderings



THE SHOPS AT VICTRON PARK  
TOWNHOMES

OPTION 2C

(79)

# Exhibit D - Townhome Renderings



(12)

# Exhibit D - Townhome Renderings



IMAGERY | OPTION 2.C

THIS RENDERING SUBJECT TO APPROVAL



# Exhibit D - Townhome Renderings

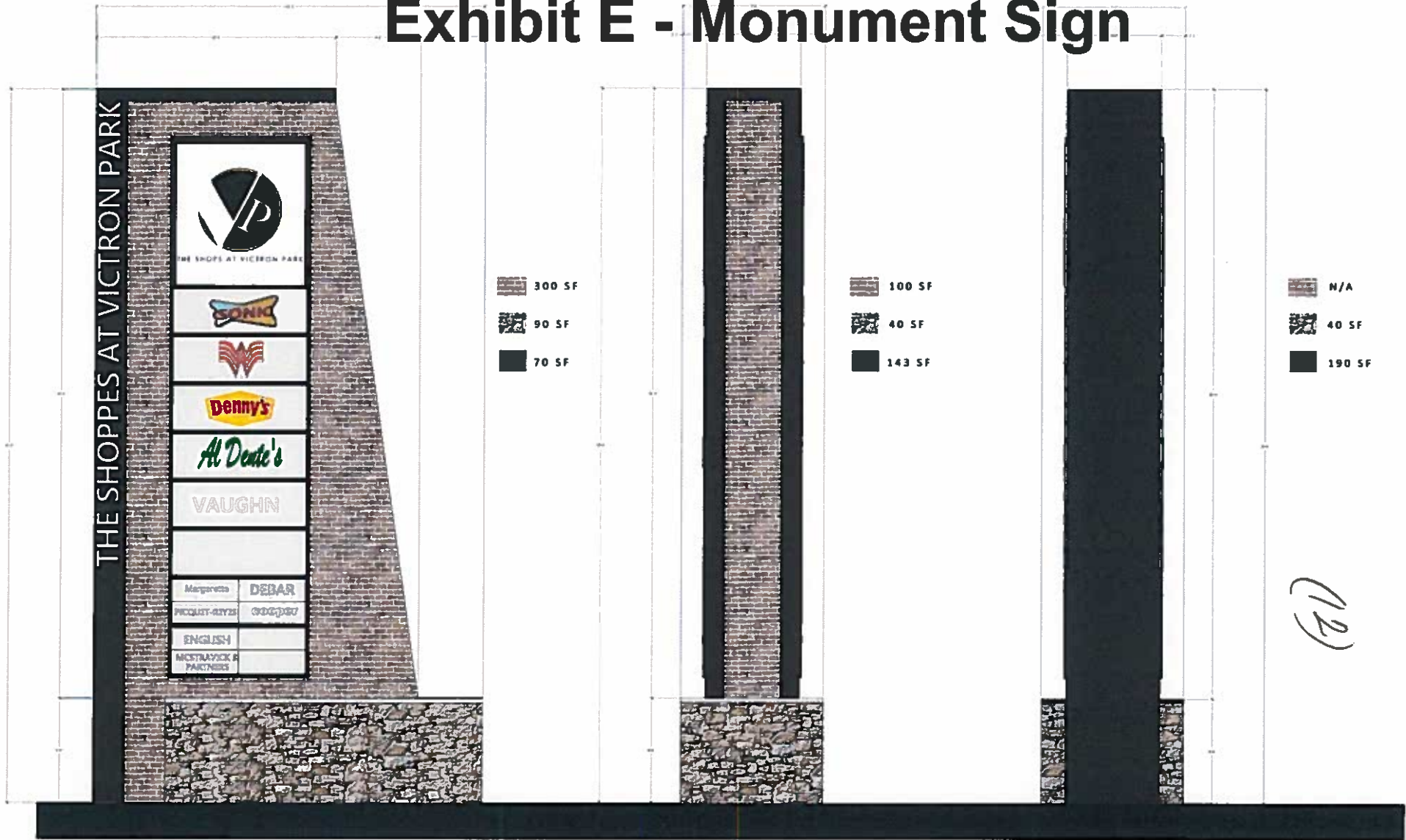


IMAGERY | OPTION 2.C

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# Exhibit E - Monument Sign



(13)

STATE OF TEXAS           §           DEVELOPMENT AGREEMENT  
                                  §           FOR VICTRON PARK  
COUNTY OF ELLIS       §

This Development Agreement for Victron Park ("Agreement") is entered into between Victron Energy Group ("VEG") and the City of Waxahachie, Texas ("City"). VEG and the City are sometimes referred herein together as the "Parties" and individually as a "Party."

**Recitals:**

1. VEG is the owner of approximately 42.94 acres of real property generally located at the Southwest corner of Butcher Rd. and U.S. Highway, parcel number 189377, 189370, and 239005, in the City of Waxahachie, Texas (the "Property"), for which he has requested a change in the Property's Light Industrial-1, Heavy Industrial, and Commercial zoning to a Planned Development ("PD") General Retail and Planned Development-Multi Family-2 zoning, revising specific development standards. The Property is currently zoned Light Industrial-1, Heavy Industrial, and Commercial by the City, and is anticipated to have the zoning changed to a new PD zoning on October 19, 2020.

2. The planned use of the Property is to create a Planned Development to allow for the development of retail, commercial, office, and townhome uses. 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 VEG 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 VEG 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 "Victron Park PD Ordinance"), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for Victron Park.

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

**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.



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**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 Victron Park 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 VEG. VEG, agrees to:

- Per the applicant's request, a Developer's Agreement will be required for the property.
- A roundabout shall be provided at the intersection of Dena & Ali Dr. (with amenity fountain feature in the middle).
- Alcohol variances will be reviewed on a case by case basis.
- Phase sidewalks along Butcher Rd., as development is constructed.
- All front entry townhome shall have architectural garage doors.
- The minimum front yard setback for townhomes shall be 9ft.
- The minimum rear yard setback for townhomes shall be 8ft.
- Townhomes within the development shall be minimum 69% alley entry.
- No digital sign is allowed at the corner of Butcher Rd. and US 77. A multi-tenant ground monument sign, as approved by City Council, will be allowed at the intersection of Butcher Rd. and US 77.
- All townhomes shall be flat roofs.
- Minimum roof pitch shall be 1:12
- Multiple elevations for townhome buildings shall be provided within the development.
- The Concept Plan shall conform as approved by the City Council under case number ZDC-117-2020.
- All development on land located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in the Ordinance, Development Agreement, and Planned Development Provisions.
- A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
- 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.

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In consideration of VEG's agreement in this regard, the City of Waxahachie agrees that VEG has reasonable investment-backed expectations in Victron ParkPD Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in Victron Park PD Ordinance without impacting VEG'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.

(13)

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 VEG 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.

**{Signature Pages Follow}**

(13)

**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

**: Victron Energy Group**

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

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

(13)

STATE OF TEXAS       §  
                                  §  
COUNTY OF ELLIS     §

Before me, the undersigned authority, on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, 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 \_\_\_\_\_, 2020, personally appeared \_\_\_\_\_, representative of Victron Energy Group, 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: \_\_\_\_\_

(13)

**EXHIBIT A**

**Victron Park PD Ordinance**

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM LIGHT INDUSTRIAL-1 (LI1), HEAVY INDUSTRIAL (HI), AND COMMERCIAL (C), TO PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR) AND PLANNED DEVELOPMENT-MULTI-FAMILY-2, WITH CONCEPT PLAN LOCATED AT THE SOUTHWEST CORNER OF BUTCHER ROAD AND U.S. HIGHWAY 77 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 42.94 ACRES KNOWN AS A PORTION OF PROPERTY ID 189377, 189370, AND 239005 OF ABSTRACT 848 OF THE A S PRUETT SURVEY, ABSTRACT 1000 OF THE J SHAVER SURVEY, ABSTRACT 1003 OF THE T B STOUT SURVEY, ABSTRACT 1 OF THE A DMJ BUSINESS CENTRE UNIT AND LOT 2AR, BLOCK A OF DMJ BUSINESS CENTRE UNIT 1 REV. 1.1 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-117-2020. 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 LI1, HI & C to PD-GR and PD-MF2, 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 LI1, HI & C to PD-GR & PD-MF2, with Concept Plan in order to facilitate development of the subject property in a manner that allows retail, restaurants, office, townhomes, and a carwash on the following property: a portion of Property ID 189377, 189370, and 239005 and Abstract 848 of the A S Pruet Survey, Abstract 1000 of the J Shaver Survey, Abstract 1003 of the T B Stout Survey, Abstract 1 of the A DMJ Business Centre Unit and Lot 2AR, Block A of DMJ Business Centre Unit 1 Rev. 1.1, which is shown on Exhibit A, Concept Plan shown as Exhibit B, Site Plan Exhibit C, Townhome Rendering Exhibits shown as Exhibit D, and Sign Rendering shown as Exhibit E.

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## **PLANNED DEVELOPMENT**

### **Purpose and Intent**

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

### **Development Standards**

All development on land located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this Ordinance/Development Agreement/Planned Development Provisions. 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 Concept Plan (Exhibit B), Site Plan (Exhibit C), Townhome Rendering (Exhibit D), and Sign Rendering (Exhibit E).

### **Development Regulations**

1. Per the applicant's request, a Developer's Agreement will be required for the property.
2. The Site Plan shall conform as approved by the City Council under case number ZDC-117-2020.
3. A roundabout shall be provided at the intersection of Dena & Ali Dr. (with amenity fountain feature in the middle).
4. Alcohol variances will be reviewed on a case by case basis.
5. Phase sidewalks along Butcher Rd., as development is constructed.
6. All front entry townhome shall have architectural garage doors.
7. The minimum front yard setback for townhomes shall be 9ft.
8. The minimum rear yard setback for townhomes shall be 8ft.
9. Townhomes within the development shall be minimum 69% alley entry.
10. No digital sign is allowed at the corner of Butcher Rd. and US 77. A multi-tenant ground monument sign, as approved by City Council, will be allowed at the intersection of Butcher Rd. and US 77.
11. All townhomes shall be flat roofs.
12. Minimum roof pitch shall be 1:12.
13. Multiple elevations for townhome buildings shall be provided within the development.
14. Any zoning, land use requirement, or restriction not contained within this zoning Ordinance/Development Agreement/Planned Development Provisions shall conform to those requirements and/or standards prescribed in Concept Plan (Exhibit B), Site Plan (Exhibit C), Townhome Rendering (Exhibit D), and Sign Rendering (Exhibit E). Where regulations are not specified in Exhibits B, C, D, E or in this Ordinance/Development Agreement/Planned Development Provisions, the regulations of the City of Waxahachie Zoning Ordinance shall apply to this development.
15. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.

