

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, Waxahachie, Texas, on ***Monday, March 20, 2023 at 7:00 p.m.***

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

1. Call to Order
2. Invocation
3. Pledge of Allegiance and Texas Pledge of Allegiance
4. ***Public Comments:*** Persons may address the City Council on any issues. This is the appropriate time for citizens to address the Council on any concern whether on this agenda or not. In accordance with the State of Texas Open Meetings Act, the Council may not comment or deliberate such statements during this period, except as authorized by Section 551.042, Texas Government Code. ***Speakers must observe the five (5) minute time limit.***
5. ***Consent Agenda***

All matters listed under Item 5, Consent Agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Mayor/City Manager to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the City Council.

- a. Minutes of the City Council meeting of March 6, 2023
- b. Event application for Run for Our Life 5k to be held May 20, 2023 at Getzendaner Park
- c. Parking/Loading Zone renewals from April 1, 2023-March 31, 2024
- d. Variance request from QuikTrip #1940 for beer and wine retailers off-premise permit located at 1342 Brown Street
- e. Engineering Professional Services Agreement with Freese and Nichols, Inc.
- f. Contract amendment with Brenntag Southwest, Inc. to purchase Aquapure 3673, a water treatment chemical, for the Howard Road Water Treatment Plant in the amount of \$69,120
- g. Supplemental appropriation in the amount of \$4,250 for joint election services for May 6, 2023 General Election
- h. Purchase of video surveillance server with Network Cabling Services in the amount of \$61,613 from within the FY23 budget
- i. Funding request from the Waxahachie Community Development Corporation (WCDC) to construct a nature trail on recently acquired parkland adjacent to Lion's Park in the amount of \$40,000 from WCDC unrestricted reserves

6. **Introduce** Honorary Councilmember
7. **Public Hearing** on a request by Tim Jackson, Texas Realty Capture & Surveying LLC for a Replat of Lot 9A, Leo Hightower Lots subdivision, to create Lot 9A-R, Leo Hightower Lots subdivision, 1 residential Lot, being 1.515 acres, located at 153 Lakeshore Drive, (Property ID 230811) – Owner: JEROME BEGNAUD (SUB-57-2022)
8. **Consider** approval of SUB-57-2022
9. **Public Hearing** on a request by Jeff Head, Evolving Texas for a Specific Use Permit (SUP) for a Franchised Private Utility (Oncor Electric) and Outdoor Storage use within a Light Industrial (LI-1) zoning district located directly north of the property at 3841 S Interstate 35 (Property ID 202984) - Owner: ONCOR ELECTRIC DELIVERY COMPANY, LLC (ZDC-165-2022)
10. **Consider** proposed Ordinance approving ZDC-165-2022
11. **Consider** approval of Development Agreement for ZDC-165-2022
12. **Public Hearing** on a request by Anna Carrillo, Carrillo Engineering, for a Zoning Change from a General Retail zoning district to Planned Development-General Retail, located at the northeast corner of US Highway 77 and E North Grove Boulevard (Property ID: 191121, 262125, and 262126) – Owner: HIGH FIVE TRUST – BJA (Mark) (ZDC-178-2022)
13. **Consider** proposed Ordinance approving ZDC-178-2022
14. **Consider** approval of Development Agreement for ZDC-178-2022
15. **Consider** approval of a construction contract with Advance Paving Company for the 2022 Asphalt Street Rehabilitation
16. **Consider** approval of a contract with Circle H Contractors for the construction of the Grove Creek Parallel Gravity Trunk Sewer Phase IV project
17. Comments by Mayor, City Council, City Attorney and City Manager
18. Adjourn

The City Council reserves the right to go into Executive Session as authorized by Section 551.071(2) of the Texas Government Code, for the purpose of seeking confidential legal advice from legal counsel on any agenda item listed herein. This meeting location is wheelchair-accessible. Parking for mobility-impaired persons is available. Any request for sign interpretive services must be made forty-eight hours ahead of the meeting. To make arrangements, call the City Secretary at 469-309-4006 or (TDD) 1-800-RELAY TX

A regular meeting of the Mayor and City Council of the City of Waxahachie, Texas was held in the Council Chamber at City Hall, 401 S. Rogers, Waxahachie, Texas, on Monday, March 6, 2023 at 7:00 p.m.

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

Others Present: Michael Scott, City Manager
Albert Lawrence, Deputy City Manager
Robert Brown, City Attorney
Amber Villarreal, 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

Billy Smith, Waxahachie Bible Church, gave the invocation. Mayor Hill led the Pledge of Allegiance and the Texas Pledge of Allegiance.

4. Public Comments

Carl Wessels, 116 Santa Fe Trail, Waxahachie, Texas, announced there will be a total solar eclipse on April 8, 2024 and Waxahachie will be in the direct pathway. He encouraged the city to expect many visitors from all over to stay in Waxahachie to witness the event.

David Bibel, 305 W. University Avenue, Waxahachie, Texas, requested street, sidewalks, and lighting improvements for the three blocks of W. University. He explained a petition was gathered by 100% of the residents requesting improvements to improve safety in the area.

5. Consent Agenda

- a. Minutes of the City Council meeting of February 20, 2023
- b. Minutes of the City Council work session of February 24, 2023
- c. Event application for Good Friday Service to be held April 7, 2023 at Railyard Park
- d. Event application for Junk in the Trunk events to be held April 15, 2023, September 16, 2023, and November 11, 2023
- e. Event application for Springtime Sprint 5k to be held April 15, 2023
- f. Event application for National Day of Prayer to be held May 4, 2023 at Railyard Park
- g. Event application for Elevate Graduation to be held May 18, 2023 at Railyard Park
- h. Event application for Junk in the Trunk event to be held June 3, 2023

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- i. Authorize the City Manager to execute on behalf of the City settlement documentation relative to the State of Texas' and other governmental entities' litigation against Allergan, CVS, Walmart and Walgreens for the marketing, sale and dispensing of opioids, and to take all actions incident and related thereto
- j. Consumer Price Index adjustment to the Garbage and Trash Collection effective April 1, 2023
- k. Receive Waxahachie Police Department Racial Profiling Report for 2022
- l. Request for street and parking closures for Bass Reeves filming project

Action:

Council Member Patrick Souter moved to approve items a. through l. on the Consent Agenda.

Council Member Billie Wallace inquired about item j. and City Manager Michael Scott explained the City's waste collections contract with Waste Connections Lone Star, Inc. provides for an annual inflationary rate adjustment that is tied to US Bureau of Labor Statistics Consumer Price Index for garbage and trash collections. He noted the City is obligated under contract to grant such rate adjustments and the rate is capped at 5%.

Mayor Pro Tem Chris Wright seconded, All Ayes.

6. Introduce Honorary Councilmember

Mayor Hill introduced Judson "Jud" Willett as the Honorary Councilmember for the month of March 2023. Jud is a senior at Waxahachie High School and serves as student body president. He is an active member of the FFA, UIL debate, and Editor in Chief of broadcast media at WHS. Mr. Willett is currently tied for first in his class of 571 students and plans to attend the University of Texas at Austin, College of Liberal Arts, with a major in government. Jud is the son of Robin and Jason Willett.

7. Hear presentation and update from superintendent Dr. Jerry Hollingsworth regarding Waxahachie Independent School District

Superintendent Dr. Jerry Hollingsworth reviewed the growth within the Waxahachie Independent School District (WISD) and the future campus capacity projections within the 191.6 square miles. The Waxahachie ISD Long Range Facilities Planning Committee was charged by the Board of Trustees to prioritize the needs of all WISD students and make decisions that will enable students to receive a premier education, represent the expectations and values of the community, consider projects that will provide a safe and secure educational setting for students and staff; and make recommendations that enhance the District's capacity to provide conditions for quality teaching and learning within the parameters of fiscal capacity and responsibility. The Committee was composed of representatives with various perspectives including parents, students, staff members, grandparents, business leaders, civic leaders, volunteers, retirees, community members, and WISD alumni. The 2023 Waxahachie ISD Bond Proposal is based on a comprehensive plan (17,000 student plan) developed by the Committee who gathered for a total of eight meetings from February 2022 to December 2022. After study and consideration of the Long-Range Planning Committee's plan, the Board of Trustees voted on February 13 to call for a bond election to be held on May 6, 2023. The bond package for the community's consideration includes:

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Proposition A - \$192,284,113

Neighborhood Elementary School #10

Neighborhood Elementary School #11

New Wilemon STEAM Academy

Expansion of Hancock Building (to become Coleman Junior High)

Expansion of Finley Junior High

Expansion of Howard Junior High

Land for Future School Sites

Proposition B - \$322,072,031

Comprehensive High School #2

Proposition C - \$60,689,843

Facility Upgrades Throughout District

Proposition D - \$19,950,000

Athletic Improvements at Waxahachie High School

Total cost of all propositions: \$594,995,987

Dr. Hollingsworth explained the tax increase for the bond would be 3 cents, meaning the average home in Waxahachie ISD (valued at \$326,612 – taxable value of \$224,570) would see a property tax increase of approximately \$67.37 per year, or \$5.61 per month.

Council Member Patrick Souter inquired about alternatives if the bond does not pass and Dr. Hollingsworth explained the district would likely use spaces not designed as instructional classrooms and use funds on alternative options such as portable buildings. Funding would affect the maintenance and operations budget, essentially impacting the district's ability to hire and pay teachers.

Council Member Travis Smith encouraged City Council to strongly consider proactively preparing for growth in the southern area of the city.

Council Member Wallace thanked Dr. Hollingsworth and his team for a thorough presentation identifying the needs of the district, why they are needed, and costs.

Mayor Hill inquired about the locations of the two elementary schools in the bond package and Dr. Hollingsworth explained one elementary school would be in Saddlebrook Estates, and the new Wilemon STEAM school would be west of Waxahachie High.

8. Public Hearing on a request by the City of Waxahachie to adopt the Waxahachie Comprehensive Plan, including but not limited to the Future Land Use Plan, and Thoroughfare Plan

Marshall Hines, Verdunity, explained the proposed Waxahachie Comprehensive Plan was created over a two (2) year period with input from the community including residents, stakeholder groups, City staff, and the Comprehensive Plan Advisory Committee. The Texas Local Government Code

(Section 213.002) allows cities to adopt a comprehensive plan to guide the City's long-term growth and serve as the foundation for the City's development code. The plan helps a city become a more fiscally sustainable community. A comprehensive plan may include, but is not limited to, land use, transportation, and public facilities provisions. The plan is not a set of rules or procedures, but a guiding document for communities. It provides educational information to the public by explaining concepts and guiding principles for the community that reflects our values. The Planning and Zoning Commission recommended approval, by a 7-0 vote, at their February 28th meeting.

Mr. Hines explained there are five major sections in the document:

- Introduction: Provides overview of Waxahachie today and the economics of how land use works.
- Land Use and Growth: Provides the framework for guiding decisions and setting policy about what will be built, where, and when so the City can capitalize on near term opportunities while also ensuring long-term sustainability and affordability.
- Mobility and Connectivity: Provides overview of safe streets for cars and people. Identifies staff's recommendations for future roadways for connectivity. Serves as a guide to engineering when reviewing future developments.
- Neighborhoods and Downtowns: Provides the elements that make up specific neighborhoods and offers guidance to preserve and improve the neighborhoods in Waxahachie.
- Implementation: Provides an overview of incremental, iterative approach that makes meaningful progress toward bigger goals immediately with the resources the community has available.

The plan explains how development choices are affecting Waxahachie and identifies a fiscal focus on development patterns to help revenue meet maintenance needs the City is responsible for. It also addresses community concerns to make Waxahachie affordable to residents today and pay for needed improvements. The Future Land Use Map indicates diversity of place types without concentrating in one area, the Growth Map identifies areas where the city should invest in growth in regards to infrastructure, and the Thoroughfare Plan identifies where streets are necessary to accommodate growth.

Mayor Pro Tem Chris Wright asked if the plan suggests tearing down old structures to replace with new ones. Mr. Hinds explained the plan does not suggest tearing down old structures, but instead encourages replicating the great parts of Waxahachie throughout the city. Mr. Wright noted the plan encourages small changes in regards to density and asked what will happen if changes are not made. Mr. Hines stated it will not be fiscally sustainable for the city to fund the maintenance of infrastructure. Mr. Hines explained every community does not need to have infinite density, but should have diversity of place and character.

Council Member Smith inquired how this plan differs from the previous plan noting he is not in favor of the different place types identified. Mr. Scott explained the plan puts forth guiding principles creating a vision for Waxahachie.

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Council Member Smith stated there was not enough public participation to create the plan and it is not what the residents want.

Council Member Souter asked if the plan changes all the zoning and Mr. Hines explained nothing in the plan constitutes a zoning change.

Mr. Hines explained the plan is a living document that changes over time and can be amended to keep in alignment with the direction of the city.

Council Member Wallace asked if the plan forces the Council to do anything and Mr. Hines explained it does not, but the plan can guide future development decisions.

Mayor Hill opened the Public Hearing.

Those who spoke in favor:

Paul Christenson, 110 Williams, Street, Waxahachie, Texas
Rick Keeler, 316 Kirven, Waxahachie, Texas

Council Member Smith expressed his opposition to the proposed plan noting he feels it is lacking and the process was not thorough.

There being no others to speak for or against the Waxahachie Comprehensive Plan, Mayor Hill closed the Public Hearing.

Council Member Souter stated there was an opportunity for citizens and Council to ask questions, provide input, meet with staff, and provide comments on the draft plan. He noted the Comprehensive Plan Advisory Committee met multiple times over 24 months, citizens had the opportunity to participate in all of the meetings, there were community meetings, and survey opportunities. Mr. Souter expressed his support of the plan.

9. Consider proposed Ordinance approving the Waxahachie Comprehensive Plan

ORDINANCE NO. 3361

AN ORDINANCE OF THE CITY OF WAXAHACHIE, TEXAS, ADOPTING THE 2023 COMPREHENSIVE PLAN TO BECOME EFFECTIVE UPON ITS PASSAGE AND APPROVAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Action:

Council Member Billie Wallace moved to approve an Ordinance to adopt the Waxahachie Comprehensive Plan. Council Member Patrick Souter seconded, the vote was as follows: Ayes: David Hill, Chris Wright, Patrick Souter, and Billie Wallace. Noes: Travis Smith.

The motion carried.

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10. Public Hearing on a request by Royce Barrington, N3 Commercial Real Estate, for a Specific Use Permit (SUP) for an Automotive Care Center use within the General Retail District (GR) a zoning district located at approximately 875 feet south of Butcher Road on the east side of US Highway 77 (Property ID 189379) - Owner: VAQUERO HIGHWAY 77 WAXAHACHIE PARTNERS, LP (ZDC-157-2022)

Jennifer Pruitt, Senior Director of Planning, presented the case noting the applicant is requesting a specific use permit for a quick oil change facility (Strickland Brothers 10 Minute Oil Change) on a 0.57-acre tract located approximately 875 feet south of Butcher Road on the east side of US Highway 77. The quick oil change facility will consist of a 1,725-square-foot building. About 350 square feet will consist of an office and a customer lobby. The remainder of the building will consist of three drive-thru bays for the business to perform minor automotive care services including oil changes, state inspections, and routine service checkups. Standard service checkups include inspecting cabin air filters, wiper blades, anti-freeze/coolant, power steering fluid, windshield washer fluid, tire tread, engine air filter, and front and rear exterior lights.

Ms. Pruitt explained the applicant has provided the minimum number of standard parking and stacking spaces. The zoning ordinance requires three stacking spaces for each drive-thru bay to optimize the use of space to safely and efficiently store and move vehicles waiting for service. The primary access to the site will be along US Highway 77. TxDOT has approved the driveway along 77. The driveway will be constructed with the O'Reilly Auto Parts development before construction for the quick oil change facility begins.

Ms. Pruitt presented the architectural elevations for the west elevation, facing US Highway 77. The lower segment of the building is composed of a natural thin stone veneer. The remainder of the building comprises a 3-part stucco system with a brick pattern. The banding is blue, and the rest is a light gray color.

Ms. Pruitt stated the applicant has satisfied the City's development standards in the zoning ordinance. The Planning and Zoning Commission recommended approval by a 7-0 vote and staff recommends approval with the following conditions:

1. The applicant agrees to execute a mutually agreed upon Development Agreement for the development.
2. The applicant shall obtain a permit from the City of Waxahachie Building Department before construction.

Mayor Hill opened the Public Hearing.

Mayor Pro Tem Wright confirmed there will be a shared access along the full site of the development and this lot will have a full access exit to Highway 77.

There being no others to speak for or against ZDC-157-2022, Mayor Hill closed the Public Hearing.

11. Consider proposed Ordinance approving ZDC-157-2022

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ORDINANCE NO. 3362

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW AN AUTOMOTIVE CARE CENTER USE (STRICKLAND BROTHERS) WITHIN A PLANNED DEVELOPMENT DISTRICT- GENERAL RETAIL DISTRICT (PD-GR) LOCATED APPROXIMATELY 875 FEET SOUTH OF BUTCHER ROAD ON THE EAST SIDE OF US HIGHWAY 77 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 0.57 ACRES KNOWN AS PROPERTY ID 189379, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

Action:

Council Member Billie Wallace moved to approve ZDC-157-2022, a Specific Use Permit (SUP) for an Automotive Care Center use, subject to the conditions of the staff report, authorizing the City Manager and or Mayor to execute all documents accordingly. Council Member Patrick Souter seconded, All Ayes.

12. Consider Development Agreement for ZDC-157-2022

Action:

Council Member Billie Wallace moved to approve a Development Agreement for ZDC-157-2022. Mayor Pro Tem Chris Wright seconded, All Ayes.

13. Public Hearing on a request by Corey Vaughan, QT South, LLC, for a Specific Use Permit (SUP) for a Convenience Store with Gasoline Sales use (QuikTrip) within a General Retail zoning district located at 1342 Brown Street (Property ID: 295114 & 295115) – Owner: BUFFALO CREEK PLAZA LLC (ZDC-175-2022)

Ms. Pruitt presented the case noting the applicant is proposing a Specific Use Permit (SUP) to allow for Convenience Store with Gasoline Sales (QuikTrip) in a General Retail (GR) zoning district. The subject property is currently situated on two (2) platted lots and a replat will be needed to facilitate the proposed development.

Per the Site Plan and Operational Plan provided by the applicant, QuikTrip is proposing to feature a 5,312-square-foot convenience store and eight gasoline pumps. The parking and building setbacks for the convenience store adhere to the requirements outlined in the Waxahachie Zoning Ordinance. The proposed Landscape Plan and proposed parking meets all requirements for the site. The gasoline pumps are proposed in two groups of four pumps, each covered by a canopy.

The site is proposed to be accessed via a direct connection to Indian Drive to the south, a mutual access easement running along the rear of the property to the east, and a right-in-right-out (RIRO) only driveway connection to Brown Street. It is important to note that the mutual access easement to the rear of the property provides direct access from the site to the Highway 287 frontage road.

The elevation/façade plans for consideration with this SUP features three primary materials: Atlas Brick, Stone, and Window Glazing. The articulation of the proposed building meets the standards outlined in the Waxahachie Zoning Ordinance. Additionally, staff would like to note that the

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columns used for the gasoline canopies and the dumpster enclosure are proposed to utilize brick matching the convenience store.

In regards to signage, the plan is proposing two (2) monument signs with electric gas price signs along Brown Street and Indian Drive which all adhere to the requirements of the Waxahachie Zoning Ordinance. Since the Planning and Zoning Commission meeting, the applicant is proposing a 70.5-foot pole sign on-site with a 70.5-foot setback from the nearest property line. Ms. Pruitt explained staff is not supportive of the pole sign request due to the following staff concerns: substantial requested amount of signage for the property, the proposed sign is out of character for the area, and the revised location of the pole sign is not visible to drivers southbound on Highway 287 until they have already passed the Brown Street exit.

Staff recommended approval of the SUP request with the following staff conditions:

1. The proposed pole sign will be removed from the SUP request and the Site Plan.
2. A mutually agreed upon Development Agreement shall be required for the development.
3. The applicant shall receive all necessary building permits from the Building & Community Services Department prior to construction.

Mayor Hill opened the Public Hearing.

Corey Vaughan, QuikTrip, requested approval of the proposed pole sign and explained the Highway 287 southbound visibility is obstructed without the height of the pole sign. He noted after working with their engineer a 70.5-foot setback is attainable.

City Council expressed their support for welcoming a QuikTrip at this location and discussed signage alternatives such as a billboard and TxDOT highway signage.

Mike Potter, QuikTrip, explained a pole sign is needed for the Highway 287 traffic for visibility. He requested approval of a pole sign that would conform to City standards.

Those who spoke in favor:

Joe Rust, 440 Gingerbread Lane, Waxahachie, Texas

There being no others to speak for or against ZDC-175-2022, Mayor Hill closed the Public Hearing.

14. Consider proposed Ordinance approving ZDC-175-2022

ORDINANCE NO. 3363

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO PERMIT A CONVENIENCE STORE WITH GASOLINE SALES USE WITHIN A GENERAL RETAIL (GR) ZONING DISTRICT, LOCATED 1342 BROWN STREET, BEING PROPERTY ID 295114 & 295115, IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING LOT 3 & 4, BLOCK A IN THE BUFFALO CREEK ADDITION

**SUBDIVISION, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF
IN ACCORDANCE WITH SAID CHANGE.**

Action:

Council Member Billie Wallace moved to approve the Ordinance for ZDC-175-2022, a Specific Use Permit (SUP) request for a Convenience Store with Gasoline Sales, subject to the conditions of the staff report, and authorizing the City Manager and/or Mayor to execute all necessary documents. Mayor Pro Tem Chris Wright seconded, All Ayes.

15. Consider Development Agreement for ZDC-175-2022

Action:

Council Member Billie Wallace moved to approve a Development Agreement for ZDC-175-2022. Council Member Patrick Souter seconded, All Ayes.

16. Consider approval to purchase furniture and finish-out items for the Charles Beatty Municipal Services Building Project and associated supplemental appropriation

Richard Abernethy, Director of Administrative Services, requested approval of a supplemental appropriation in the amount of \$642,300 for the purchase of furniture and miscellaneous finish-out items for the Charles Beatty Municipal Services Building project. During the space planning process for the City Hall Renovation project, it was determined that relocating staff to a temporary location would effectively expedite the completion of the project and minimize service interruptions to citizens and customers. The purchase of furniture for the third floor and retail space staffing would not only be used in the temporary location, but will be used for offices in City Hall after the renovation is complete.

Council Member Smith confirmed this request is not for new staff and Mr. Abernethy concurred. He explained existing staff will temporarily move to the third floor and retail space at the Charles Beatty Municipal Services Building during the City Hall renovation.

Mr. Abernethy explained in addition to the furniture, the request includes enhanced signage and a revised lighting solution for the third floor and retail building.

Action:

Council Member Patrick Souter moved to approve a supplemental appropriation for the purchase of additional furniture and procurement of finish-out items for the Charles Beatty Municipal Services Building Project in the amount of \$642,300 from the General Fund unrestricted reserve. Council Member Billie Wallace seconded, All Ayes.

17. Consider supplemental appropriation for City Hall Renovation Project

Mr. Abernethy requested approval of a supplemental appropriation in the amount of \$3,250,000 for the City Hall Renovation project. He explained \$7 million was approved in the FY23 budget for the construction project to correct water infiltration issues identified through a building envelope assessment. At the February 24, 2023 City Council Work Session, staff briefed City Council on renovation options and proposed construction costs. Based on feedback from City

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Council, the project will focus on the building envelope, mechanical, electrical, plumbing, ADA improvements, adding additional office/flex space, enhanced security measures, and space reprogramming/remodeling throughout the building. A supplemental appropriation is necessary to address all these items.

Council Member Smith inquired about the enclosure of the terrace and Mr. Abernethy explained the building envelope recommended expanding the roof to eliminate water infiltration. Council Member Smith expressed his concern with changing the scope of work in approved projects which then requires additional supplemental appropriations. He suggested possibly allocating the additional funds in the FY24 budget.

Mr. Scott explained two options were presented to City Council at the February 24th Work Session and it was the consensus of City Council to move forward adding additional office/flex space and remodeling throughout the building.

Action:

Council Member Billie Wallace moved to approve a supplemental appropriation in the amount of \$3,250,000 from the General Fund unrestrictive reserve balance for the City Hall Renovation Project. Council Member Patrick Souter seconded, All Ayes.

18. Consider approval of a construction contract for Waxahachie Creek Stabilization Project at S. Rogers Street Bridge

James Gaertner, Executive Director of Public Works and Engineering, requested approval of a construction contract with Stoic Civil Construction, Inc. for the Waxahachie Creek Stabilization Project at S. Rogers Street bridge, in the amount of \$1,225,000, with a \$61,250 contingency. He explained this project is for the construction of a gabion wall with concrete beam and rock anchor support for creek bank stabilization and slope protection along Waxahachie Creek from the S. Rogers Street pedestrian bridge downstream approximately 500 feet adjacent to the amphitheater. The project will address erosion that has scoured soil from the S. Rogers Street bridge abutments and piers, undermined storm drain outfalls, and eroded the northern bank of the creek. The Parks Department included the extension of a culvert and erosion protection northwest of the pedestrian bridge.

Mayor Pro Tem Wright inquired about a warranty and Mr. Gaertner explained there is a 2-year maintenance bond for this project and the engineer has a 10-year statutory responsibility for the design.

Council Member Wallace inquired about funding and Mr. Gaertner noted \$120,000 was budgeted in the Parks Fund to extend the culvert west of the pedestrian bridge and the remainder of the project will be funded through the Public Works Capital Fund.

Action:

Council Member Billie Wallace moved to approve a construction contract with Stoic Civil Construction, Inc. for \$1,225,000 and a \$61,250 contingency, for the Waxahachie Creek Stabilization Project at S. Rogers Street Bridge, and authorize the City Manager and/or Mayor to execute all necessary documents. Council Member Patrick Souter seconded, All Ayes.

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19. **Consider appointments to the Keep Waxahachie Beautiful Committee, Impact Fee Capital Improvements Advisory Committee, and Tax Increment Reinvestment Zone No. 1**

KEEP WAXAHACHIE BEAUTIFUL COMMITTEE (3-year term)

Aubrey Drouillard (filling unexpired term of Faustina Gallagher until September 2024)

IMPACT FEE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE (no term limit)

Dalton Bradbury, Ad-Hoc Member

TAX INCREMENT REINVESTMENT ZONE NO. 1 (2-year term)

Shane Henry, WPI Appointment (filling unexpired term of Cindy Burch until September 2023)

Action:

Council Member Billie Wallace moved to approve the appointments to Boards and Commissions, to fill unexpired terms, as presented. Council Member Travis Smith seconded, All Ayes.

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

Council Member Billie Wallace thanked Honorary Council Member Jud Willett and his family for their attendance.

City Manager Michael Scott recognized Jennifer Pruitt, Eleana Tuley, Shon Brooks, Planning Department, Comprehensive Plan Advisory Committee, and citizens for their work on the Comprehensive Plan.

Mayor Pro Tem Chris Wright congratulated Jud Willett on his future enrollment at the University of Texas Austin. Mr. Wright announced the Waxahachie Convention and Visitors Bureau has already purchased solar eclipse glasses and is working on an event for the occasion. Mr. Wright also thanked the Planning Department and Eleana Tuley for their diligent work on the Comprehensive Plan and encouragement of public participation.

Council Member Patrick Souter thanked Mr. Willet for his attendance. He thanked the Planning Department for their extensive work on the Comprehensive Plan and assistance to the public. Mr. Souter offered thoughts and prayers to Italy, Texas for the tragedy in their community.

City Attorney Robert Brown echoed praises regarding the Comprehensive Plan noting it is critical for a city to have a plan that guides growth.

Honorary Council Member Judson Willett thanked City Council for their kinds words and allowing him to participate.

Mayor David Hill confirmed the city does not need \$800 million in street repairs and is not at capacity for debt. Mayor Hill acknowledged a corridor restoration of W. University would be approximately \$3-4 million. He explained the Public Works Department has a street map of the city identifying those streets with the greatest need for repair. He noted the adoption of the

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Comprehensive Plan provides a guide for the city to fiscally sustain the maintenance of infrastructure. Mayor Hill offered his condolences to the community of Italy, Texas.

21. Adjourn

There being no further business, the meeting adjourned at 9:26 p.m.

Respectfully submitted,

Amber Villarreal
City Secretary



City of Waxahachie
City Secretary's Office

(5b)

Special Event Application

Date submitted 3/16/2023

Applicant Information

Applicant name: Edwin Munoz

Are you representing the host organization?

Yes ☒

No ☐

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

Yes ☒

No ☐

Phone: (469)766-5298

Cell:

Email: Edwin@edstrong.org

Mailing address: 127 Henry Ln, Red Oak TX 75154

Host organization name: Edstrong Foundation

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

On-site contact name: Tyson Brower

Cell: 5125358199

About the Event

Event name: Run for Our Life (Race for Paralysis)

Date: 5/20/2023

Location: Getzendaner Memorial Park

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

Anticipated attendance: 40-80

Description of event: A 5k run/walk for adaptive athletes. The goal is to merge those with and without disabilities through exercise and community

	Date(s)	Start Time:	End Time:
Event Date	5/20/2023	8:00 am	12-1 pm
Event Set-up	5/20/2023		
Event Breakdown	5/20/2023		

How many times has this event been hosted before?

1st time ☒

2 - 4 times ☐

5 or more times ☐

Location:



(5b)

Choose the best description of the event:

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

Event activities include (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Amusement rides / Inflatables | <input type="checkbox"/> Food – sampled, served, or sold |
| <input type="checkbox"/> Animals / Petting Zoo | <input type="checkbox"/> Products / Services – given away, sampled, or sold |
| <input checked="" type="checkbox"/> Announcement / Speeches | <input type="checkbox"/> Live music |
| <input type="checkbox"/> Information / Literature Distribution | <input type="checkbox"/> Street closure |
| <input type="checkbox"/> DJ / Recorded Music | <input type="checkbox"/> Other: |

The event is:

- | | |
|---|---|
| <input type="radio"/> Private | <input type="radio"/> Free & open to the general public |
| <input checked="" type="radio"/> Entry by participation or registration fee | <input type="radio"/> Entry by admission fee or ticket |

Admission information, if applicable:

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

Participants are required to register online but all adaptive athletes race free.

Run / Walk:

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

_____ 1 mile _____ 9:00 _____ 5K _____ Other distance

Please indicate your expected attendance: _____ 40-80 _____

Number of participants:

- 1-99 ☒
- 100-199 ☐
- 200-299 ☐
- 300+ ☐

Provide route on attached site map.



(5b)

Food / Beverage:

Will the event offer food/beverages? Yes ☐ No ☒

Will event require any food preparation on-site? Yes ☐ No ☒

Will alcohol be served/sold? Yes ☐ No ☒

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

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

Police / Security Services:

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

Event staff How many: 3 Date(s) & time(s): _____

Volunteers How many: 5 Date(s) & time(s): _____

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

Company name: _____

Contact name and number: _____

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

Have you made arrangements with the police? Yes ☐ No ☒

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

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

Contact name: _____ Phone number: _____

Street Closures:

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

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

Street closings to begin on date: _____ Start time: _____ End time: _____

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

City Equipment:

Are you requesting the use of City equipment? Yes ☐ No ☒

Availability is not guaranteed

Streets cannot be blocked without prior approval.

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

Traffic Cones How many: 0 Barricades How many: 0



City of Waxahachie
City Secretary's Office

(5b)

Special Event Application

Other: _____

Where should equipment be dropped off & picked up? _____

When will the equipment be set-up?

Date: _____

Time: _____

When will the equipment be removed?

Date: _____

Time: _____

Temporary Tents & Structures:

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

Yes ☐

No ☒

List the # of tents & sizes: _____

Indicate locations on attached required site map.

Electrical Services:

How will electrical services be supplied?