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16. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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 19<sup>th</sup> day of October 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

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



(13)

**VICTRON PARK  
PLANNED DEVELOPMENT – EXHIBIT “B”**

**OVERALL DEVELOPMENT**

1. Amenities The development shall provide ponds with fountains and pedestrian access within the overall development.

**GENERAL RETAIL AREA**

2. The zoning for this 26.509 acre portion of the subject property shall be Planned Development (PD) with a base zoning for General Retail (GR) uses, as per requirements of Section 3.16 of the Zoning Ordinance.
3. The general Retail (GR) Zoning District is intended predominately for general retail, and certain light commercial uses of a service nature which typically have operating characteristics of traffic service requirements generally compatible with typical office, retail, and shopping.
4. Excluded Uses: No permanent use of temporary buildings. Assisted living facility, Community home for disabled persons, Foster family home, Foster group homes, Government administration and civic buildings, homeless shelter, Cemetery, Golf course, Utility lines, towers or metering station, garage-private, Philanthropic institution (other than listed), Bed and breakfast inn, Country club, Marina, Airport or landing field, Gas well, Nursing home, Nursery garden shop or plant sales, and Short-Term Rentals
5. Building Height: Maximum 2-stories.
6. Lot Size: Minimum Lot area of 7,000 square feet.
7. Lot Width: Minimum Lot width of 60 feet.
8. Lot Depth: Minimum depth of 90 feet.
9. Front Yard: Minimum front yard of 10 feet.
10. Side Yard: Minimum side yard of 10 feet.

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11. Interior Side Yard: When retail uses are platted adjacent to other retail and other non-residential uses, no side yard is required provided Adequate fire lanes and circulation is provided onsite, and appropriate building codes can be met.
12. Rear Yard: Minimum rear yard of 15 feet / 20 feet adjacent to Residential.
13. Lot Coverage: Maximum Lot coverage of 50%.
14. Parking Regulations: All parking requirements shall be met as established by Section 4:03 of the Zoning Ordinance.
15. Landscape & Irrigation Requirement: All landscaping requirements shall be met as established by Section 5.04 of the Zoning Ordinance.
16. Masonry requirements: All Retail portions of the project will comply with building facade requirement per Section 5.01 of the Zoning Ordinance.
17. Screening requirements: Parking areas shall be screened along all streets (min. 3ft. shrubs). Walls, screening fences, trees, shrubs, landscape berms, or landscape areas (min. 6 ft.) must be used to screen any proposed loading dock areas from view of the public right-of-way adjacent to residential and/or retails areas, and/or from adjacent collectors or arterials. All non-residential building mechanical and electrical equipment other than utility service and equipment, located adjacent to the building, thoroughfare or a residentially zoned area shall be screened from view. Rooftop equipment shall be concealed from eye-level public view from all areas of the street right-of-way.
18. Variance Request for commercial pad sites along Butcher Road to be permitted for alcohol sales.
19. Variance Request for two dumpsters located within the building setback.

#### TOWNHOME AREA

1. The zoning for this 15.149 acre portion of the subject property shall be Planned Development (PD) for a Town Home use, with a Development Plan.
2. Excluded Uses: Assisted living facility, Community home for disabled persons, Foster family home, Foster group homes, Government administration and civic buildings, homeless shelter, Cemetery, Golf course, Utility lines, towers or metering

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station, garage-private, Assisted living facility, Philanthropic institution, Bed and breakfast inn, Country club, Marina, Airport or landing field, Gas well, Nursing home, Nursery garden shop or plant sales, and Short-Term Rentals

3. Thirty six (36) total residential buildings: Thirty five (35) buildings are proposed with four units and one (1) buildings are proposed with three units.
4. The development shall provide 143 single family attached residential units. The majority of the lots, 83 units (58%) shall feature alley-entry garages and 60 units (42%) shall feature front entry garages.
5. Lot Size
  - a. The minimum lot size is 2,240 square feet.
6. Lot Coverage
  - a. The maximum lot coverage shall be 80 percent
7. Perimeter Streetscape
  - a. The perimeter screening wall and landscaping for the entire subdivision shall be completed before any certificate of occupancy is issued.
  - b. Entry features shall be included with the installation of masonry entry signs with landscaping along Dena Drive, as shown on the landscape plan.
8. Interior Streetscape
  - a. A landscaped buffer area at least five feet wide shall be provided between the sidewalk and the back of curb.
  - b. Ornamental streetlights shall be used.
9. Landscape and Open Space
  - a. Each residential lot shall have one (1) ornamental tree in the front yard.
  - b. Open space or "X" lots shall be landscaped to include the following elements; shade trees or ornamental trees, pedestrian access and park benches. Additional items may include landscape planting beds, decorative lighting, water fountains, gazebo or outdoor arbor structure with seating,

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outdoor community gathering spaces and passive play areas.

- c. A masonry entry feature with planter beds including shrubs and ground cover beds shall be provided at the corners of the main entrance at Dena Drive.

10. Masonry requirements: All Townhome portions of the project will comply with building facade requirement per Section 5.01 of the Zoning Ordinance.

11. Fencing

- a. A minimum six-foot tall masonry screening fence shall be installed along the south, west and north boundary of the townhome development area.

12. Building Design

- a. Cementitious fiberboard will be limited to exterior walls of chimneys, dormers, window box-outs, bay windows that do not extend to the foundation, or any other exterior wall that does not bear on the foundation.
- b. Homes shall have a minimum of 4:12 roof pitch.

13. Parking Requirements

2 spaces behind front building line, with minimum 1 space enclosed for the front entry lots and a minimum 1 space enclosed for the rear entry lots.

14. Additional Features

- a. Minimum street-front setback shall be 7 feet for the rear entry lots and 20 feet for the front entry lots.
- b. Minimum rear setback shall be 10 feet for the rear entry lots and 7 feet for the front entry lots.
- c. Minimum interior side setback adjacent to single family shall be 5 feet.
- d. After at least every 30 feet of frontage, all facades shall incorporate wall offsets that have a differential in horizontal plan of at least one foot.

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- e. The development shall provide a playscape and dog park.
15. Use and development of the property must comply with the attached development plan.
16. Variance Request for a 50-foot right-of-way in lieu of a 54-foot right-of-way.
17. HOA shall maintain open space lots.

#### **CAR WASH SITE**

1. The zoning for this 1.282 acre portion of the subject property shall be Planned Development (PD) for a Car Wash use, with a Development Plan.
2. Building Height: Maximum 2-stories.
3. Lot Size: Minimum Lot area of 7,000 square feet.
4. Lot Width: Minimum Lot width of 60 feet.
5. Lot Depth: Minimum depth of 90 feet.
6. Front Yard: Minimum front yard of 10 feet.
7. Side Yard: Minimum side yard of 10 feet.
8. Interior Side Yard: When retail uses are platted adjacent to other retail and other non-residential uses, no side yard is required provided Adequate fire lanes and circulation is provided onsite, and appropriate building codes can be met.
9. Rear Yard: Minimum rear yard of 15 feet / 20 feet adjacent to Residential.
10. Lot Coverage: Maximum Lot coverage of 50%.
11. Parking Regulations: All parking requirements shall be met as established by Section 4:03 of the Zoning Ordinance.
12. Landscape & Irrigation Requirement: All landscaping requirements shall be met as established by Section 5.04 of the Zoning Ordinance.
13. Masonry requirements: All Retail portions of the project will comply with building facade requirement per Section 5.01 of the Zoning Ordinance.

(13)

14. In the event of a conflict between the provisions in the Exhibit B and any other exhibits to this ordinance the provisions of Exhibit B control.
15. Screening requirements: Parking areas shall be screened along all streets (min. 3ft. shrubs). Walls, screening fences, trees, shrubs, landscape berms, or landscape areas (min. 6 ft.) must be used to screen any proposed loading dock areas from view of the public right-of-way adjacent to residential and/or retail areas, and/or from adjacent collectors or arterials. All non-residential building mechanical and electrical equipment other than utility service and equipment, located adjacent to the building, thoroughfare or a residentially zoned area shall be screened from view. Rooftop equipment shall be concealed from eye-level public view from all areas of the street right-of-way.
16. Variance Request one dumpster with access from a street right-of-way.

(14)

**Planning & Zoning Department**  
**Zoning Staff Report**



**Case: ZDC-124-2020**

**MEETING DATE(S)**

*Planning & Zoning Commission:* October 13, 2020

*City Council:* October 19, 2020

**ACTION SINCE INITIAL STAFF REPORT**

At the Planning & Zoning Commission meeting, held October 13, 2020, the Commission voted 5-1 to recommend approval of case number ZDC-124-2020, subject to staff comments.

**CAPTION**

**Public Hearing** on a request by Marshall Patton, KFM Engineering & Design, for a Zoning Change from a Planned Development-41-Commercial and Commercial zoning district to Mixed Use Non-Residential, located at the SW corner of I-35 and Highway 287 (Property ID 180322, 180349, and 189254) - Owner: LIDE FAMILY INC and FAYE J MOSELEY & ERNEST M HOWELL(ZDC-124-2020)

**APPLICANT REQUEST**

The applicant intends to create a Planned Development to allow for industrial, multi family, retail, and commercial uses on 124.92 acres.