Generator ☒

Franchise Utilities ☐

Both ☐

List contractor / supplier: _____

Explain services in detail: _____

Insurance

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

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

Hold Harmless Clause

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

Signature

3/16/2023

Date

Contract Agreement

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

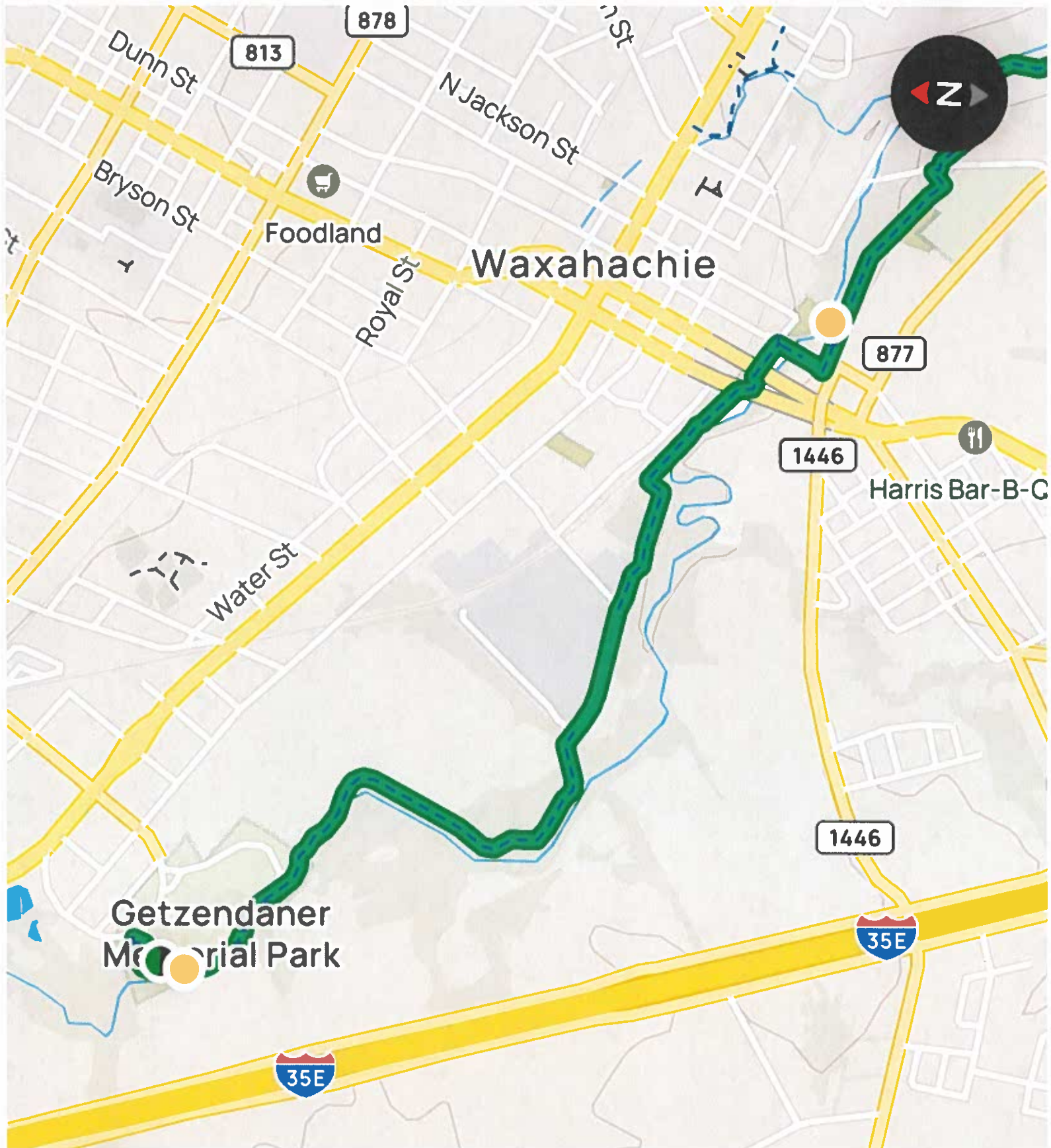
Signature

3/16/2023

Date

Email completed Special Events Application and site map to
Jami Bonner at Jami.Bonner@waxahachie.com.

(5b)



(5b)

Bonner, Jami

From: Massey, Matt
Sent: Thursday, March 16, 2023 3:13 PM
To: Bonner, Jami; Cooper, Kyle; Barnes, Bradley; Martinez, Gumaro; Campos, Yadira; Gaertner, James; Boyd, Ricky; Joe Bill Wiser
Cc: Scott, Michael; Lawrence, Albert; Crocker, Clarice; Villarreal, Amber
Subject: RE: Event Application - Run for our Life (Race for Paralysis) 5.20.23

I have no comments or issues.

Matt

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Thursday, March 16, 2023 3:03 PM
To: Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Bill Wiser <JWiser@waxahachiepd.org>
Cc: Scott, Michael <mscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Event Application - Run for our Life (Race for Paralysis) 5.20.23
Importance: High

For your review / comments. Due to a conflict with original event site in Round Rock, the applicant is requesting the application to be expedited in order to secure sponsors and work with planners. Please reply by the end of the day today, Thursday, March 16th in order for the application to be considered by City Council on Monday. Thank you.

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

(9b)

Bonner, Jami

From: Boyd, Ricky
Sent: Thursday, March 16, 2023 3:37 PM
To: Bonner, Jami
Subject: RE: Event Application - Run for our Life (Race for Paralysis) 5.20.23

I have no concerns with this request.

Ricky Boyd, Fire Chief

Waxahachie Fire-Rescue

214-463-9335

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Thursday, March 16, 2023 3:03 PM
To: Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Bill Wiser <JWiser@waxahachiepd.org>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Event Application - Run for our Life (Race for Paralysis) 5.20.23
Importance: High

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(5b)

Bonner, Jami

From: Cooper, Kyle
Sent: Thursday, March 16, 2023 4:52 PM
To: Bonner, Jami
Subject: RE: Event Application - Run for our Life (Race for Paralysis) 5.20.23

No comments.



Kyle Cooper, CPRP
Senior Director
Parks and Recreation
City of Waxahachie
469-309-4277
972-268-4549
Kyle.Cooper@waxahachie.com

From: Bonner, Jami
Sent: Thursday, March 16, 2023 3:03 PM
To: Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Bill Wiser <JWiser@waxahachiepd.org>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Event Application - Run for our Life (Race for Paralysis) 5.20.23
Importance: High

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www.waxahachie.com

(5b)

Bonner, Jami

From: Joe Bill Wiser
Sent: Thursday, March 16, 2023 4:58 PM
To: Bonner, Jami
Subject: RE: Event Application - Run for our Life (Race for Paralysis) 5.20.23

No Concerns

Joe Wiser

From: Bonner, Jami
Sent: Thursday, March 16, 2023 3:03 PM
To: Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Bill Wiser <JWiser@waxahachiepd.org>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Event Application - Run for our Life (Race for Paralysis) 5.20.23
Importance: High

For your review / comments. Due to a conflict with original event site in Round Rock, the applicant is requesting the application to be expedited in order to secure sponsors and work with planners. Please reply by the end of the day today, Thursday, March 16th in order for the application to be considered by City Council on Monday. Thank you.

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www.waxahachie.com

(5b)

Villarreal, Amber

From: Gaertner, James
Sent: Thursday, March 16, 2023 7:15 PM
To: Massey, Matt
Cc: Bonner, Jami; Cooper, Kyle; Barnes, Bradley; Martinez, Gumaro; Campos, Yadira; Boyd, Ricky; Joe Bill Wiser; Scott, Michael; Lawrence, Albert; Crocker, Clarice; Villarreal, Amber
Subject: Re: Event Application - Run for our Life (Race for Paralysis) 5.20.23

I concur with Matt. Not comments for me.

James Gaertner, PE, CFM, CPM
(469) 309-4301
Sent from my iPhone

On Mar 16, 2023, at 3:12 PM, Massey, Matt <mmassey@waxahachie.com> wrote:

I have no comments or issues.

Matt

From: Bonner, Jami <jami.bonner@waxahachie.com>
Sent: Thursday, March 16, 2023 3:03 PM
To: Cooper, Kyle <kyle.cooper@waxahachie.com>; Barnes, Bradley <bradley.barnes@waxahachie.com>; Martinez, Gumaro <gmartinez@waxahachie.com>; Massey, Matt <mmassey@waxahachie.com>; Campos, Yadira <ycampos@waxahachie.com>; Gaertner, James <jgaertner@waxahachie.com>; Boyd, Ricky <RBoyd@waxahachiefire.org>; Joe Bill Wiser <JWiser@waxahachiepd.org>
Cc: Scott, Michael <msscott@waxahachie.com>; Lawrence, Albert <alawrence@waxahachie.com>; Crocker, Clarice <ccrocker@waxahachie.com>; Villarreal, Amber <avillarreal@waxahachie.com>
Subject: Event Application - Run for our Life (Race for Paralysis) 5.20.23
Importance: High

For your review / comments. Due to a conflict with original event site in Round Rock, the applicant is requesting the application to be expedited in order to secure sponsors and work with planners. Please reply by the end of the day today, Thursday, March 16th in order for the application to be considered by City Council on Monday. Thank you.

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www.waxahachie.com



Memorandum

To: Honorable Mayor and City Council

From: Amber Villarreal, City Secretary

Thru: Michael Scott, City Manager

Date: March 20, 2023

Re: Consider approval of Parking/Loading Zone Renewals from April 1, 2023-March 31, 2024

Recommended Motion: "I move to approve the parking/loading zone renewals from April 1, 2023-March 31, 2024 as presented."

Item Description: Consider approval of the following parking/loading zone renewals from April 1, 2023-March 31, 2024:

- All Sports Trophies, 109 North College
- Citizens National Bank, 200 N. Elm
- Wray & Willett, PLLC, 200 N. Rogers
- Panza Bros., 107 N. Rogers
- College Street Printing, 111 N. College

Item Summary: Annually, City Council reviews and approves the renewal of parking loading/zones in the downtown area. City Council approved Ordinance No. 2924 on March 6, 2017, stating there will be no new customer parking/loading spaces issued after the date of the passage of the ordinance. Existing customer parking spaces may be continued until further action of the City Council, so long as the business which leased said spaces remain at their present location. When those businesses close or change type of business conducted, said spaces will be open to the general public free of charge.

(5d)



Memorandum

To: Honorable Mayor and City Council

From: Amber Villarreal, City Secretary

Thru: Michael Scott, City Manager

Date: March 20, 2023

Re: Consider variance request from QuikTrip #1940 for beer and wine retailers off-premise permit located at 1342 Brown Street

Recommended Motion: "I move to approve a variance request from QuikTrip #1940 for beer and wine retailers off-premise permit located at 1342 Brown Street."

Item Description: Consider variance request from QuikTrip #1940 for beer and wine retailers off-premise permit located at 1342 Brown Street.

Item Summary: In 2009, City Council adopted an ordinance requiring a minimum 300-foot distance from a public/private school, church or public hospital. Distance from schools are measured in a straight line from property line to property line. The proposed QuikTrip is approximately 92 feet from the Waxahachie Independent School District's property boundary; therefore, City Council must grant a variance for QuikTrip #1940 to allow for a beer and wine retailers off-premise permit from the Texas Alcoholic Beverage Commission.

(5d)



Request to the City Council

ALCOHOL DISTANCE APPEAL APPLICATION

Applicant's Name: (Print) Oklahoma QuikTrip Beverage Corp. **(Sign)** Joseph Faust (president)

Applicant's Mailing Address: 742 NW Loop 410 Ste. 102, San Antonio, TX 78216

Agent Name: Corey Vaughan **Agent Mailing Address:** 8700 Freeport Pkwy, Suit 150, Irving, TX 75063

Name of Business: QuikTrip #1940

Business Address: 1342 Brown Street **City** Waxahachie **Zip** 75165

Legal Description: Buffalo Creek Addition **Block/Ab** A **Lot/Tr** 3 & 4

Phone No.: (945) 455 - 6422 **Fax No.** (918) 994 - 3521 **Email** cvaughan@quiktrip.com

From: Required Setback 300 feet minimum **To:** Requested Setback 90 feet maximum

Location: SEC of US 287 frontage & Brown Street; Waxahachie, TX 75165

Reason(s) For Setback Appeal: QuikTrip's property line is within 300 feet of a schools property line
Waxahachie Global High School's football stadium parking lot (property line) is approximately 95' from QuikTrip's (property line)

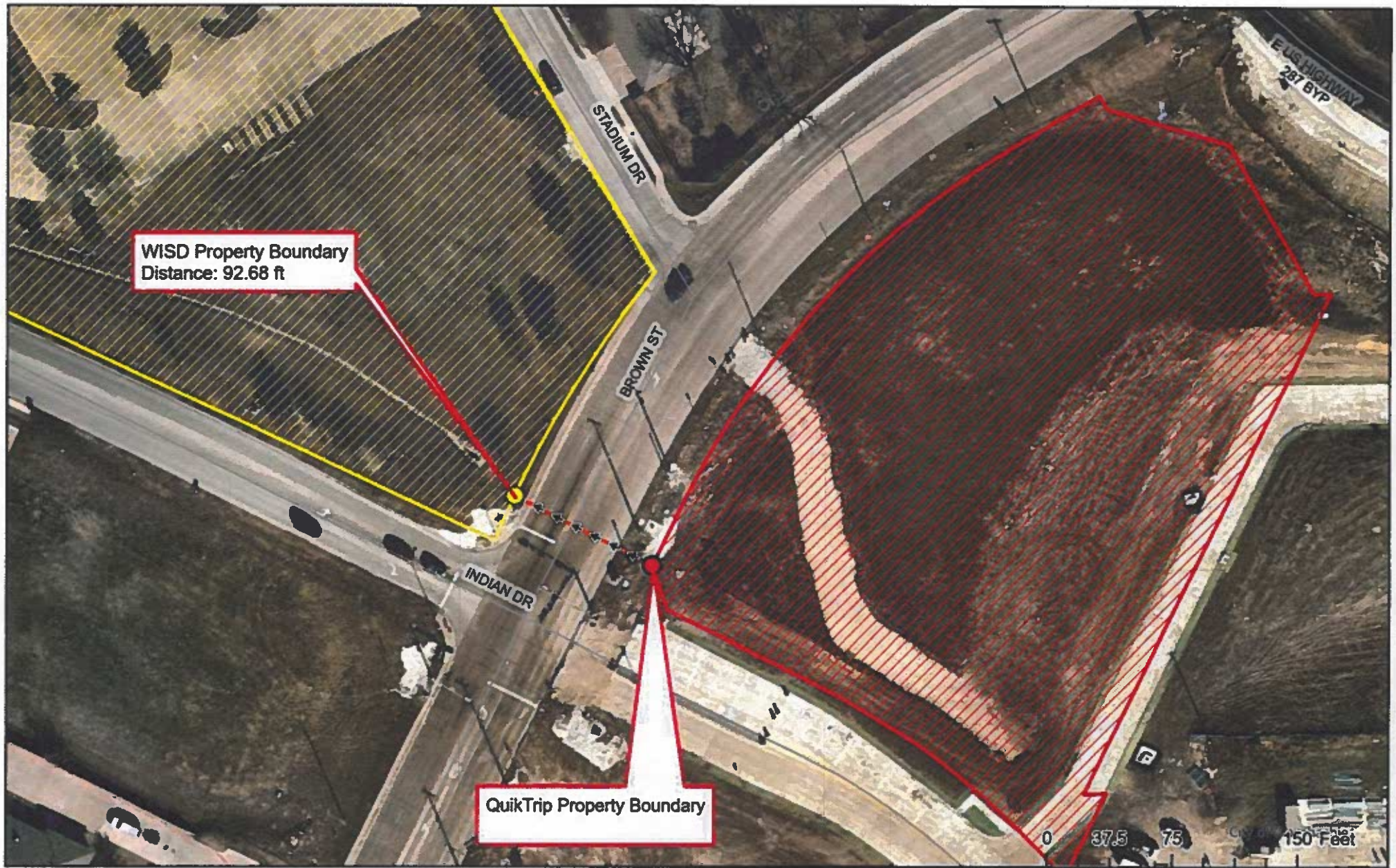
QuikTrip has been a responsible retailer of beer and wine sales adhering to TABC rules and regulations for decades.

Requirements for Alcohol Distance Appeal:

- ☒ TABC Alcohol Permit Application
- ☒ Letter or summary of hardship and/or reason for requesting a Distance Variance recommended.
- ☒ Processing time is approximately 2 weeks and the request will be heard at an appropriate City Council Meeting which is held on the first and third Monday of each month.

City of Waxahachie, City Hall, 401 S. Rogers Street, Waxahachie, TX, 75168

• City Secretary (469) 309-4006 • Fax (469) 309-4003



Waxahachie Alcohol Permit Verification Exhibit (5d)

Legend

- Path
- Subject Property Boundary
- WISD Property Boundary

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by the City of Waxahachie for the sole purpose of geographic reference. No warranty is made by the City of Waxahachie regarding specific accuracy or completeness.



Memorandum

To: Honorable Mayor and City Council

From: James Gaertner, P.E., CFM, CPM Executive Director of Public Works and Utilities

Thru: Michael Scott, City Manager *MS*

Date: March 20, 2023

Re: Consider the Approval of an Engineering Professional Services Agreement with Freese and Nichols, Inc.

Recommended Motion: "I move to approve the agreement with Freese and Nichols Inc. for general professional services."

Item Description: Consider approval of the agreement with Freese and Nichols, Inc. for general engineering services, on-call water and wastewater modeling, and development reviews.

Item Summary: The agreement will allow Freese and Nichols, Inc. to perform general professional services, water and wastewater analyses for developments, and engineering design for small city projects. A detailed scope of services will be provided with each task request. The City has historically utilized contract engineers in the past for such services. This agreement would allow for staff to continue this practice when instances arise that require outside engineer expertise or staff capacity.

Fiscal Impact: The agreement applies to professional services less than \$50,000. Tasks related to development reviews and/or analysis shall be paid by the developer. Tasks for small city projects shall be paid by the Operating Fund from each department.



(5f)

Memorandum

To: Honorable Mayor and City Council
From: James Gaertner, Executive Director of Development Services
Thru: Michael Scott, City Manager
Date: March 20, 2023
Re: Consider Approval of a Contract Amendment with Brenntag Southwest, Inc. for the purchase of Aquapure 3673

Recommended Motion: "I move to approve a contract amendment with Brenntag Southwest, Inc. for the purchase of Aquapure 3673 in the amount of \$69,120 and authorize the City Manager to execute all necessary documents."