**CASE INFORMATION**

*Applicant:* Jim Knight, KFM Engineering

*Property Owner(s):* Faye Moseley and Bobby Lide

*Site Acreage:* 124.92 acres

*Current Zoning:* Commercial and Planned Development-41-Commercial

*Requested Zoning:* Planned Development-Mixed Use Non Residential

**SUBJECT PROPERTY**

*General Location:* Southwest corner of IH-35 and US Highway 287

*Parcel ID Number(s):* 180322, 180349, and 189254

*Existing Use:* Currently Undeveloped

*Development History:* N/A

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**Table 1: Adjoining Zoning & Uses**

Direction	Zoning	Current Use
North	N/A	US Highway Business 287
East	N/A	Interstate Highway 35
South	C & GR	Vacant Land & Single Family Residences
West	C & GR	Single Family Residences

*Future Land Use Plan:*

Mixed Use Nonresidential

*Comprehensive Plan:*

Similar to Mixed Use Residential, land designated with this land use are intended for a mixture of nonresidential and residential uses. The only difference would be that Mixed Use Nonresidential has a greater percentage of nonresidential components than residential. Specifically, 80 percent of the acreage or square footage of proposed developments are required to be nonresidential with the remaining 20 percent of the acreage or square footage allocated to residential. Southlake's Town Center is an example of Nonresidential Mixed Use.

*Thoroughfare Plan:*

The subject property is accessible via SW corner of I-35 and Highway 287.

*Site Image:*



**PLANNING ANALYSIS**

**Purpose of Request:**

The applicant intends to create a Planned Development to allow for industrial, multi family, retail, and commercial uses on 124.92 acres.



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Proposed Use:

The applicant intends to create a Planned Development to allow for industrial, multi family, retail, and commercial uses on 124.92 acres, located along Southwest corner of IH-35 and US Highway 287. The development intends to provide uses such as a large corporate campus consisting of logistics, warehouse, and last mile delivery uses. The development will also include retail, restaurant, and a multi family site to support the needs of the anticipated corporate campus users, as well as the community in general.

A system of roadways, utility, drainage, and pedestrian improvements will be proposed within the development. In addition, right-of-way (ROW) for a proposed 80 ft. roadway system will be dedicated to the City of Waxahachie for a future transportation improvement as part of the City's Thoroughfare Improvement Plan. This future roadway would connect a future bridge over IH-35 west to Waxahachie High School, and serve as a traffic collector connecting the east side of IH-35, over Ovilla Road to the high school.

If approved, the project phases will be the following:

Phase I - Infrastructure/Roadway/Utilities – Design and Construction (12-24 months)

Phase II – Corporate Logistics Campus (permitting/construction could overlap with Phase I).

Note: Retail/Commercial/MF – to be determined. (200,000 sf of Commercial Buildings must be permitted prior to MF being approved for permit.)

CHANGES FROM THE 10/13/2020 PZ MEETING

- Revised plans show that the 1.3 acre park originally proposed to the City of Waxahachie will no longer be dedicated to the city. The 1.3 acres will be included in the industrial zoned portion of the development, remain open space, and the developer will be responsible for the maintenance.

Planned Development Notes

- A. Pedestrian sidewalk/trail system to connect commercial, residential, and logistics campus. In addition, pedestrian sidewalk/trail system will have the ability to connect to future city developments surrounding project.
- B. The developer will establish 25 ft. of undisturbed natural buffer between the private properties along Ovilla Road and the logistics campus. In addition, an additional 25 ft. building and parking setback will be provided to create a 50 ft. buffer. Only encroachments allowed would be utility connections, pedestrian paths, and future city roadway projects. Site grading/retaining walls would be allowed within the 25 ft. building/parking setback.
- C. The maximum height for the Corporate Campus users will be 120 ft. (four stories), Retail (two stories), Hospitality (five stories), Multi-Family (three stories).
- D. 150 ft. building buffer from Multi Family zoning to the adjacent Ovilla Road neighbors. Multi Family amenities includes (*but not limited to*) dog parks, playground, fitness room, etc.
- E. 90% of multi family apartment dwelling units shall be 2 bedrooms or less.

(14)

F. Applicant agrees that no site development permit for the Multi Family portion of this project can be issued until the project infrastructure has been permitted and construction has commenced. In addition, the initial 200,000 sf of Commercial building must be permitted before the multi family can be developed. The Multi Family application can be submitted and processed, but no site development permit issued until these conditions have been complied with.

Staff Analysis:

Staff believes that the proposed mixed use development will be a beneficial development to the city. By approving the proposed development, it would allow the applicant to deliver a unique, high quality, community-benefitting project to serve the City. The proposed development is also consistent with the infrastructure support already in place for the land, and provides the home for proposed corporate users and support facilities within the property boundaries.

If the proposed development is approved, the development will be consistent with the Future Land Use Plan (FLUP), as well as the envisioned character for the surrounding area.

Conformance with the Comprehensive Plan:

The proposed development is consistent with the following goals and objectives in the 2016 Comprehensive Plan Addendum:

- Growth Strategies – Goal 2: Encourage a balance of land uses to serve the needs of citizens and to ensure a diverse economic base.
- Growth Strategies – Goal 12: Promote growth of the community where infrastructure exists.

Development Standards:

Allowed uses shall be those provided within the City of Waxahachie Zoning Ordinance with additional changes listed below.

Permitted Uses:

- Industrial Logistics Center
- Multi Family
- Retail
- Commercial
- Hotel

**SPECIAL EXCEPTION/VARIANCE REQUEST:**

Density

The maximum density allowed is 18 dwelling units per acre.

- The applicant is requesting 24 dwelling units per acre.

Roof Pitch

The minimum roof pitch for multi family is 7:12.

- The applicant is proposing a minimum roof pitch of 5:12.

Maximum Unit Count

The maximum unit count allowed is 259 units (18 dwelling units per acre).

- Due to the applicant proposing 24 dwelling units per acre, the applicant will exceed the maximum allowed 259 units. Staff suggests that the applicant not exceed 346 dwelling units.

**Garages**

A minimum of 50% attached garages are required for the multi family development.

- The applicant is proposing a minimum of 30% attached garages.
  - Note: The applicant intends to provide carports for the multi family development to make up the remaining 20% difference for the required attached garages.

**Hotel**

The maximum height allowed for hotel is 3 stories.

- The applicant is proposing a maximum height of 5 stories.

**Submittal Deadlines**

Detailed site plan submittals have a 1 year deadline.

- The applicant is proposing the deadline be extended from 1 -year to 3-years.

**PUBLIC NOTIFICATIONS**

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 23 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.

**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. Per the applicant's request, a mutually agreed upon Development Agreement will be required for the development.
  2. The maximum apartment dwelling unit count shall not exceed 346 units.
  3. All development on land located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in the Ordinance, Development Agreement, and Planned Development Regulations.

**ATTACHED EXHIBITS**

1. Development Agreement/Ordinance
2. Planned Development Regulations
3. Location Exhibit
4. Concept Plan
5. Water and Wastewater Utility Exhibit
6. Phase I Access Exhibit
7. Phase II Access Exhibit
8. Trail/Sidewalk Exhibit
9. Landscape Plan
10. Setback Exhibit
11. Site Sections Exhibit
12. Character Image Boards

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**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)

(15)

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-41-COMMERCIAL (PD-41-C) AND COMMERCIAL (C) TO PLANNED DEVELOPMENT-MIXED USE NON-RESIDENTIAL (PD-MUNR), LOCATED AT THE SOUTHWEST CORNER OF IH-35 AND US HIGHWAY 287, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 124.92 ACRES KNOWN AS A PORTION OF PROPERTY ID 180322, 180349, AND 189254 OF ABSTRACT 99 OF THE JB BOUNDS SURVEY AND ABSTRACT 844 OF THE JE PRINCE 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-124-2020. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from PD-41-C & C to PD-MUNR, with Concept Plan; and

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

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

**NOW, THEREFORE**, this property is rezoned from PD-41-C & C to PD-MUNR, with Concept Plan in order to facilitate development of the subject property in a manner that allows industrial, multi-family, hotel, retail, and commercial uses on the following property: a portion of Property ID 180322, 180349, and 189254 of Abstract 99 of the JB Bounds Survey and Abstract 844 of the JE Prince Survey, which is shown on Exhibit A, Concept Plan shown as Exhibit B, Water and Wastewater Utility Exhibit shown as Exhibit C, Phase I Access Exhibit shown as Exhibit D, Phase II Access Exhibit shown as Exhibit E, Trail/Sidewalk Exhibit shown as Exhibit F, Landscape Plan shown as Exhibit G, and Setback Exhibit shown as Exhibit H.

**PLANNED DEVELOPMENT**

**Purpose and Intent**

The purpose of this planned development to create a mixed use development that includes industrial, multi-family, hotel, retail, and commercial uses, and to establish appropriate restrictions

and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

#### Development Standards

All development on land located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this Ordinance/Development Agreement/Planned Development Regulations. 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 Concept Plan (Exhibit B), Water and Wastewater Utility Exhibit (Exhibit C), Phase I Access Exhibit (Exhibit D), Phase II Access Exhibit (Exhibit E), Trail/Sidewalk Exhibit (Exhibit F), Landscape Plan (Exhibit G), and Setback Exhibit (Exhibit H).

#### Development Regulations

1. Per the applicant's request, a Development Agreement will be required for the property.
2. Industrial zoning within the development shall be limited to a corporate campus consisting of logistics, warehouse, and last mile delivery uses.
3. The maximum density allowed for multi-family (apartments) zoning within the development shall 24 dwelling units per acre.
4. The minimum roof pitch allowed shall be 5:12.
5. The maximum unit count for apartments shall not exceed 346 dwelling units.
6. A minimum of 30% attached garages and minimum of 20% carports shall be provided for multi-family apartments.
7. The maximum height for the hotel shall not exceed 5 stories.
8. The detailed Site Plan submittal deadline shall be extended from 1-year to 3-years.
9. The Concept Plan shall conform as approved by the City Council under case number ZDC-124-2020.
10. Any zoning, land use requirement, or restriction not contained within this zoning Ordinance/Development Agreement/Planned Development Regulations shall conform to those requirements and/or standards prescribed in Concept Plan (Exhibit B), Water and Wastewater Utility Exhibit (Exhibit C), Phase I Access Exhibit (Exhibit D), Phase II Access Exhibit (Exhibit E), Trail/Sidewalk Exhibit (Exhibit F), Landscape Plan (Exhibit G), and Setback Exhibit (Exhibit H). Where regulations are not specified in Exhibits B, C, D, E, F, G, and H, or in this Ordinance/Development Agreement/Planned Development, the regulations of Mixed Use Non-Residential zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.
11. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Concept Plan.
12. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

(15)

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.

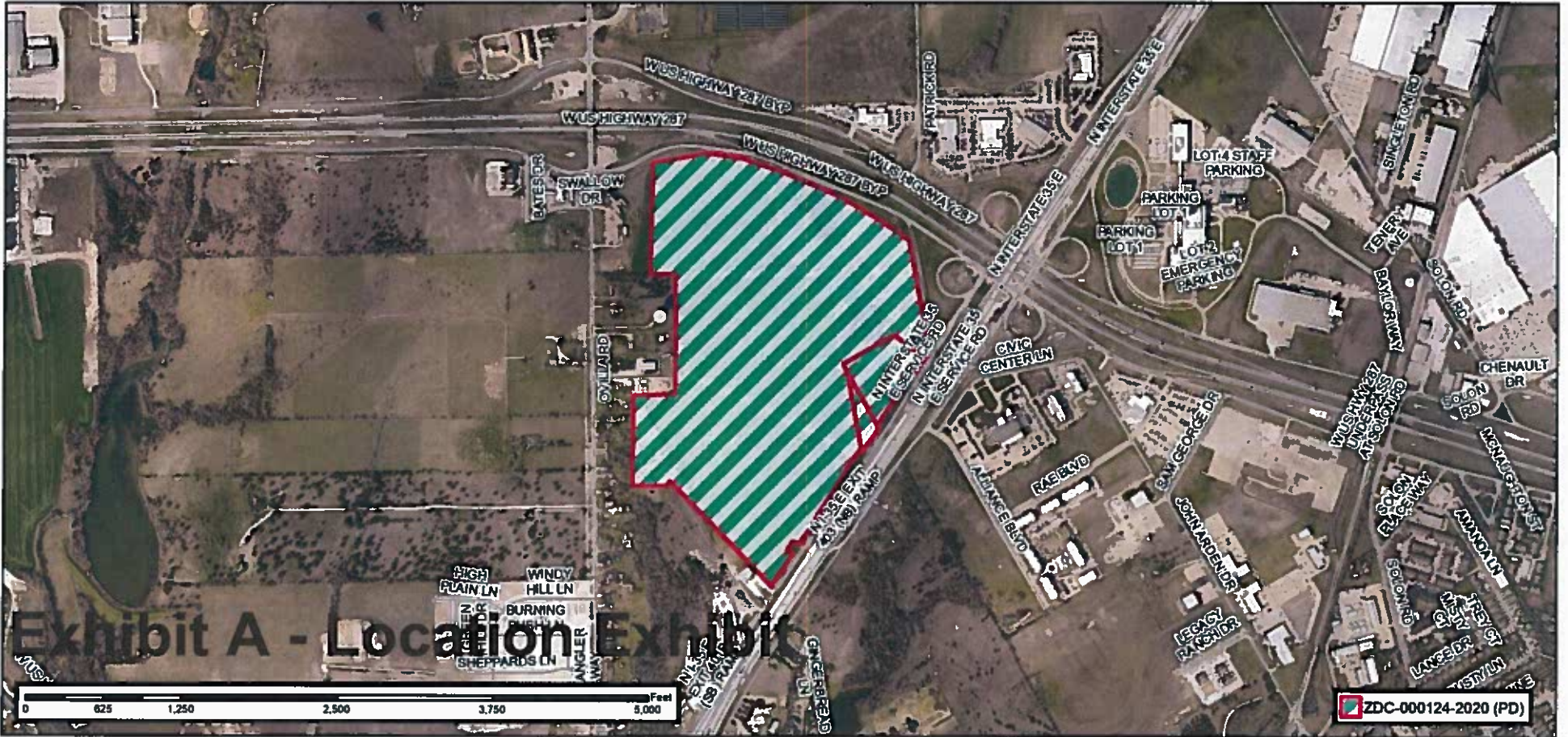
The zoning map of the City of Waxahachie is hereby authorized and directed to be demarked in accordance therewith.

**PASSED, APPROVED, AND ADOPTED** on this 19<sup>th</sup> day of October, 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

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



# Exhibit A - Location Exhibit



ZDC-000124-2020 (PD)

115





**site data**

- Proposed Retail **220.3 ac**
- Proposed Corporate Logistics **272.8 ac**
- Proposed Multifamily **214.4 ac**
- Proposed Infrastructure (Pink) **54 ac**
- Proposed Infrastructure (Yellow) **26.5 ac**
- Proposed Floodplain **58 ac**
- total 2125.9 ac**

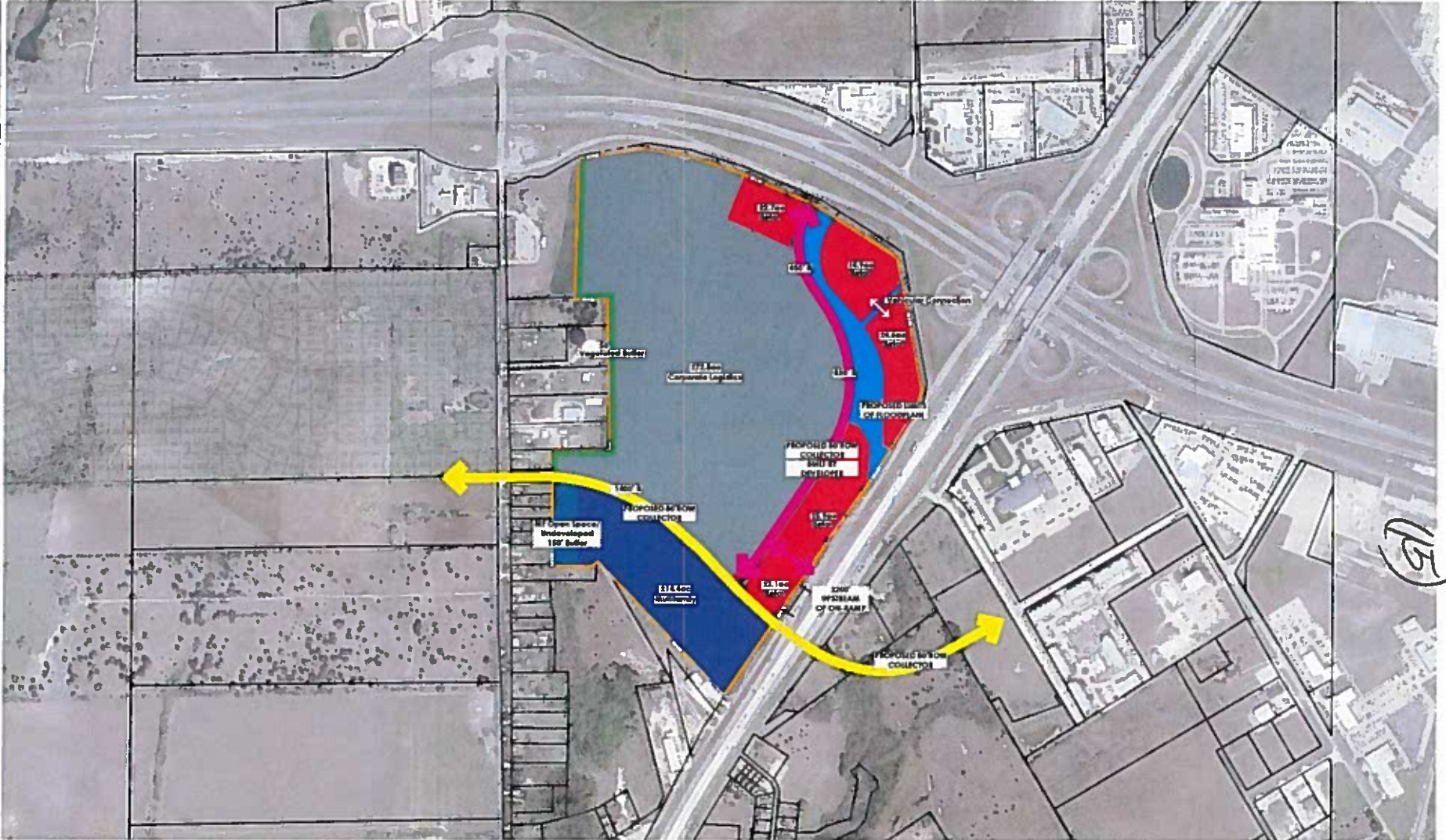
**Ownership Information:**

**Moseley Tract**  
 Jeanne F. Moseley and Ernest  
 M. Moseley  
 102 Valenza Drive  
 Georgetown, Texas 78626-  
 4775

**Lide Tract**  
 Mr. Bobby Lide  
 Lide Family, Inc.  
 P.O. Box 55  
 Wallburg, TX 74683  
  
 Tony Jacobson  
 253 W. 3rd Avenue  
 Corsicana, TX 75110

**Developer Information:**  
 Mr. Steve Segren  
 Commercial Property  
 Investors, LP  
 1402 Summit Avenue  
 Fort Worth, Texas 76102

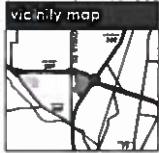
**Developer Applicant/  
 Agent:**  
 Jim Knight, P.E.  
 JFM Engineering & Design  
 427 N. Main Street, Suite 415  
 Cleburne, TX 76031



(15)



# Exhibit B - Concept Plan



**site data**

Proposed Phase I Infrastructure (Developer-built)

- existing water line
- existing wastewater line
- property line
- proposed water line
- proposed wastewater line
- phase I utility

**Ownership Information:**

**Moseley Tract**  
 Joanna F. Moseley and Brent M. Moseley  
 102 Verdona Drive  
 Georgetown, Texas 78626-4975

**Lido Tract**  
 Mr. Bobby Lido  
 Lido Family, Inc.  
 P.O. Box 55  
 Wortham, TX 76093

Tony Jacobson  
 725 W. 3rd Avenue  
 Corsicana, TX 78102

**Developer Information:**

Mr. Steve Brown  
 Commercial Property Investors, LP  
 1409 Surratt Avenue  
 Fort Worth, Texas 76102

**Developer Applicant/ Agent:**

Jim Wright, P.E.  
 KFM Engineering & Design  
 621 N. Main Street, Suite 415  
 Cleburne, TX 76031



# Exhibit C - Water and Wastewater Utility Exhibit





site data

- Proposed Infrastructure (Per Thoroughfare Plan)
- Proposed Phase I Infrastructure (Developer-built)
- Driveway Access Restricted
- Driveway Access Allowed
- Proposed Driveway Locations (to be constructed with adjacent sites)

Ownership Information:

**Moseley Tract**  
 Joanne J. Moseley and Ernest  
 M. Moseley  
 102 Veterans Drive  
 Georgetown, Texas 78633-  
 0173

**Lide Tract**  
 Mr. Bobby Lide  
 Lide Family, Inc.  
 P.O. Box 55  
 Waxahachie, TX 76093

Tony Jacobson  
 733 W. 3rd Avenue  
 Corsicana, TX 75110

Developer Information:

Mr. Steve Brown  
 Commercial Property  
 Investors, LP  
 1409 Summit Avenue  
 Fort Worth, Texas 76102

Developer Applicant/ Agent:

Jim Knight, P.E.  
 KFM Engineering & Design  
 421 N. Mohr Street, Suite 415  
 Georgetown, TX 78633

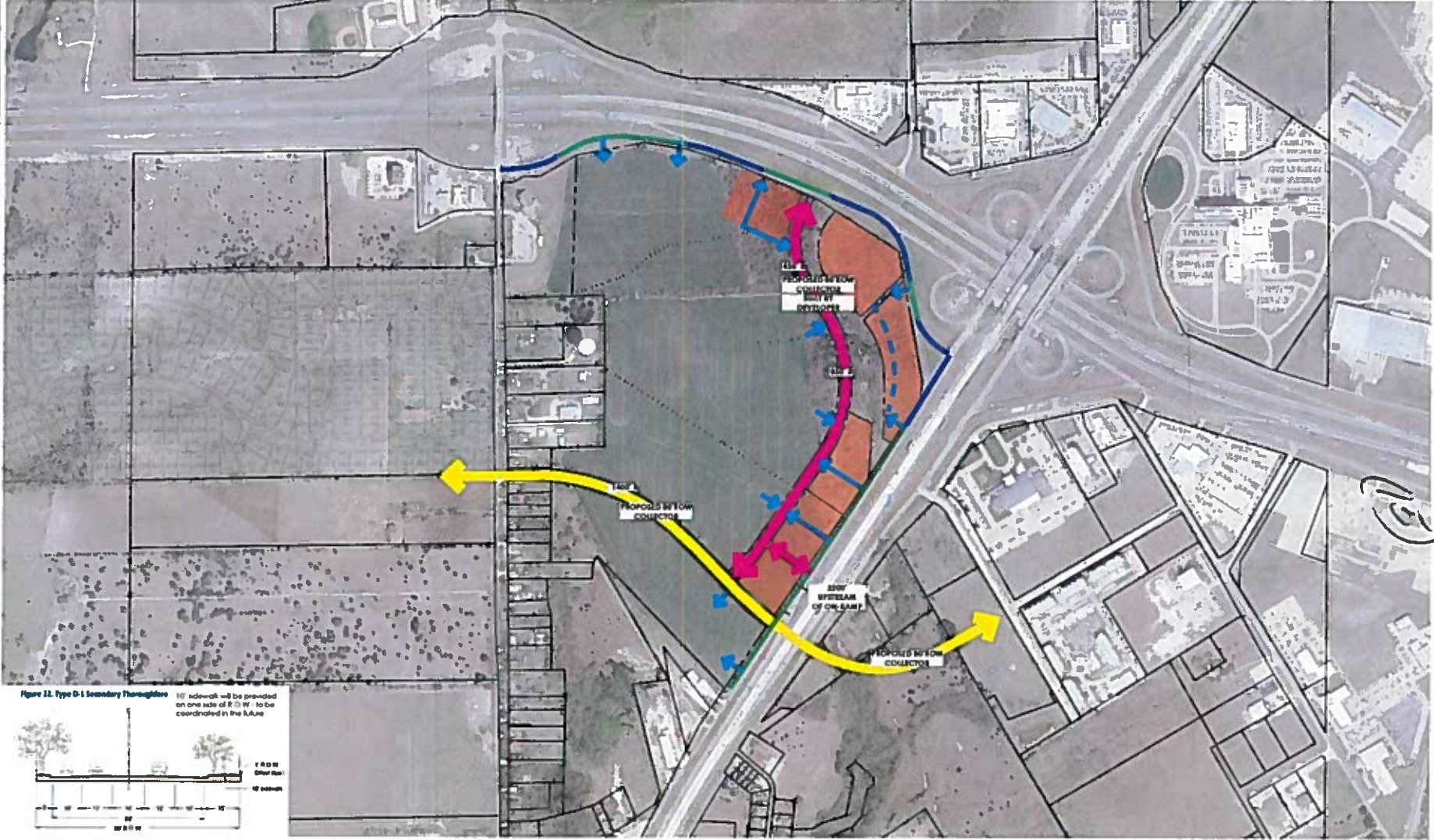


Figure 11. Type D-1 Secondary Thoroughfare

10' sidewalk will be provided on one side of R 11 W to be coordinated in the MLUE



# Exhibit E - Phase II Access Exhibit



waxahachie 120ac tract  
 Phase 2 Access Exhibit

Case Number: EDC-134-2020 September 25<sup>th</sup>, 2020  
 All information shown is based on the best available information and is subject to change without notice.



site data

- 10' Decomposed Granite Pedestrian Trail
- 10' Concrete Pedestrian Sidewalk

Ownership Information:

**Moseley Tract**  
 Joanna F. Moseley and David  
 M. Moseley  
 102 Madonna Drive  
 Georgetown, Texas 78633-  
 4975

**Lide Tract**  
 Mr. Bobby Lide  
 Lide Family, Inc.  
 P.O. Box 55  
 Waltham, TX 76693

**Terry Jacobson**  
 733 W. 2nd Avenue  
 Corsicana, TX 75110

Developer Information:

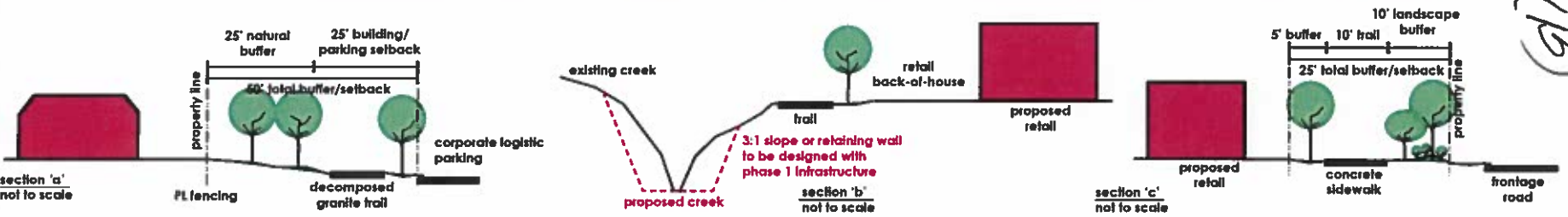
**M. Steve Brown**  
 Commercial Property  
 Investors, LP  
 1409 Summit Avenue  
 Fort Worth, Texas 76102

Developer Applicant/  
 Agent:

**Jim Wright, P.E.**  
 KFM Engineering & Design  
 621 N. Main Street, Suite 415  
 Grapevine, TX 76031



Figure 21. Type 0-1 Secondary Thoroughfare  
 10' sidewalk will be provided on one side of E 10 W, to be coordinated in the future.



# KFM Exhibit F - Trail/Sidewalk Exhibit

ENGINEERING & DESIGN

Note: Sections are for illustration purposes only and will be dictated by final design.



waxahachie 120ac tract  
 Trail/Sidewalk Exhibit

Case Number: ZEC-134-2020 September 25<sup>th</sup> 2020  
 The information shown is based on the best information available and is subject to change without notice.

vicinity map



site data

legend

- 80' R.O.W. Public Collector (Developer-built) 25.8 ac
  - 50' o.c. Tree Spacing within R.O.W.
  - 4 Tree Species - (2 Crapemyrtle Species Minimum)
  - Gridded, Symmetrical, Repetitive Tree Species with Shrub Plantings

- 80' R.O.W. Public Collector (Per Thoroughfare Plan) 23 ac
  - 50' o.c. Tree Spacing outside R.O.W.
  - 2 Tree Species
  - Gridded, Symmetrical, Repetitive Tree Species with Shrub Plantings

- Preserved Trees and Natural Area**
  - Existing Class 1 Trees 8" and greater to be Preserved within 25' zone of the 80' R.O.W. Collector
  - Existing Trees and Natural Area to be preserved adjacent to the creek and retail development
  - Undertory vegetation will be subject to cleanup and maintenance

- Vegetated Buffer**
  - 1 tree on average every 40 linear feet of buffer
  - Mix of trees and shrubs in naturalized planting

- 150' Multi-Family Open Space Undeveloped Buffer**
  - 1 tree every 2,500 sf of landscape area
  - Mix of native species, naturalized planting

Ownership Information:

**Moseley Tract**  
 Jerome F. Moseley and Grand M. Howell  
 102 Vobarna Drive  
 Georgetown, Texas 78633-0979

**Lide Tract**  
 Mr. Bobby Lide  
 Lide Family, Inc.  
 P.O. Box 53  
 Wortham, TX 76793

Tony Jacobson  
 723 W. 2nd Avenue  
 Corsicana, TX 75110

Developer Information:

Mr. Steve Brown  
 Commercial Property Investors, LP  
 1409 Summit Avenue  
 Fort Worth, Texas 76102