Item Description: Consider authorizing the approval of a contract amendment with Brenntag Southwest, Inc. for the purchase of Aquapure 3673 in the amount of \$69,120 to allow for the treatment of drinking water at the Howard Road Water Treatment Plant.

Item Summary: The amendment to the agreement with Brenntag Southwest, Inc. will provide Aquapure 3673, a proprietary blend of inorganic phosphates manufactured by Brenntag Southwest, Inc., to the City to be used in the treatment of water at the Howard Road Water Treatment Plant. Aquapure 3673 provides effective scale and corrosion control up to temperatures of 190 degrees Celsius (375° Fahrenheit) and is certified for use in municipal drinking water.

Brenntag Southwest, Inc. was awarded a water treatment chemicals contract from the 2020 chemical bid invitation which allows four (4) additional one-year renewal options at the City's sole discretion.

Fiscal Impact: The purchase of water treatment chemicals is a budgeted expense in the Utilities Department FY 2023 Operations & Maintenance budget in the amount of \$1,221,300. This will be sufficient to absorb the \$69,120 cost for Aquapure. Each subsequent service year will be budgeted and adopted annually.

(59)



Memorandum

To: Honorable Mayor and City Council

From: Amber Villarreal, City Secretary

Thru: Michael Scott, City Manager

Date: March 20, 2023

Re: Supplemental Appropriation for May 6, 2023 Joint Election Services

Recommended Motion: "I move to approve a supplemental appropriation for joint election services in the amount of \$4,250."

Item Description: Consider supplemental appropriation for joint election services in the amount of \$4,250 for the May 6, 2023 General Election.

Item Summary: The General Election will be held as a joint county-wide election with multiple vote centers located throughout Ellis County. Eligible voters will be able to cast their ballot at any of the vote center locations, not just the locations within Waxahachie. On March 3, 2023, the City of Waxahachie received the Joint Election Services Contract from Ellis County identifying 6 entities fully cancelling their election and 21 entities holding an election on May 6, 2023. The City of Waxahachie's estimated portion of the election for at-large Council Members Places 4 and 5 is \$14,250. The invoice for the final cost of the election will be sent after the election is complete. \$10,000 was budgeted in Election Services (100-110-55311) for FY 23, leaving a \$4,250 deficit.

Fiscal Impact: The proposed supplemental appropriation of \$4,250 would be funded from the General Fund unrestricted reserve balance. The fund has sufficient fund balance to cover the supplemental appropriation.

(5h)



Memorandum

To: Honorable Mayor and City Council
From: Richard B. Abernethy, Director of Administrative Services
Thru: Michael Scott, City Manager
Date: March 20, 2023
Re: Consider Approval to Purchase a Video Surveillance Server with Network Cabling Services

Motion: "I move to approve the purchase of a video surveillance server with Network Cabling Services in the amount of \$61,613."

Item Description: Consider approval to purchase a new video surveillance server with Network Cabling Services (NCS) in the amount \$61,613 that will be an upgrade from our current system and provide greater reliability.

Item Summary: The city currently uses a video surveillance server to support seventy-five (75) cameras that are located at City Hall and throughout downtown Waxahachie. The server is used to manage the camera system and store recorded data. The current server has been experiencing frequent maintenance issues that have resulted in inconsistencies in both live camera feeds and data storage. In addition, the current server has limited capacity to accommodate additional cameras in the future.

To address this, the Information Technology Department has identified a new Hanwha video surveillance server through NCS. This server is an upgrade from our current product and will provide enhanced camera feeds and data storage. In addition, the new server is scalable and can accommodate additional cameras in the future. The cost includes purchasing the server and configuring the 75

(5h)

cameras to the new system. NCS is currently providing the video camera system and network cabling for the Charles Beatty Municipal Services Building and the City is familiar with their work. The video surveillance server is being purchased through the Buy Board Purchasing Cooperative.

Fiscal Impact: The proposed purchase is a planned expense and will be funded from the Information Technology Department's current approved fiscal year budget.



(5i)

Memorandum

To: Honorable Mayor and City Council

From: Kyle Cooper, Senior Director of Parks and Recreation

Thru: Michael Scott, City Manager

Date: March 14, 2023

Re: Consider supplemental appropriation of \$40,000 to construct a nature trail on recently acquired parkland adjacent to Lion's Park.

Item Description: On March 14, the WCDC Board approved the authorization of funding from the WCDC unrestricted reserve fund balance in the amount of \$40,000 to create a nature trail at the recently acquired parkland adjacent to Lion's Park. This item is now before City Council to ratify this recommended expenditure.

Item Summary: After careful evaluation, our team has determined that we can incorporate a nature trail into the recently acquired parkland adjacent to Lion's Park. This project includes clearing areas for themed nodes throughout the trail, repairing any damage, and installing necessary fencing. We respectfully request the WCDC consider allocating funding for this project, which will require \$5,000 for equipment rental to clear the path, \$30,000 to purchase 25 native trees of different varieties, and \$5,000 for fence repairs. The total initial capital outlay for this project will be \$40,000, which will enhance the value of the Parks and Recreation system and the overall quality of life for the residents of Waxahachie.

Please note that this is phase 1 of the nature trail project. Upon completion of phase 1, we plan to commence phase 2, which involves seeking sponsorships for the nodes. These sponsorships will include themed nodes, such as a meditation node, a node honoring the Native Americans who once inhabited Waxahachie, and an herb garden node, among others. WCDC member Bob Lynn has committed to working to secure these node sponsorships. However,

it is imperative to complete the initial phase of establishing the trail and clearing for the nodes before we can proceed to phase 2.

(5i)

Fiscal Impact: The WCDC unrestricted reserve fund balance has sufficient capacity to fund the nature trail project. The specific line item subject to increase is 208-000-57400 Improvements Other Than Buildings.

(7+8)



Memorandum

To: Honorable Mayor and City Council

From: Jennifer Pruitt, Senior Director of Planning

Thru: Michael Scott, City Manager

Date: March 8, 2023

Re: SUB-57-2022- Leo Hightower Lots Phase 2 – Replat & ROW Abandonment

On February 27, 2023, the applicant requested to continue case no. SUB-57-2022 from the March 15, 2023 Planning and Zoning Commission agenda and the March 20, 2023 City Council meeting agenda to the April 26, 2023 Planning and Zoning Commission meeting agenda and the May 1, 2023 City Council meeting agenda.

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-165-2022



MEETING DATE(S)

Planning & Zoning Commission: March 15, 2023

City Council: March 20, 2023

CAPTION

Public Hearing on a request by Jeff Head, Evolving Texas, for a **Specific Use Permit (SUP)** for a Franchised Private Utility (Oncor Electric) and Outdoor Storage use within a Light Industrial (LI-1) zoning district located directly north of the property at 3841 S Interstate 35 (Property ID 184700) - Owner: Oncor Electric Delivery Company, LLC (ZDC-165-2022)

RECOMMENDED MOTION

"I move to approve ZDC-165-2022, a Specific Use Permit (SUP) for a Franchised Private Utility (Oncor Electric) and Outdoor Storage use, subject to the conditions the staff report with elevation option 1, authorizing the City Manager and or Mayor to execute all documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting held on March 15, 2023, the Commission voted 5-0 to recommend approval of case number ZDC-165-2022, subject to staff comments.

APPLICANT REQUEST

The Applicant is requesting a specific use permit for a franchised private utility (Oncor Electric) and outdoor storage use on a 14.8-acre tract of land located directly north of the property at 3841 S Interstate 35.

CASE INFORMATION

Applicant: Jeff Head, Evolving Texas

Property Owner(s): Oncor Electric Delivery Company, LLC

Site Acreage: 14.8 acres

Current Zoning: Light Industrial-1 District (LI-1)

Requested Zoning: LI-1 with a specific use permit (SUP) for a Franchised Private Utility (Oncor Electric) and Outdoor Storage use

SUBJECT PROPERTY

General Location: Generally located directly north of the property at 3841 S Interstate 35

Parcel ID Number(s): 184700

Existing Use:

Undeveloped Land

Development History:

A plat (SUB-154-2022) for the subject property was approved on December 13, 2022.

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	LI-1	Undeveloped Land
East	PD-O	Undeveloped Land
South	LI-1	Pro-Master Electric
West	FD	Future Development District

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 primary access to the subject property is from South Highway 77, a Major Thoroughfare (110' right-of-way) on the Thoroughfare Plan. The Applicant has dedicated an additional 10 feet along the street frontage to contribute to the ultimate right-of-way width for South Highway 77.

Site Image:

PLANNING ANALYSIS

Proposed Use

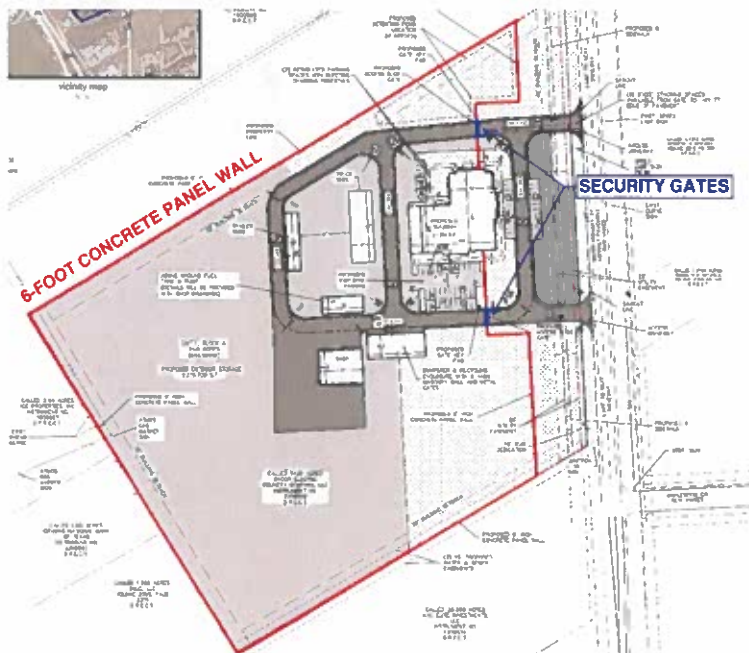
The Applicant is requesting a specific use permit for a franchised private utility (Oncor Electric) and outdoor storage use on a 14.8-acre tract of land directly north of the property at 3841 S Interstate 35. The main building, which is 17,318 square feet, will serve as an administrative office for Oncor Electric. The outdoor storage behind the main building includes two accessory structures, a small repair shop, and an above-ground fuel tank and pumps. The accessory structure will house the company's service vehicles and trailers. The Applicant has also indicated to Staff that the electric company will store materials, such as poles, cross arms, wires, cables, conduits, and transformers, in the outdoor storage area. To screen the outdoor storage area from the public right-of-way and adjoining properties, the Applicant proposes constructing a 6-foot concrete panel wall with the appearance of a split-face CMU masonry wall along the site's perimeter.

Following the initial submission of plans to the City, the Applicant has made revisions to ensure compliance with the City's development standards. These revisions include incorporating a 6-foot concrete screening wall, meeting the minimum landscaping requirements, building articulation requirements, and utilizing a concrete surface material for the outdoor storage area. Based on these enhancements, Staff recommends approval of the specific use permit since the improvements elevate the site's aesthetic appeal and overall quality.

1. 6-foot Concrete Panel Wall with Split Face CMU Design



2. Site Location for 6-foot Concrete Panel Wall



(9)

Proposed Elevations

The Applicant has provided two sets of architectural elevations. Both options are composed of 100 percent split-face CMU, but use a different color scheme. A digital material board is included with each option to show the actual color of the exterior finishing materials.

Option 1 – This option utilizes a brown color scheme, with a light brown CMU on majority of the building and a dark brown CMU on the lower and top segments of the building. The two accessory structures and the repair shop are metal buildings that match the color of the main building.



Option 2 – This option utilizes a gray color scheme, with a light gray CMU on majority of the building and a dark gray CMU on the lower and top segments of the building. The two accessory structures and the repair shop are metal buildings that match the color of the main building.



PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 11 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 associated with the request, the Planning Department recommends approval of the SUP request with the conditions listed below.

1. The Applicant agrees to execute a mutually agreed upon Development Agreement for the development.
2. The Applicant shall obtain a permit from the City of Waxahachie Building Department before construction.

ATTACHED EXHIBITS

1. Development Agreement/SUP Ordinance
2. Location Map (Exhibit A)
3. Site Plan (Exhibit B)
4. Landscape Plan (Exhibit C)
5. Option 1 - Architectural Elevations (Exhibit D)
6. Perimeter Screening Wall Rendering (Exhibit E)
7. Operational Plan

STAFF CONTACT INFORMATION*Prepared by:*

Eleana Tuley, AICP

Senior Planner

eleana.tuley@waxahachie.com

Reviewed by:

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

Senior Director of Planning

jennifer.pruitt@waxahachie.com

Oncor Service Center

Waxahachie, TX

January 12, 2023

Operations Plan

- Number of employees 80 to 90
- Monday through Friday 7am to 3:30pm daily operation. Occasionally overtime work after hours and some weekends.
- Crews load materials each morning for the days' work and go out to build jobs to customers.
- Office staff works on designing jobs, acquiring easements etc... other staff works on customer service issues.
- Storeroom receives material on trucks from vendor and issues material to crews for construction.
- List of materials to be stored in the Outside Storage Area
 - poles, cross arms, wire, cable, conduit and transformers
- Traffic busy times are generally heaviest in the morning as crews load material for the day.
- The proposed slide gates will open for access via a Gate Key Pad (see site plan for Gate Key Pad locations). The gates will be normally closed.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A FRANCHISED PRIVATE UTILITY (ONCOR ELECTRIC) AND OUTDOOR STORAGE USE WITHIN A LIGHT INDUSTRIAL-1 DISTRICT (LI-1) LOCATED LOCATED DIRECTLY NORTH OF THE PROPERTY AT 3841 S INTERSTATE 35 IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 14.8 ACRES KNOWN AS PROPERTY ID 184700, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, a proper application for an SUP has been made in accordance with the zoning ordinances in the City of Waxahachie and said application has been assigned case number ZDC-165-2022. Said application having been referred to the Planning and Zoning (P&Z) Commission was recommended by the P&Z Commission for approval and the issuance thereof; and

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

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

NOW, THEREFORE, this property is rezoned from LI-1 to LI-1, with an SUP in order to allow a franchised private utility (Oncor Electric) and outdoor storage use on the following property: Property ID 184700, which is shown on the location map (Exhibit A), site plan (Exhibit B), landscape plan (Exhibit C), architectural elevations (Exhibit D), and perimeter screening wall rendering (Exhibit E).

SPECIFIC USE PERMIT

Purpose and Intent

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

Specific Use Permit

FOR OPERATION OF A SPECIFIC USE PERMIT FOR A FRANCHISED PRIVATE UTILITY (ONCOR ELECTRIC) AND OUTDOOR STORAGE USE IN THE LIGHT INDUSTRIAL-1 DISTRICT; the following standards and conditions are hereby established as part of this ordinance:

1. A mutually agreed upon Development Agreement is required.
2. The subject property shall conform to the site plan approved by the City Council under case number ZDC-165-2022.
3. Development on the subject property shall adhere to the following exhibits approved by the City Council: Exhibit A - Location Map, Exhibit B – Site Plan, Exhibit C - Landscape Plan, Exhibit D – Architectural Elevations, and Exhibit E – Perimeter Screening Wall Rendering.
4. The building shall consist of the building design and composed of the exterior finishing materials and their associated percentages as provided in Exhibit D – Architectural Elevations.
5. The Applicant and/or Developer for the subject property shall be responsible for obtaining building permits per the City's applicable rules and regulations governing such permits.
6. The subject property shall comply with the City of Waxahachie Municipal Code and Zoning Ordinance when any zoning, land use requirement, or restriction is not addressed or disclosed in Exhibits B, C, and D.
7. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
8. City Council shall have the right to review the Specific Use Permit at any point, necessary.

Compliance

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

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

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

PASSED, APPROVED AND ADOPTED on this 20th day of March, 2023.

MAYOR

ATTEST:

City Secretary

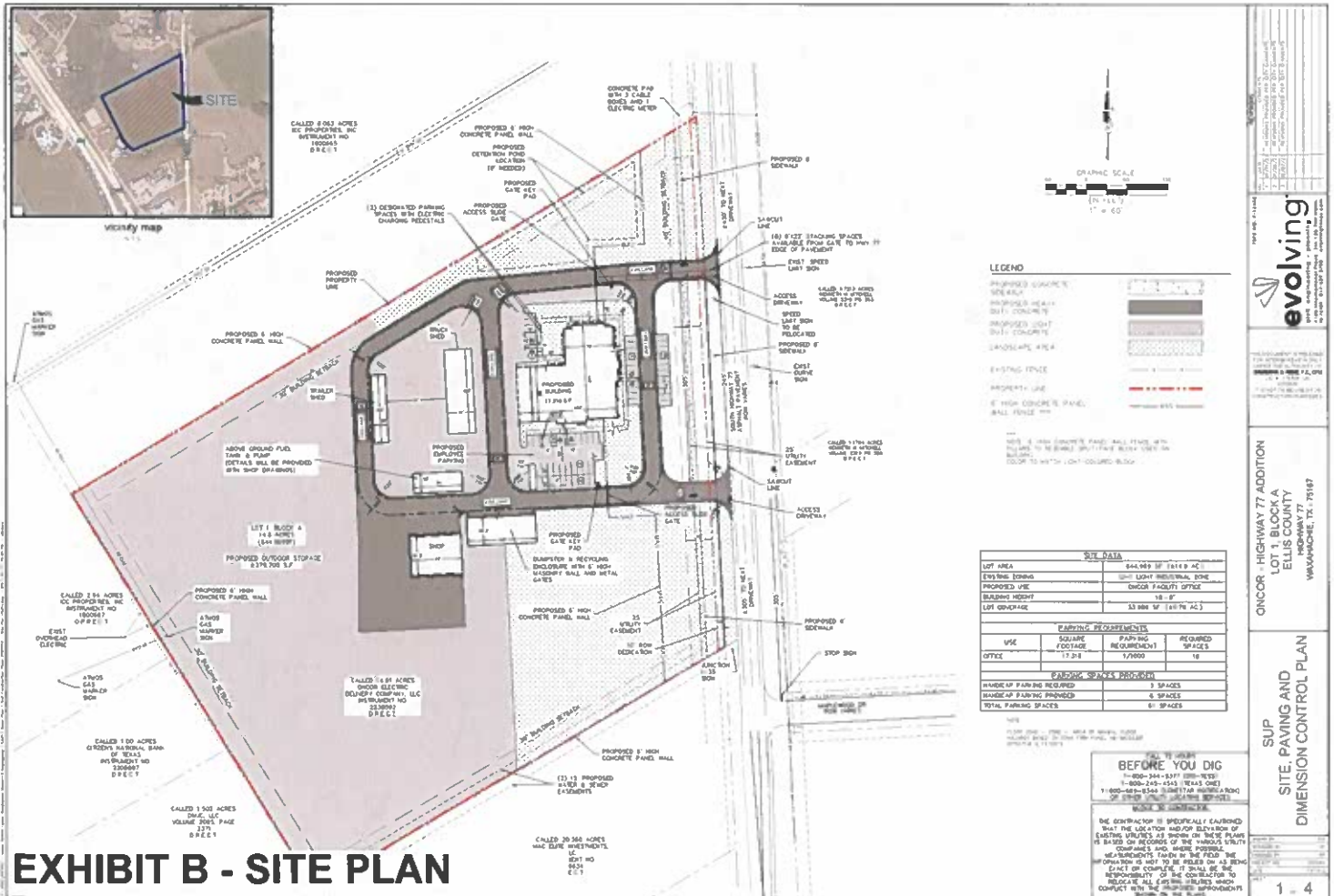
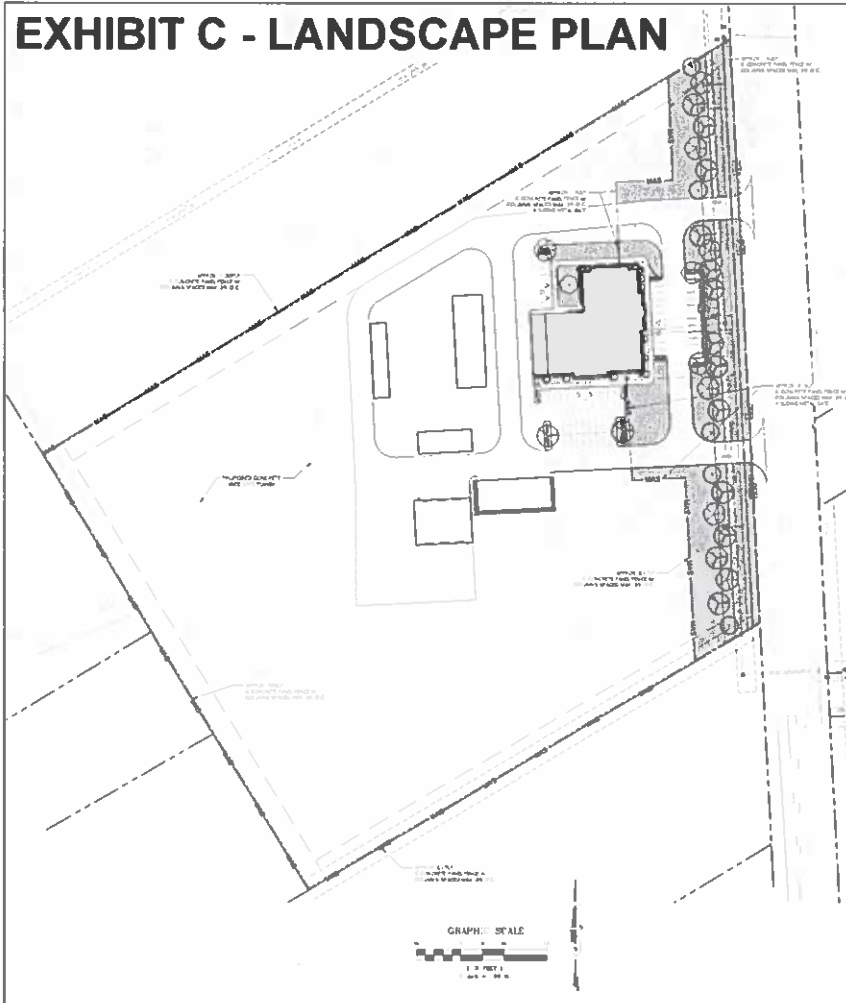


EXHIBIT C - LANDSCAPE PLAN



CITY REVENUE

[illegible]

PLAN OF RESEARCH

[illegible]

6 CONCRETE PANEL FENCE W/ COLUMNS

**SHEET
SUP
LANDSCAPE
PLAN**



ONCOR SERVICE CENTER
HIGHWAY 77
WAXAHACHIE, TX 75167

LandArch Studio, LLC
G. I. Joseph Vaughn
400 Cloud View Ct
Frisco, TX 75076
t 972-627-5677



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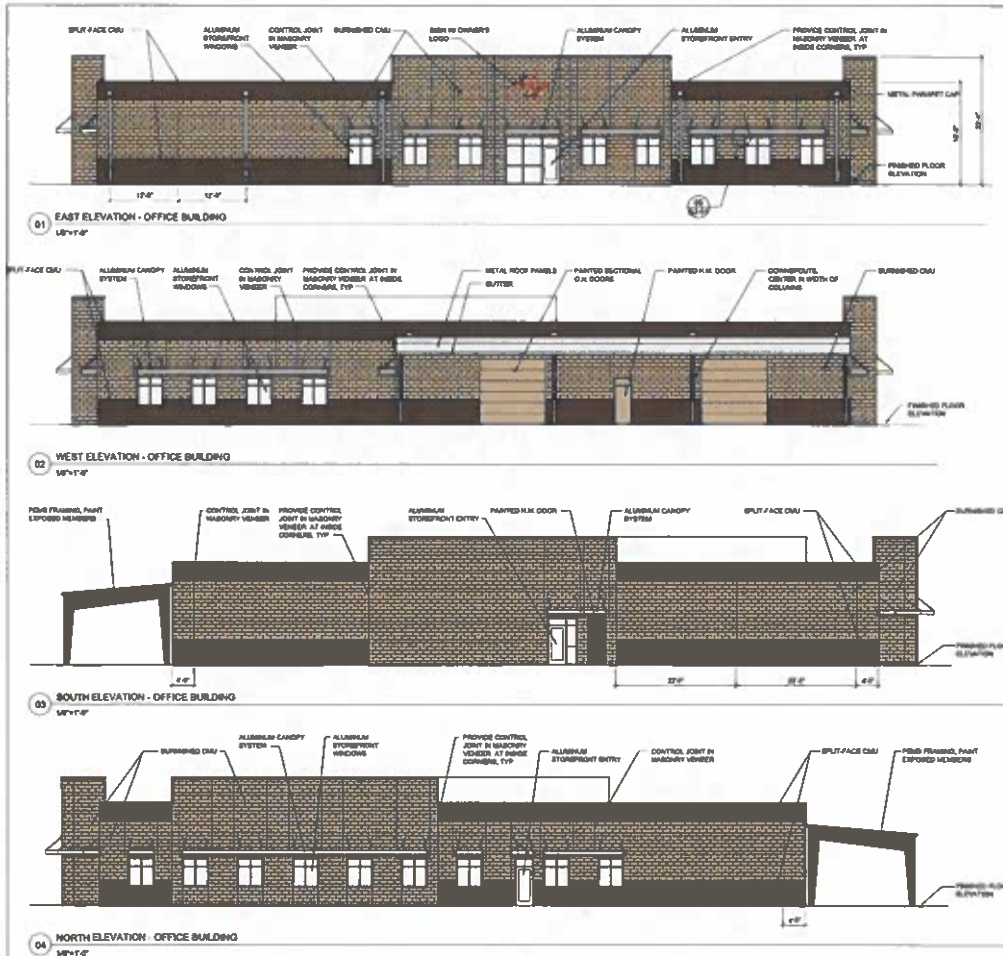


EXHIBIT D - ARCHITECTURAL ELEVATIONS

ONCOR
WAXAHACHIE
DISTRIBUTION
SERVICE CENTER
HIGHWAY 77
WAXAHACHIE, TEXAS 75147



ROE
DESIGN GROUP, LLC

1216 CLOVER LANE
FORT WORTH, TEXAS 76187
817.861.1401
dave@roedesigngroup.com
www.roedesigngroup.com

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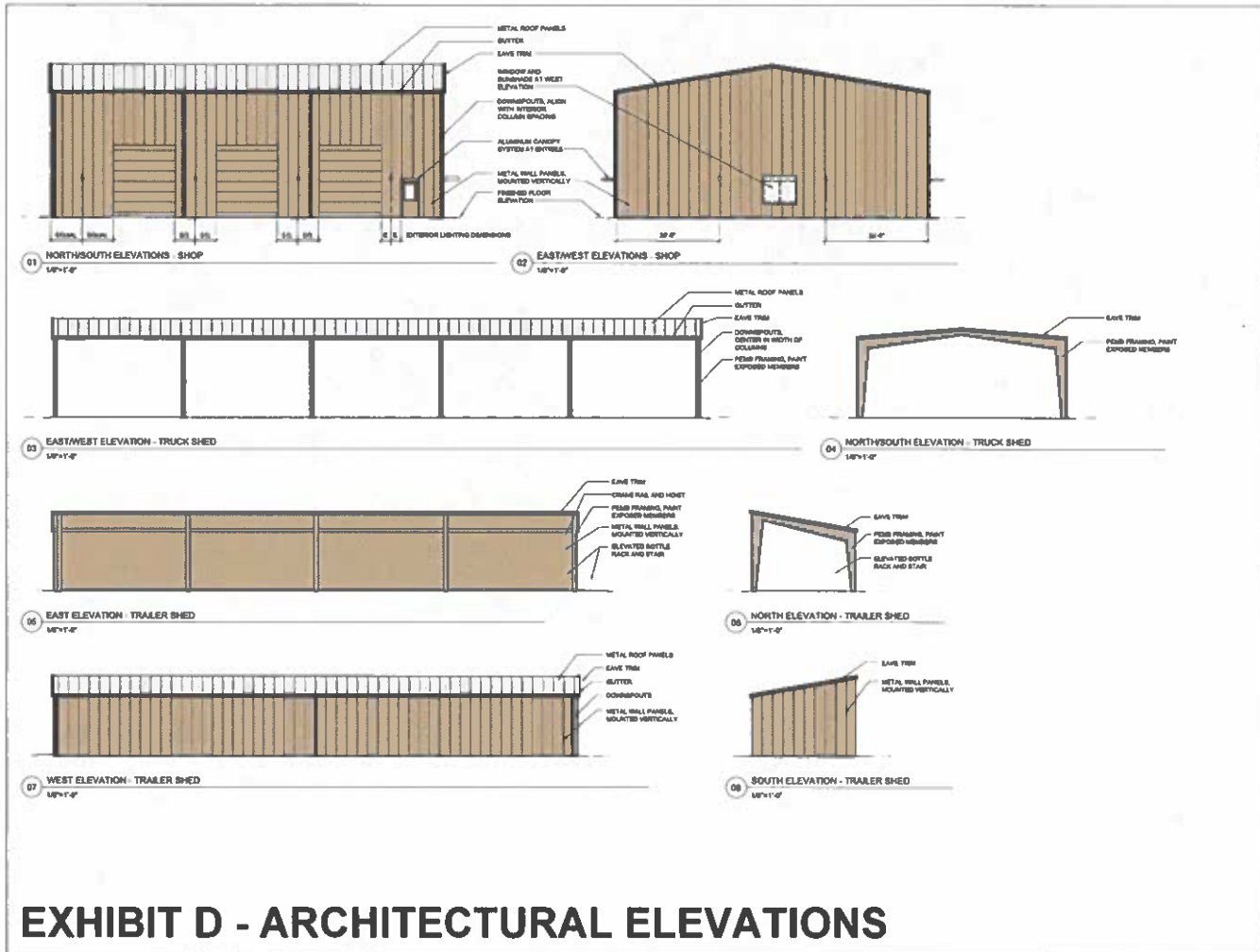
REVISED

REVISIONS

R00 PROJECT NUMBER 22007 02

A3.01
EXTERIOR ELEVATIONS
BROWN SCHEME

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ONCOR
WAXAHACHIE
DISTRIBUTION
SERVICE CENTER
HIGHWAY 77
WAXAHACHIE, TEXAS 75147



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REVISIONS

REVISIONS

RDO PROJECT NUMBER 22077-02

A3.02
EXTERIOR ELEVATIONS
BROWN SCHEME

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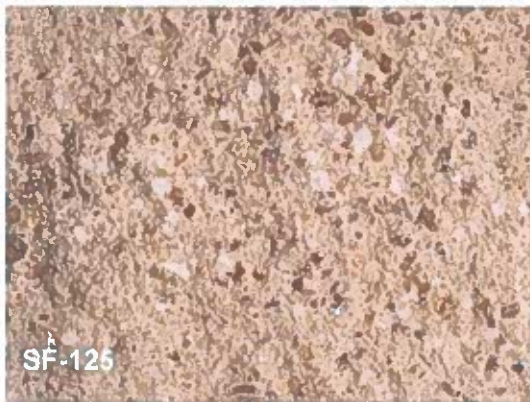
EXHIBIT D - ARCHITECTURAL ELEVATIONS

Selections will vary depending on the manufacturer.

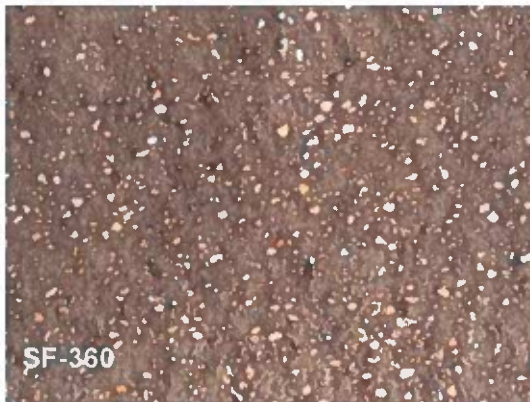
Colors are to be used as a sample for exterior selection.