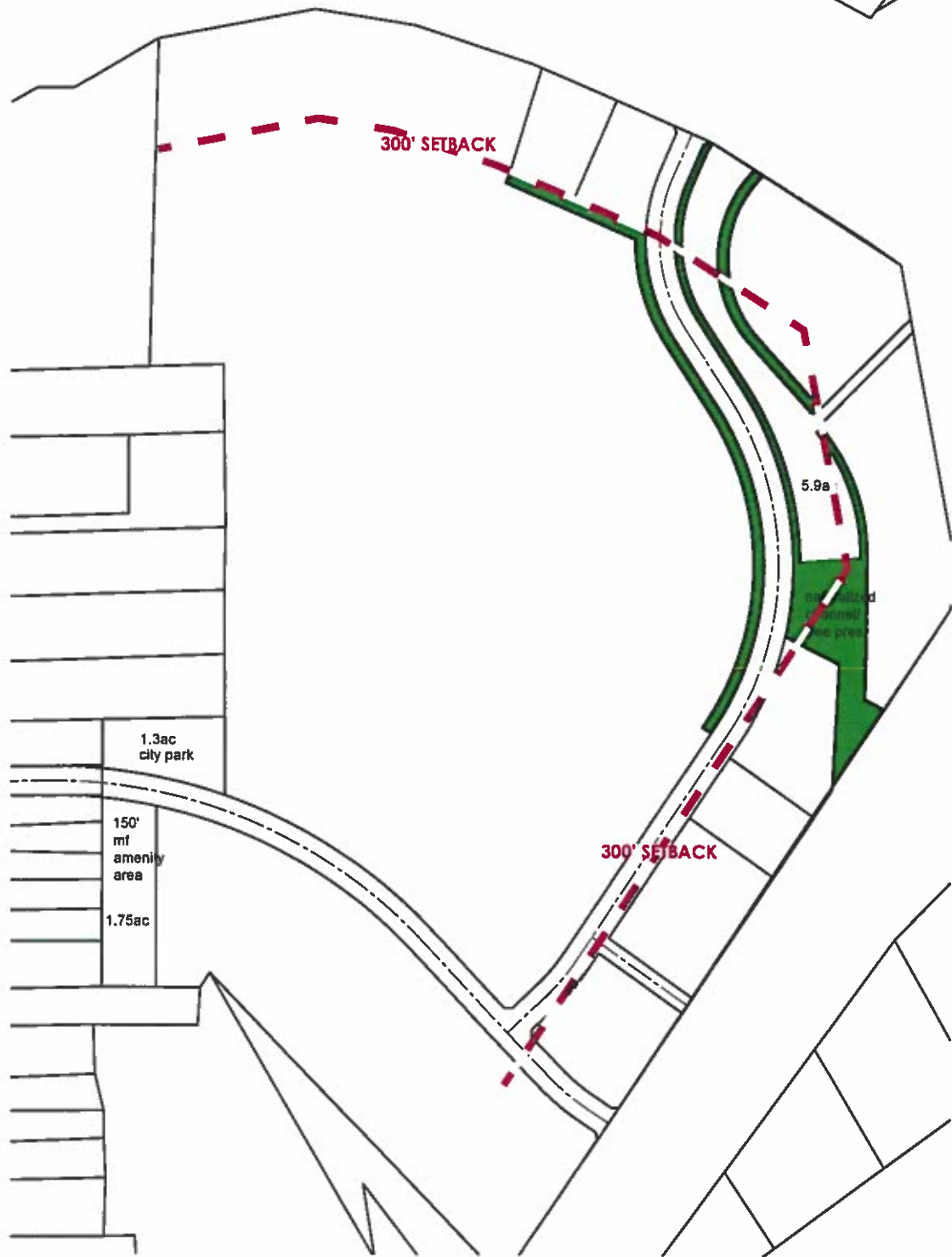
Developer Applicant/ Agent:

Am Knight, P.E.  
 EAM Engineering & Design  
 431 N. Ninth Street, Suite 413  
 Coppell, TX, 76221

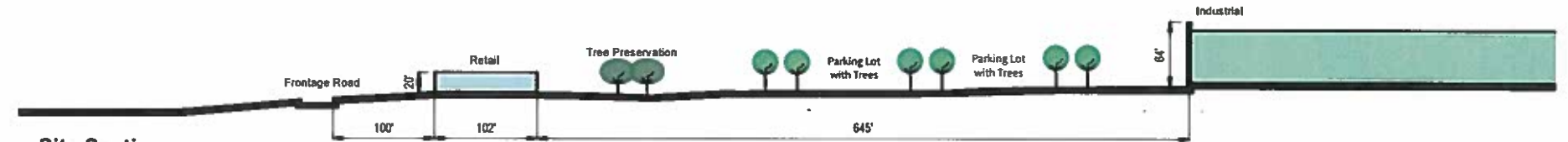
Figure 22. Type B-1 Secondary Thoroughfare 10' sidewalk will be provided on one side of R.O.W. - to be coordinated in the ALUE



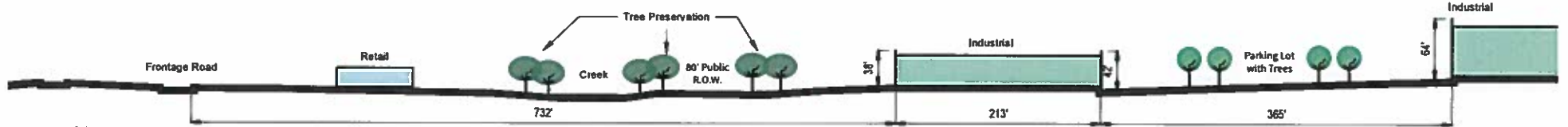
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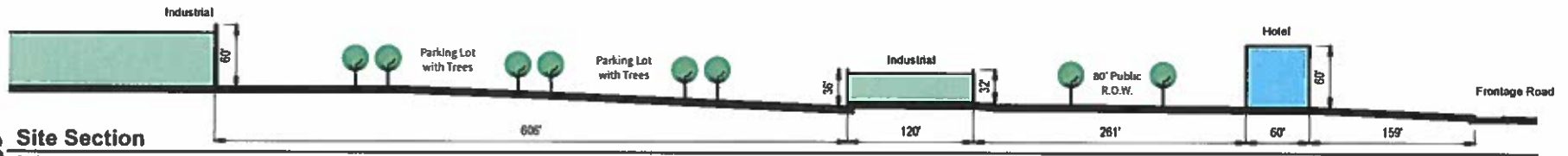
# Exhibit H - Setback Exhibit



**1 Site Section**  
Scale: 1" = 100'-0"



**2 Site Section**  
Scale: 1" = 100'-0"

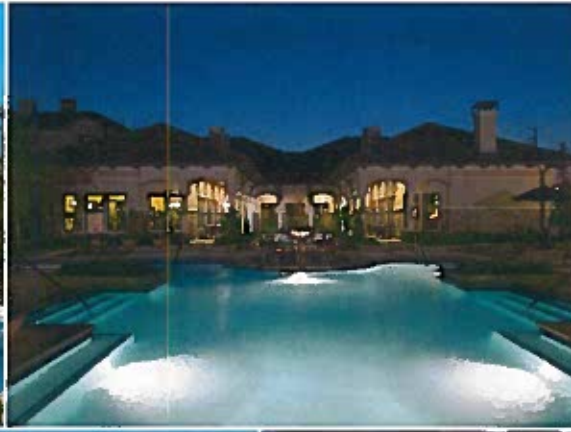


**3 Site Section**  
Scale: 1" = 100'-0"

(15)







(16)

STATE OF TEXAS           §           DEVELOPMENT AGREEMENT  
  §           FOR THE WAXAHACHIE CORPORATE  
  §           LOGISTICS CAMPUS  
COUNTY OF ELLIS       §

This Development Agreement for Waxahachie Corporate Logistics Campus ("Agreement") is entered into between Blue Star Land Real Estate ("BSL") and the City of Waxahachie, Texas ("City"). BSL and the City are sometimes referred herein together as the "Parties" and individually as a "Party."

**Recitals:**

1. BSL is the owner of approximately 124.92 acres of real property generally located at the Southwest corner of IH-35 and US Highway 287, parcel number 180322, 180349, and 189254, in the City of Waxahachie, Texas (the "Property"), for which he has requested a change in the Property's Planned Development-41-Commercial and Commercial zoning to a Planned Development ("PD") Mixed Use Non-Residential zoning, revising specific development standards. The Property is currently zoned Planned Development-41-Commercial and Commercial by the City, and is anticipated to have the zoning changed to a new PD zoning on October 19, 2020.

2. The planned use of the Property is to create a Planned Development to allow for the development of industrial, multi-family, hotel, retail, and commercial uses. 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 BSL 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 BSL 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 "Waxahachie Corporate Logistics Campus PD Ordinance"), a copy of which is attached hereto as Exhibit A and which contains the negotiated zoning and development standards for Waxahachie Corporate Logistics Campus.

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

**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:

(16)

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

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

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

**Incorporation of Zoning and Recognition of Investment-Backed Expectations:**

The negotiated and agreed upon zoning and development standards contained in Waxahachie Corporate Logistics Campus 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 BSL. BSL, agrees to:

- Per the applicant's request, a Developer's Agreement will be required for the property.
- Industrial zoning within the development shall be limited to a corporate campus consisting of logistics, warehouse, and last mile delivery uses.
- The maximum density allowed for multi-family (apartments) zoning within the development shall 24 dwelling units per acre.
- The minimum roof pitch allowed shall be 5:12.
- The maximum unit count for apartments shall not exceed 346 dwelling units.
- A minimum of 30% attached garages and minimum of 20% carports shall be provided for multi-family apartments.
- The maximum height for the hotel shall not exceed 5 stories.
- The detailed Site Plan submittal deadline shall be extended from 1-year to 3-years.
- The Concept Plan shall conform as approved by the City Council under case number ZDC-124-2020.
- All development on land located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in the Ordinance, Development Agreement, and Planned Development Regulations.
- A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Site/Concept Plan.
- 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.

In consideration of BSL's agreement in this regard, the City of Waxahachie agrees that BSL has reasonable investment-backed expectations in Waxahachie Corporate Logistics Campus PD Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in Waxahachie Corporate Logistics PD Ordinance without impacting BSL's reasonable investment-backed expectations.

(16)

**Section 4. Miscellaneous**

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

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

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

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

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

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

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

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

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

(16)

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 BSL 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.