OPTION 1

BROWN SCHEME



LIGHT CMU

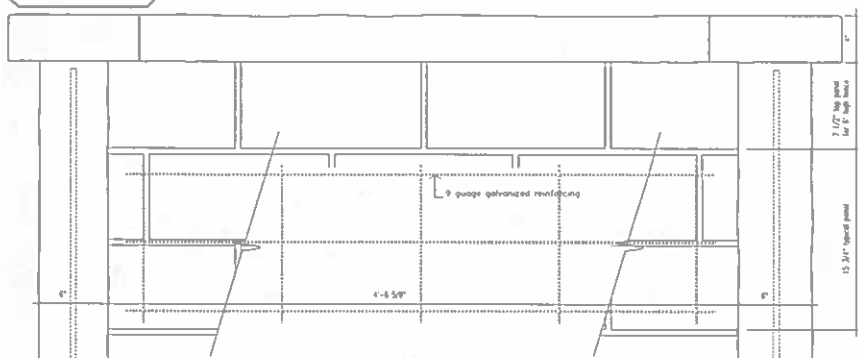


DARK CMU



FENCECRETE AMERICA, INC.

manufacturers of precast concrete fencing and masonry wall systems
15089 tradesmen drive san antonio, texas 78249 210-492-7911 800-229-7811 www.fencecrete.com

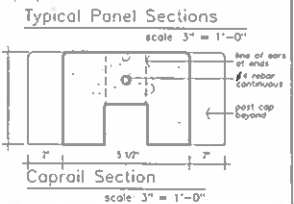
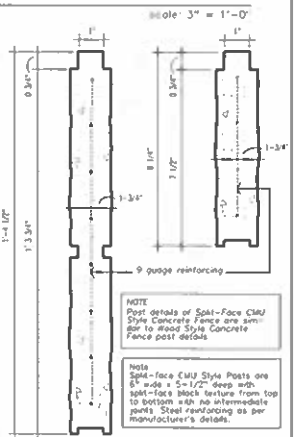
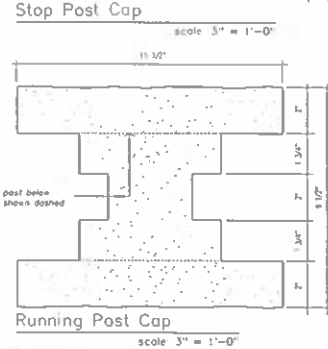
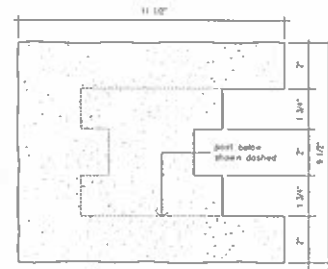
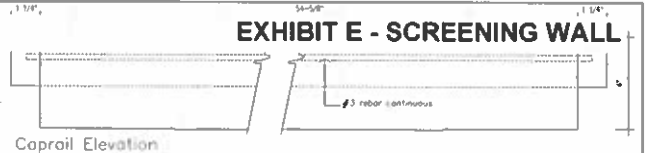


Split-Face CMU Style Concrete Fence

fitting 18" diameter, 24" deep (min.)
3000 p.s.i. concrete, unless
according to local soil conditions

Post Reinforcing
6' high fence
2 each #4 rebar
8' high fence
4 each #4 rebar

EXHIBIT E - SCREENING WALL



notes

- The column height can be from 0 to a maximum of 10'-0". Additional heights are available upon special order.
- All fence concrete shall be 3000 p.s.i.
- All reinforcement shall be ASTM 615 grade 60. Special reinforcement is available upon special order.
- Concrete footing 12" x 18" diameter, 24" deep (min.), 3000 p.s.i. concrete, depth varies according to local soil conditions.
- Split-face CMU style panels can be provided in a variety of textures. All exposed sides have split-face black-lime texture.
- Gates shall have additional steel supports adjacent to concrete columns.
- All steel reinforcement is prewelded with steel spacers so as to allow for maximum concrete coverage.
- A special silicone sealant is used to lock the caprail and post caps in place. This sealant requires special tools for removal.

We reserve the right to alter the design or specifications without incurring any obligation. all rights reserved
Fencecrete America, Inc.

STATE OF TEXAS	§	DEVELOPMENT AGREEMENT
	§	FOR ONCOR ELECTRIC
COUNTY OF ELLIS	§	

This Development Agreement for Oncor Electric ("Agreement") is entered between Oncor Electric Delivery Company, a Delaware limited liability company ("OE" or "Developer"), and the City of Waxahachie, Texas ("City"). OE and the City are sometimes referred herein together as the "Parties" and individually as a "Party."

Recitals:

1. OE is the owner of approximately 14.8 acres of real property located directly north of the property at 3841 S Interstate 35, Parcel Number 184700 in the City of Waxahachie, Texas (the "Property"), for which the applicant has requested a specific use permit ("SUP") for a franchised private utility (Oncor Electric) and outdoor storage use. The Property is currently zoned Light Industrial-1 District (LI-1) by the City, and is anticipated to have the SUP reviewed on March 20, 2023.

2. The planned use for the Property is for a SUP to allow for a franchised private utility (Oncor Electric) and outdoor storage use. The SUP process is utilized to ensure that the Property would develop in a manner that meets the City's desired development standards and provides OE 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 OE and the City of Waxahachie staff have occurred during various meetings, in an effort to obtain an agreed-upon and negotiated set of zoning and development standards to be reflected in the SUP zoning amendment Ordinance No. 3357 (the "Oncor Electric SUP Ordinance"), a copy of which is attached hereto as *Exhibit A* and which contains the negotiated zoning and development standards for OE.

4. This Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the Oncor Electric SUP Ordinance as contractually-binding obligations between the City of Waxahachie and OE, and to recognize OE's reasonable investment-backed expectations in the Oncor Electric SUP Ordinance.

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

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

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

Section 3. Agreements. The Parties agree as follows:

Incorporation of Zoning and Recognition of Investment-Backed Expectations:

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

The Developer agrees to:

- (A) The development shall conform to the site plan approved by the City Council under case number ZDC-165-2022.
- (B) The development shall adhere to the following plans approved by City Council: Exhibit A – Location Map, Exhibit B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Architectural Elevations, and Exhibit E – Perimeter Screening Wall Rendering.
- (C) The building shall consist of the building design and composed of the exterior finishing materials and their associated percentages as provided in Exhibit D – Architectural Elevations.
- (D) All development within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
- (E) Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance or the Development Agreement shall conform to those requirements and/or standards prescribed in Exhibit A – Location Map, Exhibit B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Architectural Elevations, and Exhibit E – Perimeter Screening Wall Rendering. Where regulations are not specified in Exhibits B, C, D, and E, in this ordinance, the development shall adhere to the regulations of the Light Industrial-I District (LI-1) and the City of Waxahachie Zoning Ordinance in the future.
- (F) 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 OE's agreement in this regard, the City of Waxahachie agrees that OE has reasonable investment-backed expectations in the Oncor Electric SUP Ordinance and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the Oncor Electric Ordinance without impacting OE's reasonable investment-backed expectations.

Section 4. Miscellaneous

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

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

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

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

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

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

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

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

- I. This Agreement may be only amended or altered by written instrument signed by the Parties.
- J. The headings and captions used in this Agreement are for the convenience of the Parties only and shall not in any way define, limit or describe the scope or intent of any provisions of this Agreement.
- K. This Agreement is the entire agreement between the Parties with respect to the subject matters covered in this Agreement. There are no other collateral oral or written agreements between the Parties that in any manner relates to the subject matter of this Agreement, except as provided or referenced in this Agreement.
- L. This Agreement shall be recorded in the real property records of Ellis County, Texas. This Agreement and all of its terms, conditions, and provisions is and shall constitute a restriction and condition upon the development of the Property and all portions thereof and a covenant running with the Property and all portions thereof, and is and shall be binding upon OE and all heirs, successors, and assigns and the future owners of the Property and any portion thereof; provided, however, this Agreement shall not constitute an obligation of or be deemed a restriction or encumbrance with respect to any platted residential lot upon which a completed structure has been constructed.
- M. **Form 1295 Certificate.** The Developer agrees to comply with Texas Government Code, Section 2252.908 and in connection therewith, the Developer agrees to go online with the Texas Ethics Commission to complete a Form 1295 Certificate and further agrees to print the completed certificate and execute the completed certificate in such form as is required by Texas Government Code, Section 2252.908 and the rules of the Texas Ethics Commission and provide to the Town, at the time of delivery of an executed counterpart of this Agreement, a duly executed completed Form 1295 Certificate.
- N. **Undocumented Workers Provision.** The Developer certifies that Developer does not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Government Code, as amended. If during the Term of this Agreement, Developer is convicted of a violation under 8 U.S.C. § 1324a(f), Developer shall repay the amount of any public subsidy provided under this Agreement to Developer plus six percent (6.0%), not later than the 120th day after the date the Town notifies Developer of the violation.
- O. **Non-Boycott of Israel Provision.** In accordance with Chapter 2270 of the Texas Government Code, a Texas governmental entity may not enter into an agreement with a business entity for the provision of goods or services unless the agreement contains a written verification from the business entity that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the agreement. Chapter 2270 of the Texas Government Code does not apply to a (1) a company that is a sole proprietorship; (2) a company that has fewer than ten (10) full-time employees; or (3) the contract has a value of less than One Hundred Thousand Dollars (\$100,000.00). Unless Developer is not subject to Chapter 2270 of the Texas Government Code for the reasons stated herein, the signatory executing this Agreement on behalf of Developer verifies that Developer does not boycott Israel and will not boycott Israel during the Term of this Agreement.

- P. **Prohibition on Contracts with Certain Companies Provision.** In accordance with Section 2252.152 of the Texas Government Code, the Parties covenant and agree that Developer is not on a list maintained by the State Comptroller's office prepared and maintained pursuant to Section 2252.153 of the Texas Government Code.
- Q. **Verification Against Discrimination of Firearm or Ammunition Industries.** Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 19, 87th Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the Town, the Developer represents that: (1) the Developer does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (2) the Developer will not discriminate during the Term of the Agreement against a firearm entity or firearm trade association.
- R. **Verification Against Discrimination Developer Does Not Boycott Energy Companies.** Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 13, 87th Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the Town, the Developer represents that: (1) the Developer does not boycott energy companies; and (2) the Developer will not boycott energy companies during the Term of this Agreement.

{Signature Pages Follow}

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

CITY OF WAXAHACHIE, TEXAS

By: _____
Michael Scott, City Manager

Date: _____

ATTEST:

By: _____
City Secretary

STATE OF TEXAS §

COUNTY OF ELLIS §

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

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

DEVELOPER:

Oncor Electric Delivery Company, LLC,
a Delaware Company

By: _____

Name: _____

Its: _____

Date: _____

STATE OF _____

§

§

COUNTY OF _____

§

Before me, the undersigned authority, on this _____ day of _____, personally appeared _____, representative of Oncor Electric Delivery Company, LLC, a Delaware company, 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 Georgia

My Commission Expires: _____

Planning & Zoning Department

Zoning Staff Report

Case: ZDC-178-2022



MEETING DATE(S)

Planning & Zoning Commission: March 15, 2023
City Council: March 20, 2023

CAPTION

Public Hearing on a request by Anna Carrillo, Carrillo Engineering, for a **Zoning Change** from a General Retail zoning district to **Planned Development-General Retail**, located at the northeast corner of US Highway 77 and E North Grove Boulevard (Property ID: 191121, 262125, and 262126) – Owner: High Five Trust – BJA (Mark) (ZDC-178-2022) Staff: Zack King

RECOMMENDED MOTION

"I move to approve ZDC-178-2022, a Zoning Change request from a General Retail zoning district to a Planned Development-General Retail zoning district (North Grove Center), located at the northeast corner of US Highway 77 and E North Grove Boulevard, subject to the conditions of the staff report, authorizing the City Manager and or Mayor to execute all documents accordingly."

ACTION SINCE INITIAL STAFF REPORT

At the Planning and Zoning Commission meeting held on March 15, 2023, the Commission voted 5-0 to recommend approval of case number ZDC-178-2022, subject to the conditions of the staff report.

APPLICANT REQUEST

The applicant requests approval of a Zoning Change from a General Retail zoning district to Planned Development-General Retail zoning district to allow for the development of allows a full-service grocery store (e.g.: Tom Thumb), a convenience store with gasoline sales, a self-storage facility, and general retail establishments with drive-throughs.

CASE INFORMATION

Applicant: Anna Carrillo, Carrillo Engineering
Property Owner(s): High Five Trust – BJA (Mark)
Site Acreage: 20.01 acres
Current Zoning: General Retail & Planned Development (Ord. 2733, 2841, & 2870)
Requested Zoning: Planned Development-General Retail (PD-GR)

SUBJECT PROPERTY

General Location: The northeast corner of US Highway 77 and E North Grove Boulevard
Parcel ID Number(s): 191121, 262125, and 262126
Existing Use: The subject property is currently undeveloped

Development History:

The southern portion of the subject property is currently located in the Retail/Commercial district of the North Grove Planned Development (Ord. 2733, 2841, & 2870).

Adjoining Zoning & Uses:

Direction	Zoning	Current Use
North	General Retail (GR)	Undeveloped
East	Planned Development-Single Family 2 & 3 (PD-SF-2 & 3)	Single Family Residences
South	Planned Development-General Retail (PD-GR)	Undeveloped
West	General Retail (GR)	Community National Bank

Future Land Use Plan:

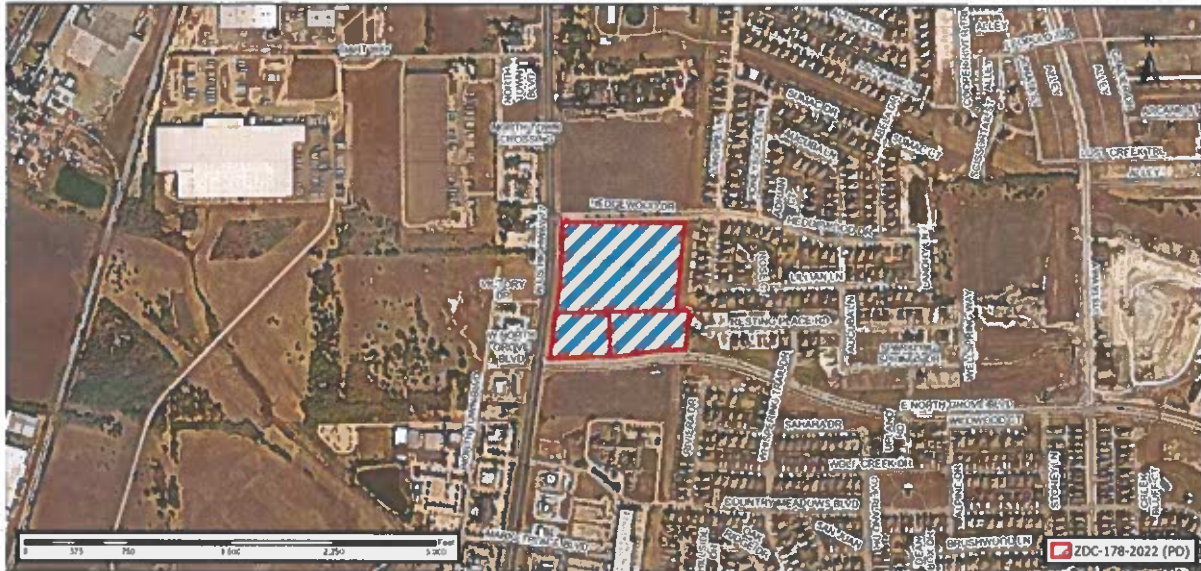
Retail

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:

The subject property is accessible via Hedgewood Drive, E North Grove Boulevard, and N US Highway 77.

Site Image:**PLANNING ANALYSIS****Purpose of Request:**

The applicant is requesting approval of a Planned Development to allow for a mixed-use commercial development on approximately 20 acres. Per the City of Waxahachie Zoning Ordinance, a Planned Development request is required to be approved by City Council. The subject property is currently unplatted; but the applicant has submitted a plat application (SUB-15-2023) to the Planning Department for review, at a future date. Prior to submitting the Planned Development request, the applicant conducted a neighborhood meeting to provide the community with information on the development and identify any community concerns.

Proposed Use:

The North Grove Center Planned Development is proposed to include a full-service grocery store (e.g.: Tom Thumb), a convenience store with gasoline sales, a self-storage facility, and general retail establishments with drive-throughs.

The applicant intends to develop the property in three (3) phases. Phase 1 will consist of infrastructure improvements to the site. Phase 2 will occur immediately following the completion of Phase 1 and will consist of the development of lots 2, 7, 9, and 10. Construction during Phase 2 will include the full-service grocery store (e.g.: Tom Thumb), convenience store and gas station, self-storage facility, and one strip retail center with a drive-through. The applicant has no anticipated completion date for Phase 3 of the development; which will include Lots 3, 4, 5, 6, and 8. Development on these tracks will require the approval of separate Detailed Site Plans; but no specific users are contemplated at this time. Additional detail regarding the phasing of the development can be referenced in Section XI of the Development Standards below.

The specific allocation of uses within the North Grove Center Planned Development can be referenced in Table 1 below.

Table 1: Proposed Uses

Lot Number	Proposed Use	Base Zoning District	Lot Area (Acres)	% of Total Area
Lot 1	Storm Water Detention	General Retail (GR)	1.809	9.04%
Lot 2	General Retail with Mini-Warehouse	General Retail (GR)	2.775	13.86%
Lot 3	General Retail with Drive-Thru	General Retail (GR)	1.043	5.21%
Lot 4	General Retail with Drive-Thru	General Retail (GR)	1.314	6.57%
Lot 5	General Retail with Drive-Thru	General Retail (GR)	1.002	5.00%
Lot 6	General Retail with Drive-Thru	General Retail (GR)	1.113	5.56%
Lot 7	General Retail with Convenience Store and Fuel Sales	General Retail (GR)	1.243	6.21%
Lot 8	General Retail with Drive-Thru	General Retail (GR)	1.381	6.90%
Lot 9	General Retail with Drive-Thru and Outdoor Display	General Retail (GR)	6.773	33.84%
Lot 10	General Retail with Drive-Thru	General Retail (GR)	1.565	7.82%
TOTAL			20.017	100.00%

Proposed Use (Grocery Store – Lot 9):

The applicant has proposed a roughly 60,000-square-foot Tom Thumb grocery store for Lot 9 of the North Grove Center PD. The Tom Thumb will serve as a full-service grocery store offering online grocery order pickup, a pharmacy with a drive-thru and a deli area. The grocery store will also have a roughly 600 square foot outdoor display area and outdoor seating. Tom Thumb is anticipated to operate initially from 6:00am to 11:00pm; but can operate 24 hours a day if there is additional demand. A total of 150 employees are expected to staff the Tom Thumb. A total of 320 parking spaces are proposed for the grocery store, with up to ten (10) total spaces designated for electric vehicle use and up to seven (7) total spaces designated for online order pickup.

Grocery Store – Elevation/Façade

- The grocery store is proposed to feature painted concrete masonry units (CMUs), Nichiha panels, and window glazing as the primary exterior construction materials. A total of four (4) colors are proposed to be utilized for the CMU. The Nichiha panels utilize two colors, cedar and tobacco. Exhibit B can be referenced for additional detail regarding the proposed elevations.

Proposed Use (Mini-Warehouse – Lot 2):

The proposed Mini-Warehouse facility is currently anticipated to operate under the Store House Storage brand. The structure is a 130,000-square-foot, fully indoor, climate-controlled storage facility that is anticipated to be staffed daily from 9:00am to 6:00pm, with tenant access allowed from 6:00am to 10:00pm. The facility is proposed to be fully gated, with all loading and unloading occurring behind the gated entrance. Adequate on-site parking has been provided for this use.

Mini-Warehouse – Elevation/Façade

- The mini-warehouse facility is proposed to utilize a façade comprised primarily of stucco, thin stone veneer, and window glazing. A total of 96% of the façade will be comprised of masonry stucco or thin stone veneer. The varying stucco colors and articulation proposed for the facility serve to eliminate monotony in the façade. Exhibit B can be referenced for additional detail on the proposed elevations.

Proposed Use (Convenience Store & Gas Station – Lot 7):

The proposed Convenience Store and Gas Station is anticipated to operate under the Tom Thumb Express brand. Twelve (12) fuel pumps are proposed to be open for public use 24/7; while the typical convenience store hours will be 7:00am-9:00pm. Adequate on-site parking is proposed for this use.

Convenience Store & Gas Station – Elevation/Façade

- The convenience store & gas station is proposed to utilize a complimentary façade with the grocery store. The proposed materials for the convenience store include painted concrete masonry units (CMU's), Nichiha panels, and window glazing. The fuel pump canopy is proposed to utilize the Nichiha panels with a cedar finish. Exhibit B can be referenced for additional detail regarding the proposed elevations.

Proposed Use (Multi-Tenant Retail Building & Drive-Through – Lot 10):

A 11,000 square-foot multi-tenant retail building is proposed on Lot 10. Specific users are not contemplated for the retail building at this time, but provisions have been made to allow for a single drive-through establishment to operate in the northernmost suite. Adequate parking is available if all suites are occupied by retail or office users. However, the applicant has requested that the proposed parking be considered sufficient for all potential uses allowable in the General Retail district, including restaurants. If all suites are occupied by restaurants, there is a potential for the proposed parking to be up to ten (10) spaces short of the requirement for this lot.

Multi-Tenant Retail Building & Drive-Through – Elevation/Façade

- The façade of the multi-tenant retail building on Lot 10 is designed to compliment the design of the grocery store; but will not utilize the same exterior construction materials. The façade is comprised by 100% masonry materials (stucco & thin stone veneer) and window glazing, with minor aluminum accents. Exhibit B can be referenced for additional detail regarding the proposed elevations.

Architectural Standards (Phase 3):

As noted above, the applicant has proposed specific elevation and façade plans for Phase 2 of the development. Specific elevation and façade plans have not been prepared for Phase 3 due to the uncertainty regarding the future development of these lots. However, the applicant still wishes to maintain a consistent design throughout the development. With this in mind, the applicant has proposed architectural standards to serve as a guide for material and color palette selections with Phase 3 development. The compatibility of proposed building materials shall be determined by the Planning Director at the time of Site Plan submittal for Phase 3 development.

Setbacks:

The applicant has proposed to modify the setback requirements of the General Retail zoning district with this Planned Development request. Specifically, the applicant is requesting to reduce the front setback requirement from 40' to 25' and the internal side setback from 20' to 10' for all lots. Additionally, the applicant has proposed to increase the rear setback from 20' to 25' for all lots adjacent to residential zoning.

Landscaping:

The applicant has provided a Landscape Plan (Exhibit C) that identifies the proposed landscaping for Phase 2, with the exception of Lot 1. The applicant has not proposed any landscaping for Lot 1 due to its exclusive use for stormwater detention. Due to the size of the proposed buildings and the subsequent parking requirements for each lot, the applicant has been unable to meet the minimum landscaping requirements of the Waxahachie Zoning Ordinance.

However, staff believes the applicant has provided the landscaping necessary to adequately screen the development. Specifically, the applicant has provided ample trees along the outside of the 8' masonry screening wall to further buffer the site from adjacent residences. Additionally, the applicant has provided street trees along Hedgewood Drive, Highway 77, and E North Grove Boulevard. Lots included in Phase 3 will be required to adhere to the landscape requirements established by Section 5.04 of the Waxahachie Zoning Ordinance.

Screening:

The subject property backs up to existing residences in the Arbors and Oasis at North Grove neighborhoods. In order to properly screen the existing residences from the proposed grocery store and mini-warehouse facility, the applicant has proposed to construct an 8' masonry screening wall. The screening wall will be constructed of prefabricated concrete panels designed to mimic a stone wall. Additionally, the applicant is proposing to install an ornamental aluminum fence along the perimeter of the detention pond on Lot 1. Additional detail regarding the proposed screening can be referenced in Section VII of the Development Standards.

Access:

The North Grove Center Planned Development is proposed to have a total of five (5) points of access. Three (3) drives will be available off of E North Grove Boulevard to provide direct access to the Tom Thumb proposed on Lot 10. Curb cuts and dedicated turn lanes will be provided on E North Grove Boulevard for two of these access points. One (1) point of access is proposed off of Highway 77. The applicant is proposing a deceleration lane on Highway 77 along with this access point. Finally, a single point of access, and a dedicated turn lane, will be provided for the development on Hedgewood Drive. A private drive will extend through the center of the development to provide cross-access between each proposed lot. This access drive will be memorialized with a mutual access easement. Finally, the applicant is pursuing options to install a traffic signal at the intersection of Hedgewood Drive and Highway 77 in order to improve traffic flow in and around the site.

Signage:

The applicant is proposing to construct multiple freestanding monument signs for the shopping center. Multi-tenant monument signs are proposed on Lots 3, 6, and 7; while single-tenant monument signs are proposed on Lots 4, 5, 6, 8, and 9. The single-tenant monument signs are proposed to meet the requirements of the Waxahachie Zoning Ordinance. The multi-tenant monument signs are proposed to increase the maximum allowable height to up to 15' and the maximum allowable size up to 205 square feet.

Signage (continued):

In addition to the monument signage proposed with the development, the applicant has also proposed a total of six (6) wall signs for the Tom Thumb and seven (7) wall/canopy signs for the Tom Thumb Express. Further reference the proposed signage for the development can be found in Section IX of the Development Standards.

PUBLIC NOTIFICATIONS

To comply with State law contained in Local Government Code Chapter 211 and the City's public hearing notice requirements, 27 notices were mailed to property owners within 200 feet of the request. In addition, a notice was published in the Waxahachie Sun and a sign was visibly posted at the property.

RECOMMENDATION

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

Conditions:

1. A mutually agreed upon Development Agreement shall be required for the development.
2. The applicant shall receive all necessary building permits from the Building & Community Services Department prior to construction.

ATTACHED EXHIBITS

1. Development Agreement/PD Ordinance
2. Exhibit A - Concept Site Plan
3. Exhibit B - Building Elevations
4. Exhibit C - Landscape Plan
5. Exhibit D - Signage Plan

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 INFORMATIONPrepared by:

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Reviewed by:

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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A ZONING CHANGE FROM GENERAL RETAIL (GR) & PLANNED DEVELOPMENT (PD) TO PLANNED DEVELOPMENT-GENERAL RETAIL (PD-GR), WITH A CONCEPT PLAN, LOCATED AT THE NORTHEAST CORNER OF N US HIGHWAY 77 & E NORTH GROVE BOULEVARD IN THE CITY OF WAXAHACHIE, ELLIS COUNTY, TEXAS, BEING 20.010 ACRES KNOWN AS PROPERTY ID 191121, 262125, & 262126, AND ORDERING THE CHANGING OF THE ZONING MAP THEREOF IN ACCORDANCE WITH SAID CHANGE.

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

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

WHEREAS, a proper application for a PD, with a 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-178-2022. Said application, having been referred to the Planning and Zoning (P&Z) Commission for their final report, was recommended by the P&Z Commission for zoning change approval of the subject property from GR & PD to PD-GR, with a Concept Plan; and

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

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

NOW, THEREFORE, this property is rezoned from GR & PD to PD-GR, with a Concept Plan, in order to facilitate development of the subject property in a manner that allows a full service grocery store (e.g.: Tom Thumb), a convenience store with gasoline sales, a self-storage facility, and general retail establishments with drive-throughs on the following property: Property ID 191121, 262125, & 262126, being a portion of the Allen Brown Survey, Abstract 102 and the Henri Sange Survey, Abstract 1009, which is shown on Exhibit A, in accordance with the Concept Plan attached as Exhibit B, Elevation/Façade Plan attached as Exhibit C, Landscape Plan attached as Exhibit D, and Sign Plan attached as Exhibit E.

PLANNED DEVELOPMENT

Purpose and Intent

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

Development Standards

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

Development Regulations

1. The development shall conform as approved by the City Council under case number ZDC-178-2022.
2. All materials, location of materials, and percentage of materials for the building shall be consistent as prescribed in the Building Elevations (Exhibit B).
3. All development within the subject property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.
4. The development shall maintain compliance with all Federal, State and Local regulations; including, but not necessarily limited to, all applicable standards and regulations of the City of Waxahachie Municipal Code and City of Waxahachie Zoning Ordinance.
5. Any zoning, land use requirement, or restriction not contained within this Zoning Ordinance or the North Grove Center Development Agreement shall conform to those requirements and/or standards prescribed in Exhibits A – Concept Site Plan, Exhibit B Building Elevations, Exhibit C – Landscape Plan, and Exhibit D – Signage Plan. Where regulations are not specified in Exhibits A, B, C, and D, in this Ordinance, or the North Grove Center Development Agreement, the regulations of the General Retail zoning district of the City of Waxahachie Zoning Ordinance shall apply to this development.

North Grove Center Development Standards

• *Section I. Purpose and Intent*

North Grove Center is a retail development purposefully designed to facilitate quality retail development while still preserving surrounding architectural standards. The development has been designed to incorporate greenspace between the residential and proposed retail uses, mobility between different retail uses, sidewalks throughout the development, landscape throughout the site, and a signage plan.

North Grove Center will offer a variety of retail uses such as a grocery store, restaurants, general retail uses, a convenience store, neighborhood-oriented retail, and self-storage.

The shopping center development plan is intended to both establish guidelines stringent enough to ensure quality, uniform development, but also adaptable enough to be able to accommodate changes in market demand and future uses.

• **Section II. The use or the combination of uses proposed**

The land use allocation for the total development is shown below. The site plan for the development can be found on **Exhibit A**. Unless otherwise outlined in these development standards, use requirements and design guidelines shall default to the respective base zoning district for each lot. The permitted uses for each lot shall include the uses of its respective base zoning in addition to any itemized uses.

Lot Number	Proposed Use	Base Zoning District	Lot Area (Acres)	% of Total Area
Lot 1	Storm Water Detention	General Retail (GR)	1.809	9.04%
Lot 2	General Retail with Mini-Warehouse	General Retail (GR)	2.775	13.86%
Lot 3	General Retail with Drive-Thru	General Retail (GR)	1.043	5.21%
Lot 4	General Retail with Drive-Thru	General Retail (GR)	1.314	6.57%
Lot 5	General Retail with Drive-Thru	General Retail (GR)	1.002	5.00%
Lot 6	General Retail with Drive-Thru	General Retail (GR)	1.113	5.56%
Lot 7	General Retail with Convenience Store and Fuel Sales	General Retail (GR)	1.243	6.21%
Lot 8	General Retail with Drive-Thru	General Retail (GR)	1.381	6.90%
Lot 9	General Retail with Drive-Thru and Outdoor Display	General Retail (GR)	6.773	33.84%
Lot 10	General Retail with Drive-Thru	General Retail (GR)	1.565	7.82%
TOTAL			20.017	100.00%

Detention

The detention pond designated in Lot 1 is designed to mitigate for stormwater runoff from the development. Ownership of this lot shall be tied to ownership of Lot 9. Maintenance and upkeep of the pond and this lot shall be dictated through a private declaration of easements, conditions, covenants, and restrictions. Access for this lot shall come from an access easement through the internal shopping center drive and Lot 10. All uses under the General Retail (GR) classification are permitted.

Mini-Warehouse

A mini-warehouse use is permitted on Lot 2 and shall operate under the Store House Storage name. Store House Storage offers a safe, secure storage experience. The facility shall be 100% indoor and climate-controlled. The building has an area of +/- 130,000 SF. We estimate that 17 parking stalls are required. The site plan proposes 17 parking stalls including several parallel spaces adjacent to the building. The facility shall keep office hours daily from 9 AM – 6 PM. Tenant access is allowed daily from 6 AM – 10 PM. The facility is expected to hire 2 store managers, who shall be onsite and oversee the facility during office hours. Access to the site shall come from the internal shopping center drive access easement that spans from Hedgewood Dr to North Grove Blvd. All loading and unloading shall take place at the side entry doors outside of the fire lane and behind the perimeter fence and gate system. Traffic around the building is to circulate in one-way direction to ensure safe circulation. All access points to the building shall be controlled through a centralized access system. The site is to be fully gated and secured. During office business hours, the leasing office shall be open to the public. Each tenant shall be issued a unique access code, which shall grant access through entry gates and facility doors. Every entry is date and time stamped with the accompanying access code used. Knox boxes shall be provided to allow first responder access.

Convenience Store and Fuel Sales

A convenience store use is allowed on Lot 7 in addition to all other uses permitted in the GR zoning district. This use category allows for both convenience store operation as well as gasoline and diesel sales. This store is intended to be operated under the same brand as the grocery store on Lot 9 initially, but the facility could be rebranded in the future as market forces dictate. The convenience store typical store hours are from 7AM to 9PM. The convenience store shall sell food and beverage for off-site consumption as well as daily-need convenience items. The fuel pumps shall be self-service and will be open for public use 24/7. The fuel station site plan shows 12 fuel pumps stations. We estimate that 17 parking stalls will be required, and the site plan proposes 25 parking stalls, including the fuel pump stations as parking stalls. Access for the site is to be derived from the drive on Hwy 77 that aligns with Victory Dr through a public access easement. The convenience store shall not allow overnight parking nor diesel stations built for semi-trucks. Beer and wine sales for off-site consumption are permitted on Lot 7.

General Retail with Drive-Thru

General Retail shall include all permitted uses under the General Retail (GR) classification in the Waxahachie zoning code, specifically restaurants, grocery stores, banks, and retail shops. Where denoted, drive-thru's are permitted. General retail with drive-thru uses are permitted, but site plan approval shall be required for all lots that do not show a building footprint on **Exhibit A** (Lot 3, Lot 4, Lot 5, Lot 6, and Lot 8). A Tom Thumb grocery store is shown on Lot 9, and a multi-tenant retail building is shown on Lot 10. Operational plans for both uses are below:

➤ Grocery Store (Tom Thumb) with Drive-Thru and Outdoor Display

- A +/- 59,483 SF Tom Thumb grocery store is located on Lot 9. The Tom Thumb store includes a traditional grocery store, online grocery order pickup, a pharmacy with both in-store and drive-thru pickup options, a mercantile deli and coffee offering, and outdoor display and seating. Outdoor display shall be permitted on Lot 9; an estimated +/- 600 SF display area is shown on **Exhibit A**. Beer and wine sales are permitted on Lot 9. Typically, Tom Thumb hours of operation are from 6AM to 11PM, but Tom Thumb does operate 24HR stores where the needed due to sales volume. Tom Thumb is estimated to have a total of 150 employees. We estimate that the grocery store will require 298 parking stalls, and the site plan proposes approximately up to 320 parking stalls. Ingress and egress for the Tom Thumb store will come from directly from North Grove Blvd as well as from the internal shopping center drive and Lot 10 through public access easements

➤ Multi-Tenant Retail Building

- A 11,000 SF multi-tenant retail building is shown on Lot 10. This building will provide neighborhood-oriented retail services and shops. We expect 3 – 6 different retail users for this building. The building shows a drive-thru with capacity to stack 6 vehicles for the northernmost retail user to utilize. All tenants will utilize a shared dumpster behind the building. We estimate this retail building will need 88 parking stalls, and the site plan proposes 85 parking stalls. Given that the exact end users are undetermined, this lot will require a variance for up to 10 parking spaces.