**{Signature Pages Follow}**

(16)

**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

**: Blue Star Land Real Estate**

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

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

(16)

STATE OF TEXAS       §  
                                  §  
COUNTY OF ELLIS     §

Before me, the undersigned authority, on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, 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 \_\_\_\_\_, 2020, personally appeared \_\_\_\_\_, representative of Blue Star Land Real Estate, 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: \_\_\_\_\_



(16)

**EXHIBIT A**

**Waxahachie Corporate Logistics Campus PD Ordinance**

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

**AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM PLANNED DEVELOPMENT-41-COMMERCIAL (PD-41-C) AND COMMERCIAL (C) TO PLANNED DEVELOPMENT-MIXED USE NON-RESIDENTIAL (PD-MUNR), LOCATED AT THE SOUTHWEST CORNER OF IH-35 AND US HIGHWAY 287, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 124.92 ACRES KNOWN AS A PORTION OF PROPERTY ID 180322, 180349, AND 189254 OF ABSTRACT 99 OF THE JB BOUNDS SURVEY AND ABSTRACT 844 OF THE JE PRINCE 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-124-2020. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from PD-41-C & C to PD-MUNR, with Concept Plan; and

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

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

**NOW, THEREFORE**, this property is rezoned from PD-41-C & C to PD-MUNR, with Concept Plan in order to facilitate development of the subject property in a manner that allows industrial, multi-family, hotel, retail, and commercial uses on the following property: a portion of Property ID 180322, 180349, and 189254 of Abstract 99 of the JB Bounds Survey and Abstract 844 of the JE Prince Survey, which is shown on Exhibit A, Concept Plan shown as Exhibit B, Water and Wastewater Utility Exhibit shown as Exhibit C, Phase I Access Exhibit shown as Exhibit D, Phase II Access Exhibit shown as Exhibit E, Trail/Sidewalk Exhibit shown as Exhibit F, Landscape Plan shown as Exhibit G, and Setback Exhibit shown as Exhibit H.

(16)

## PLANNED DEVELOPMENT

### Purpose and Intent

The purpose of this planned development to create a mixed use development that includes industrial, multi-family, hotel, retail, and commercial uses, and to establish appropriate restrictions and development controls necessary to ensure predictable land development, safe and efficient vehicular and pedestrian circulation, compatible uses of land and compliance with appropriate design standards.

### Development Standards

All development on land located within the boundaries of this Planned Development District shall adhere to the rules and regulations set forth in this Ordinance/Development Agreement/Planned Development Regulations. 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 Concept Plan (Exhibit B), Water and Wastewater Utility Exhibit (Exhibit C), Phase I Access Exhibit (Exhibit D), Phase II Access Exhibit (Exhibit E), Trail/Sidewalk Exhibit (Exhibit F), Landscape Plan (Exhibit G), and Setback Exhibit (Exhibit H).

### Development Regulations

1. Per the applicant's request, a Development Agreement will be required for the property.
2. Industrial zoning within the development shall be limited to a corporate campus consisting of logistics, warehouse, and last mile delivery uses.
3. The maximum density allowed for multi-family (apartments) zoning within the development shall 24 dwelling units per acre.
4. The minimum roof pitch allowed shall be 5:12.
5. The maximum unit count for apartments shall not exceed 346 dwelling units.
6. A minimum of 30% attached garages and minimum of 20% carports shall be provided for multi-family apartments.
7. The maximum height for the hotel shall not exceed 5 stories.
8. The detailed Site Plan submittal deadline shall be extended from 1-year to 3-years.
9. The Concept Plan shall conform as approved by the City Council under case number ZDC-124-2020.
10. Any zoning, land use requirement, or restriction not contained within this zoning Ordinance/Development Agreement/Planned Development Regulations shall conform to those requirements and/or standards prescribed in Concept Plan (Exhibit B), Water and Wastewater Utility Exhibit (Exhibit C), Phase I Access Exhibit (Exhibit D), Phase II Access Exhibit (Exhibit E), Trail/Sidewalk Exhibit (Exhibit F), Landscape Plan (Exhibit G), and Setback Exhibit (Exhibit H). Where regulations are not specified in Exhibits B, C, D, E, F, G, and H, or in this Ordinance/Development Agreement/Planned Development, the regulations of Mixed Use Non-Residential zoning of the City of Waxahachie Zoning Ordinance shall apply to this development.
11. A detailed Site Plan packet shall be administratively reviewed and approved in accordance with the Concept Plan.

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12. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.

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 19<sup>th</sup> day of October, 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

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

(16)



Please find the attached Planned Development Regulations for the proposed Waxahachie Logistics Campus. We are hopeful this information will allow your staff a proper review and hopeful approval of this proposed rezoning.

**Development Notes**

Please see below a list of project commitments to create a quality development.

- a. Pedestrian sidewalk/trail system to connect commercial, residential and logistics campuses. In addition, ability to connect to future city developments surrounding project.
- b. 25' undisturbed natural buffer between Ovilla Road boundary owners and logistics campus. In addition, an additional 25' building and parking setback will be provided to create a 50' buffer. Only encroachments allowed would be utility connections, pedestrian paths and future City roadway projects. Site grading/retaining walls would be allowed within the 25' building/parking setback.
- c. 150' building buffer from MF to Ovilla Road neighbors. MF amenities, dog parks, playground, etc. is allowed in this area. This area is for MF user only.
- d. Applicant agrees no site development permit for the MF portion of this project can be issued until the Phase I Project Infrastructure has been permitted and construction has commenced. Phase I Infrastructure consists of the proposed Public Road connection from US-287 frontage road, through the site, with connection to IH-35 frontage road, as shown on zoning exhibits. Phase I also includes utility improvements, as shown on zoning exhibits, to serve the proposed development.
- e. In addition, the initial 200,000 sf of Commercial building sf must be permitted for construction. This Commercial requirement can be met through permitting of any individual site or combination of Retail, Commercial, Industrial or Logistics Campus. The MF application can be submitted and processed, but no site development permit issued until these conditions have been complied with.

**Supplemental Architectural/Design Standards**

LOGISTICS (Warehousing/Distribution)

Building Height (max.):

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Warehouse: 65' measured at grade.

Office: 2-Story and 40' above finished grade (except for any mechanical rooftop screening)

**Parking Requirements:**

Warehouse: One space per 1,000 sf up to 20,000 sf and one space per 4,000 sf thereafter.

Office: One space per 300 sf

**Dock Locations:**

Loading docks shall not face a public street or residentially zoned property except as provided under truck dock screening exception.

Corporate Logistics Tract will not be allowed to have truck docks within 300 feet of US 287 or IH-35. This distance will be a minimum and is the length of a football field (100 yards). Additionally, any truck docks on the remainder of the site must be screened per the language provided in the zoning case.

**Main Façade:** (Exterior building sides which face a public street or residentially zoned property)

**Main Façade Elements**

Two masonry accent materials which comprise 50% of the vertical surface area of the façade. Masonry accent material is defined as either brick, stone, cast stone, cultured stone, tilt wall concrete with minimum 2" reveals or portland cement plaster (stucco). Metal panel or engineered wood may substitute for masonry on a maximum of 15% of each façade.

Glass curtainwall or storefront of a minimum of 40% of the wall surface in which it resides, for 10% of the length of the façade. Articulation of at least two separate areas of both horizontal and vertical offsets of a minimum of 5% of the building height, for a cumulative total of 30% of the building length.

**Secondary Façade:** (Exterior building sides not defined as main façades)

**Secondary Façade Elements**

Masonry accent or accent color comprising 10%-25% of the area of the façade.

(16)

Articulation with at least two separate areas of vertical offset at a dimension of at least 5% of building height with a cumulative length of 15% of the overall building length and 2 areas of horizontal offset with a dimension of at least 1 .5% of building height with a cumulative length of 10% of the overall building length.

**Truck Dock Screening:**

For dock walls that run generally parallel to the property line of a residentially zoned lot or a public ROW, screening shall consist of 8' high masonry wall of material and construction complimentary to the primary building or an 8' tall living wall or screen and 1 row of evergreen trees spaced 30' on center (min. 3" caliper).

Dock walls that run generally perpendicular to the property line shall be screened by a 12' high (as measured from the finish floor) masonry wing wall extending from the building a minimum length of 50'. The wall shall be of the same material and construction as the building and shall have a design consistent with that of the building.

Dock walls shall be allowed to face a public street or residentially zoned property and can also be considered a Secondary Façade when screened with a 14' tall solid screen of either a berm, living screen, masonry wall or a combination thereof. If masonry screen wall is provided it shall also have 1 row of evergreen trees spaced 30' on center (min. 3" caliper).

**Parking lot screening:**

All parking areas facing a public street, private drive or a residential zoned lot shall be screened with a 36" tall solid screen of either a berm, living screen, masonry wall or a combination thereof.

**MULTI-FAMILY**

**BUILDING**

1. **General Design Intent:** In order to provide a level or architectural variety and avoid visual monotony and repetition, dwelling buildings must be designed to create an integrated and aesthetically engaging community. This variation can be achieved through careful design and use of a range of architectural and design techniques, including but not limited to, the following:

Attentional to building mass, shape, and scale.

Variation amongst building facades, through articulation, fenestration, and entry treatments.

(16)

Use of roof design and details to articulate structures and accent features;

Use of exterior materials, patterns, colors, and textures to create community theme, enhance visual variety, and add fine details to structures.

2. Facade Modulation: Unarticulated, monolithic, or broad-flat walls must not exceed thirty feet in length. Acceptable techniques to achieving façade modulation include, but are not limited to, the following and a combination of the following:

Recessing or protruding a portion of the façade vertically or horizontally with at least two feet for each offset.

Articulating offsets with architectural elements like porches, balconies, bay windows, covered entries, or other features; and,

Articulating the roof line by stepping the roof and by emphasizing dormers, chimneys, and other features.

Pitched roofs along the primary roof (long axis of the building) shall have a minimum roof pitch of 5:12. Cross pitched roofs (perpendicular to the primary roof pitch), including gables, hips and dormers shall have a minimum roof pitch of 7:12.

#### DWELLING UNIT MIX

- i. The maximum number of dwelling units containing three or more bedrooms shall be limited to not more than ten percent of the total number of units provided in the development.

#### PARKING

- i. Required Parking: Must comply with Section 502 of the Waxahachie Zoning Ordinance.
- ii. Covered Parking: A minimum of fifty percent of the required parking spaces for a multifamily development must be contained in either an enclosed garage, attached to the dwelling building, or a detached multi-car covered parking structure, stand-alone garage unit or carport ("Enclosed Garage" or "Carport"). A minimum of thirty percent of the dwelling units must be provided with an enclosed garage attached to the dwelling building where the dwelling unit is located. The remaining covered parking structures must be located near the building serviced and shall contain no more than ten covered spaces in a continuous row, or twenty spaces if configured back-to-back.
- iii. Tandem Parking Spaces: (i.e. one parking space located behind an enclosed garage) shall be allowed and considered in the calculation of the required parking.

(1/e)

### **MF Amenities**

- a. Resort styled pool will be provided.
- b. Fitness facility will be provided.

### **Phasing**

The project phases will be the following:

- A. Phase I - Infrastructure/Roadway/Utilities – Design and Construction of public roadway connecting US-287 and IH-35 frontage roads and utilities to serve parcels. (12-24 months), as shown on zoning exhibits.
- B. Phase II – Corporate Logistics Campus (permitting/construction could overlap with Phase I).
- C. Retail/Commercial/MF – to be determined. (200,000 sf of Commercial Buildings must be permitted prior to MF being approved for permit.)

### **Code Exceptions/Variances:**

- a. Campus wide and Multi-Family Open Space/Park requirements: 150' amenity/setback area, Ovilla Road neighbor setback/undisturbed area, Campus pedestrian trail system and on-site pool/playground will meet the full requirements of the City park requirements. No other land areas, or improvements will be required to meet this code requirement.
- b. Multi-Family density will be allowed to a maximum 24 units per acre for the gross tract area.
- c. Site Design standards for MUNR will be allow for each use as proposed, with these exceptions.
  - i. Min. DUA will be per MF-2 standards.
  - ii. MF parking would be allowed per Architectural/Design standards listed above.
  - iii. Hotel height would be allowed at 5 stories.
  - iv. Commercial/Retail would be allowed at 2 stories.
- f. Landscape requirements for parking areas/lots: Land areas within dedicated public park, 150' multi-family tract, creek preservation area and pedestrian trail can be used to comply with min. sf of parking island/landscaping in parking areas.
- g. Street trees and buffer planting will be credited against on-site landscaping requirements.
- h. Architectural/Design standards as listed above will govern all design standards for each use. This includes vertical and horizontal articulation guidelines, parking, etc. Detailed site plan submittal deadlines will be extended from 1 - year to 3-years.



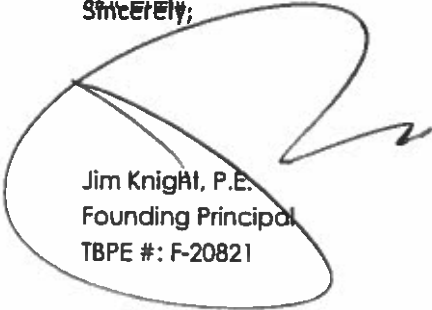
(16)

- i. Public ROW constructed by the developer: Developer will maintain landscaping improvements within this proposed 80' ROW.
  
- j. Public East/West ROW (City Thoroughfare Improvement):
  - i. The proposed East/West Roadway has been shown as part of the City of Waxahachie Master Thoroughfare Infrastructure.
  - ii. The Traffic Impact Analysis (TIA) submitted as part of the zoning shows the East/West Roadway is not required to service this proposed development.
  - iii. As the Site Permits are submitted, the applicant will be required to show compliance with the Traffic Impact Analysis.
  - iv. If the proposed Site Permitted improvements exceed the Total Daily Trip (TDT) level shown in the TIA, an updated Traffic Study would be required to address access and project circulation.
  - v. The TIA currently shows the Multi-Family parcel to have driveway access to IH-35 frontage road. If this access point is not obtained, coordination with the City for two (2) access points will be needed. This could include a requirement for the developer to construct a portion of the East/West Roadway.
  - vi. If the developer is required to construct any portion of this roadway, the City and Developer will work on transportation fee credits to assist in this process. These credits could include assistance for the ROW acquisition to connect East/West Roadway to Ovilla Road (if needed).
  - vii. Upon completion of the East/West Roadway, the City of Waxahachie will be responsible for pavement and utility maintenance. No landscaping will be placed in this ROW. As proposed within the zoning exhibit, adjacent landscape planting will be on the bordering tracts. The Developer will enter into a license agreement (or similar document) to mow grassy areas and trash pickup.
  
- k. The following uses will be allowed per this PD zoning without a Special Use Permit (Light Manufacturing, Heavy Manufacturing (indoor), Micro-Brewery, Convenience Store/Gasoline sales, Car Wash, Multi-Family, Light Industrial, Heavy Industrial, Warehousing, Distribution, General Retail, Restaurant, Hotel/Motel, Data Center).

(16)

We look forward to meeting with your office to discuss this project and review the criteria presented. We are convinced this will provide a high-quality development the City of Waxahachie will be proud of.

Sincerely;



Jim Knight, P.E.  
Founding Principal  
TBPE #: F-20821

Cc: Tommy Ludwig — City of Waxahachie  
Colby Collins — City of Waxahachie  
Joe Hickman — Blue Star Real Estate



(17)

## Memorandum

To: Honorable Mayor and City Council  
From: Tommy Ludwig, Assistant City Manager  
Thru: Michael Scott, City Manager  
Date: October 16, 2020  
Re: E. Marvin, Ennis, Elder, Cleaver Water/Sewer Capital Project

---

On Monday, October 19, 2020 a bid award associated with construction of the E. Marvin, Ennis, Elder, Cleaver Water and Sewer Capital Improvement Project will appear before the City Council in an amount of \$1,668,125.15 with A&M Construction & Utilities, Inc. of Rowlett, Texas. The City received seven total bids, and A&M Construction & Utilities, Inc. was the lowest responsible bidder. This bid amount is approximately \$3,435 over the City's budgeted amount. This project is a planned expense and will be funded through certificate of obligation bonds.

As a reminder, this project will replace approximately 6,000 linear feet of existing 4" and 6" size water mains and services as well as installation of fire hydrants along East Marvin, Ennis (FM 878), Elder (FM 878), Cleaver and a portion of Lake Park Streets. In addition, this project will replace approximately 3,000 linear feet of 4" and 6" clay tile sanitary sewer mains, services and manholes on Ennis (FM 878, Cleaver (FM 878), and Elder Streets. The asphalt street will be repaired after utility improvements are completed with Ennis Street being resurfaced per agreement with TxDOT.

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

Tommy Ludwig

**BIRKHOFF, HENDRICKS & CARTER, L.L.P. (17)**  
**PROFESSIONAL ENGINEERS**

11910 Greenville Ave., Suite 600

Dallas, Texas 75243

Phone (214) 361-7900

www.bhcllp.com

JOHN W. BIRKHOFF, P.E.  
GARY C. HENDRICKS, P.E., R.P.L.S.  
JOE R. CARTER, P.E.  
MATT HICKEY, P.E.  
ANDREW MATA, JR., P.E.  
JOSEPH T. GRAJEWSKI, III, P.E.  
DEREK B. CHANEY, P.E., R.P.L.S.  
CRAIG M. KERKHOFF, P.E.  
JUSTIN R. IVY, P.E.

October 14, 2020

Mr. David Bailey  
Director of Utilities  
City of Waxahachie  
P.O. Box 757  
Waxahachie, Texas 75168

Re: Water Distribution System Improvements – Part 2 (Waxahachie Project 14-006-2)  
Sanitary Sewer Rehabilitation (Waxahachie Project 14-006-1)  
Bid Award Recommendation

Dear Mr. Bailey:

We have checked the bids received at 3:00 p.m., Tuesday, September 22, 2020 for the Water Distribution System Improvements – Part 2 (Waxahachie Project 14-006-2) and Sanitary Sewer Rehabilitation (Waxahachie Project 14-006-1) projects. Seven (7) contractors submitted bids on this project. We are enclosing three (3) copies of the Bid Summary and Bid Tabulation for the City's reference and files.

A & M Construction and Utilities, Inc. of Rowlett, Texas submitted the low base bid in the amount of \$1,668,125.15. We have worked previously with A & M Construction and Utilities on utility infrastructure improvements projects for the Cities of Murphy, Anna, and Parker. We have also reviewed their statement of qualifications and checked their references provided. Based on our previous experience and review of their qualifications, it is our opinion that A&M Construction and Utilities has the resources and capabilities required to properly pursue this project.

Accordingly, based on the information we have available, we recommend the City accept the bid from A & M Construction and Utilities, Inc., and award them a construction contract in the amount of \$1,668,125.15 for the Water Distribution System Improvements – Part 2 and the Sanitary Sewer Rehabilitation projects.

We are available to discuss the Water Distribution System Improvements – Part 2 and Sanitary Sewer Rehabilitation projects and this recommendation for award further at your convenience.

Enclosures

cc: (email only)  
Mr. Tommy Ludwig  
Mr. James Gaertner, P.E., CFM  
Mr. Sam Robinson

Sincerely,



Derek B. Chaney, P.E., R.P.L.S.

(17)

**CITY OF WAXAHACHIE, TEXAS**  
**Water Distribution System Improvements - Part 2 (Project No. 14-006-2)**  
**Sanitary Sewer Rehabilitation (Project No. 14-006-1)**

**BID SUMMARY**

**Bids Received at 3:00 p.m., Tuesday, September 22, 2020**

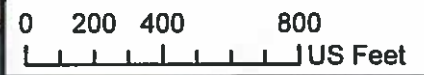
<b><u>Contractor</u></b>	<b><u>Total Amount Bid</u></b>
1. A & M Construction and Utilities, Inc. 4950 Grisham Drive Rowlett, Texas 75088 Antonio Banda 972-412-0255	<u>\$ 1,668,125.15</u>
2. Gomez Brothers Construction, Inc. 10437 Brangus Drive Crowley, Texas 76036 Roberto Gomez 682-465-7592	<u>\$ 1,696,527.00</u>
3. Saber Development P.O. Box 540186 Dallas, Texas 75354 Walt Hannon 214-366-1300	<u>\$ 1,751,119.00</u>
4. SAI Construction 2105 Waterview Parkway Richardson, Texas 75080 Bryan Piper 972-241-2621	<u>\$ 1,752,849.00</u>
5. Atkins Bros. Equip. Co., Inc. P.O. Box 990 Midlothian, Texas 76065 Jerry Moyer 214-671-9077	<u>\$ 2,324,548.00</u>
6. Joe Funk Construction, Inc. 11226 Indian Trail Dallas, Texas 75229 Rusty Norris 972-243-7141	<u>\$ 2,512,679.59</u>
7. FM Utilities, LLC 4911 Redbird Trail Midlothian, Texas 76065 Francisco Mata 469-716-3697	<u>\$ 2,888,731.16</u>



E Marvin, Ennis, Elder & Cleaver  
Water Capital Improvement Projects

EXHIBIT

617





### E Marvink, Ennis, Elder & Cleaver Sewer Capital Improvement Projects

#### EXHIBIT