Access to this lot will come from public access easements through the internal shopping center drive as well as through Lot 9.

- ***Section III. Area and Height Regulations (density, lot area, width, depth, coverage, yard depths and widths, height)***

The following chart indicates area, height, density, and yard requirements for each of the lots. For lots with building footprints on **Exhibit A**, new construction shall follow the yards that are shown on the site plan. All other lots on **Exhibit A** that do not show a building footprint shall follow the yard requirements set forth below. Any lot design aspect that is not specifically called out by the following chart shall default to the design requirements for each lot's respective base zoning district.

(13)

Lot Number	Use Category	Base Zoning	Maximum Lot Coverage	Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Yard Sizes - Front - Side ** - Rear	Maximum Height
Lot 1	Detention	General Retail (GR)	N/A	7,000 SF	60'	100'	- 25' - 10'; 20' if adjacent to a street - 20'; 25' when adjacent to residential	1 story
Lot 2	General Retail with Mini-Warehouse	General Retail (GR)	55%	7,000 SF	60'	100'	- 25' - 10'; 20' if adjacent to a street - 20'; 25' when adjacent to residential	2 stories
Lot 3	General Retail with Drive-Thru	General Retail (GR)	40%	7,000 SF	60'	100'	- 25' - 10'; 20' if adjacent to a street - No setback rear setback required so long as adequate fire lanes and circulation can be met	1 story
Lot 4	General Retail with Drive-Thru	General Retail (GR)	40%	7,000 SF	60'	100'	- 25' - 10'; 20' if adjacent to a street - 20'; 25' when adjacent to residential	1 story
Lot 5	General Retail with Drive-Thru	General Retail (GR)	40%	7,000 SF	60'	100'	- 25' - 10'; 20' if adjacent to a street - 20'; 25' when adjacent to residential	1 story
Lot 6	General Retail with Drive-Thru	General Retail (GR)	40%	7,000 SF	60'	100'	- 25' - 10'; 20' if adjacent to a street - 20'; 25' when adjacent to residential	1 story
Lot 7	General Retail with Convenience Store and Fuel Sales	General Retail (GR)	40%	7,000 SF	60'	100'	- 25' - 10'; 20' if adjacent to a street - 20'; 25' when adjacent to residential	1 story
Lot 8	General Retail with Drive-Thru	General Retail (GR)	40%	7,000 SF	60'	100'	- 25' - 10'; 20' if adjacent to a street - 20'; 25' when adjacent to residential	1 story
Lot 9	General Retail with Drive-Thru and Outdoor Display	General Retail (GR)	40%	7,000 SF	60'	100'	- 25' - 10'; 20' if adjacent to a street - 20'; 25' when adjacent to residential	1 story
Lot 10	General Retail with Drive-Thru	General Retail (GR)	40%	7,000 SF	60'	100'	- 25' - 10'; 20' if adjacent to a street - 20'; 25' when adjacent to residential	1 story

****No side yard is required when platted adjacent to other retail and non-residential uses provided:**

1. Adequate fire lanes and circulation is provided on site; and
2. Appropriate building codes can be met

- **Section IV. Building Elevations**

Building elevations are provided below as well as **Exhibit B** to provide examples of the type of building facades that shall be constructed as well as materials and color palettes.

Mini-Warehouse

Below are the architectural elevations for the mini-warehouse facility shown on Lot 2. The building shall conform to the materials and colors shown below as well as on **Exhibit B**.

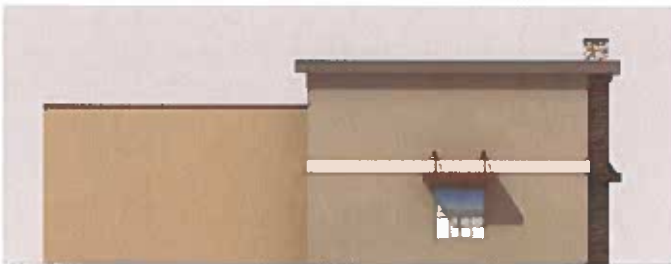


(13)



Multi-tenant building with Drive-Thru

Below are the elevations for the multi-tenant retail building with drive-thru, which is permitted on Lot 10. The building materials and color palette are intended to be an extension of the grocery shown on Lot 9.

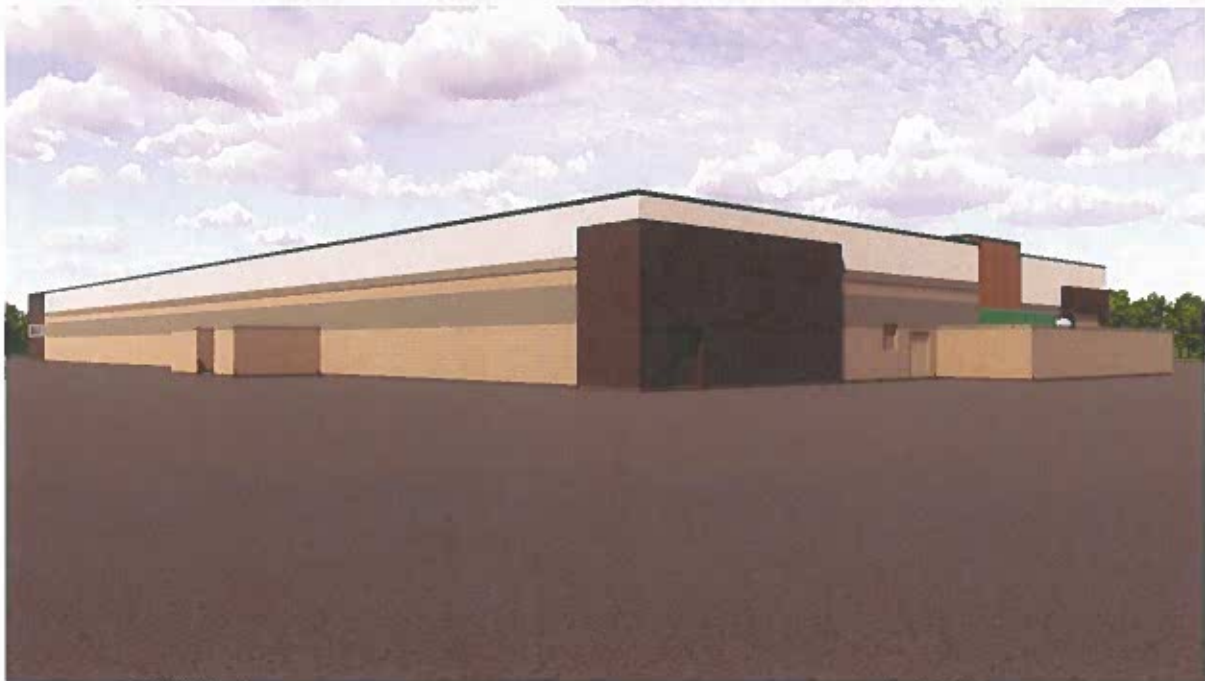


General Retail with Drive-Thru

Below are renderings and elevations for the grocery store to be located on Lot 9.



(13)



(13)



Convenience Store

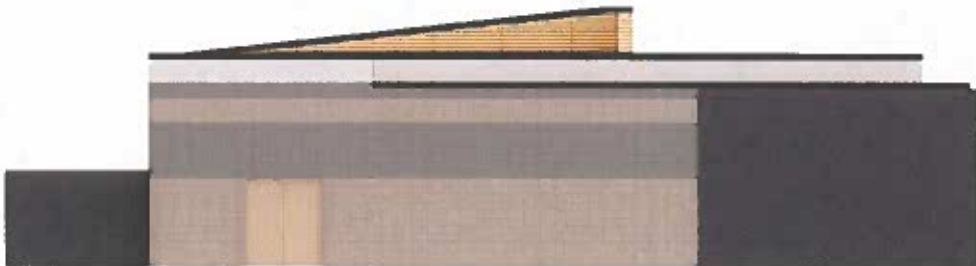
Below are elevations and renderings for the convenience store, which shall be constructed on Lot 7. The building materials and color palettes are intended to be an extension of the design of the grocery store located on Lot 9.

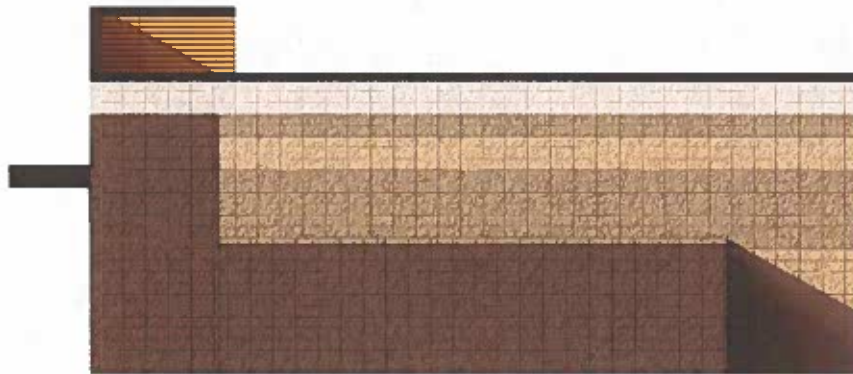
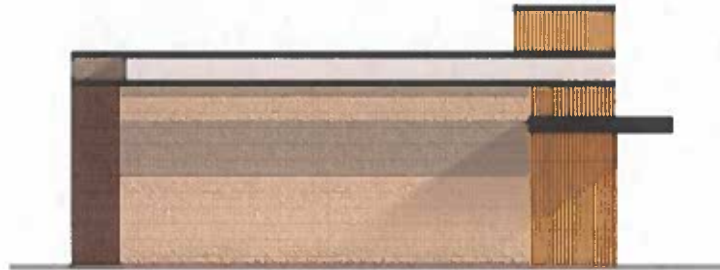


(13)



(13)





- ***Section V. Parking, Loading, and Drive-Thru's***

Off-street parking requirements for the shopping center shall be dictated by the use and governed by the City of Waxahachie's standards. As noted in the operational plan for the multi-tenant retail building on Lot 10, a variance for up to 10 parking stalls is requested due to the exact retail users being undetermined. No parking or loading within any fire lane is permitted at any time.

Drive-Thru's are permitted on Lot 3, Lot 4, Lot 5, Lot 6, Lot 8, Lot 9, and Lot 10. Stacking requirements for each lot is as follows:

Lot Number	Proposed Use	Drive-Thru Stacking Requirements
Lot 3	General Retail with Drive-Thru	A minimum of six (6) stacking spaces shall be provided
Lot 4	General Retail with Drive-Thru	A minimum of six (6) stacking spaces shall be provided
Lot 5	General Retail with Drive-Thru	A minimum of six (6) stacking spaces shall be provided
Lot 6	General Retail with Drive-Thru	A minimum of six (6) stacking spaces shall be provided
Lot 8	General Retail with Drive-Thru	A minimum of six (6) stacking spaces shall be provided
Lot 9	General Retail with Drive-Thru	A minimum of six (6) stacking spaces shall be provided
Lot 10	General Retail with Drive-Thru	A minimum of six (6) stacking spaces shall be provided

All buildings shall meet Waxahachie's minimum loading requirements. The grocery store on Lot 9's loading area is designed to be screened on three (3) sides to accommodate after-hours shipment deliveries.

- ***Section VI. Access***

Access for the shopping center shall come from US Hwy 77, North Grove Blvd, and Hedgewood Dr. A private, internal drive, spanning from N Grove Blvd to Hedgewood Dr shall be constructed to serve as the chief thoroughfare for the center. A public access easement shall be granted in this drive, allowing through access to all lots for both patrons of the center as well as emergency services. The internal drive shall also serve as a fire lane, and no on-street parking or loading shall be permitted on this drive. All platted lots shall have access either from a public street or through the public access easement, which shall provide adequate access to each lot. All lots except for Lot 1 and Lot 10 currently front public streets, and these lots will be granted access through the public access easement. Cross-access between lots is encouraged when feasible. Sidewalks shall be constructed both along the perimeter of the shopping center and between lots to allow for increased pedestrian safety and activity.

- ***Section VII. Landscaping and Screening***

Landscape shall be provided for each platted lot, exclusive of Lot 1, so long as the lot is utilized for stormwater detention. The grass in the detention pond shall be adequately maintained and cut regularly. Grass shall also be provided in adjacent public right-of-way's. The landscape for the development shall follow the landscape plan shown in **Exhibit C**. Landscape for future development shall follow the general guidelines set forth in **Exhibit C**. Landscape plans for Lots 3-6 and Lot 8, which shall be developed in future phases, will be required for consideration and approval with the respective site plans. In interim phase, these lots shall be revegetated to a minimum of 70% coverage with grass via seeding and/or hydromulching.

Lots with retail uses and residential adjacency shall provide 8' masonry screening walls between retail and residential uses. Masonry screening walls shall be constructed using pre-engineered and prefabricated concrete-panel walls. The screening walls shall have a textured finish and have an earth-tone color. An example of the proposed screening wall is below.

(13)



The detention pond on Lot 1 is to have an aluminum panel fence around the pond to ensure safety and security; a gate shall be provided to allow access for maintenance. An example of the aluminum panel fence to be installed is provided below.



All dumpsters shall be screened from public view with a masonry enclosure and gates. Masonry dumpster enclosures shall complement the style of the overall development and shall be constructed with split face block. The color of the dumpster enclosure shall be consistent with the colors used for the principal building on the lot. All free-standing dumpster enclosures shall also be screened by evergreen shrubs at least 3' in height. Rooftop mechanical equipment visible from right-of-way shall be screened from public view.

A rendering of the visibility corridor from the Hwy 77 & North Grove Blvd intersection is shown in **Exhibit A**.

- **Section VIII. Accessory Buildings**

Accessory Buildings for non-residential uses are permitted, so long as they are lesser in height than the main building, conform to the minimum exterior construction standards for the main building on the lot or tract and shall be architecturally compatible in design and constructed of the same exterior finishes and colors as the main building.

- **Section IX. Signage**

The only type of freestanding signs allowed in the shopping center are monument signs. The shopping center will utilize a mixture of multi-tenant and single-tenant monument signs throughout the development. The signage plan with monument sign elevations is shown on **Exhibit D**.

Directional signage is permitted and shall follow City guidelines.

Multiple-tenant monument signs on Lot 3 and Lot 6 shall conform to the following regulations:

Maximum Size	125 square feet
Maximum Height	Twelve (12) feet measured from grade
Setbacks:	Fifteen (15) feet from street right-of-way
	Fifteen (15) feet from property lines other than those property lines fronting public right-of-way
	250 feet from any other monument sign on the same platted lot, measured along the right-of-way

The multiple-tenant monument sign on Lot 7 shall conform to the following regulations:

Maximum Size	205 square feet
Maximum Height	Fifteen (15) feet measured from grade
Setbacks:	Fifteen (15) feet from street right-of-way
	Fifteen (15) feet from property lines other than those property lines fronting public right-of-way
	250 feet from any other monument sign on the same platted lot, measured along the right-of-way

The multi-panel signs located on Lot 3, Lot 6, and Lot 7 will all maintain the same architectural style. The multi-panel sign on Lot 3 is intended to serve a future multi-tenant building on its respective lot. Lot 6's multi-panel sign will serve signage for the Lot 6 tenant, the tenants in the Lot 10 multi-tenant retail building, and the tenant on Lot 9. Lot 7's multi-tenant sign will provide signage for both the convenience store located on the lot as well as the grocery store located on Lot 9.

Single tenant monument signs shall conform to the following regulations:

Maximum Size	Eighty (80) square feet
Maximum Height	Eight (8) feet measured from grade
Setbacks:	Fifteen (15) feet from street right-of-way
	Fifteen (15) feet from property lines other than those property lines fronting public right-of-way
	250 feet from any other monument sign on the same platted lot, measured along the right-of-way

Lots 4, Lot 5, Lot 8, and Lot 9 will all provide signage to serve the tenants of their respective lots.

The design of all monument signs shall meet Waxahachie requirements. A sandstone base is to be used throughout the shopping center.

- **Section X. Lighting**

The interior drive spanning from North Grove Blvd to Hedgewood shall provide light standards consistent with Waxahachie's lighting requirements. Consistent with Waxahachie's code, for lots greater than three (3) acres, the maximum height of light standards is 30'; for all lots less than three (3) acres, the maximum height of light standards is 20'. All lights shall meet Waxahachie's requirements for residential light intensity and screening. All light standards shall be placed on the site with a setback equal to its height from all adjacent residential property. Light standards used throughout the development shall be consistent with the images shown below. All light standards shall have a bronze finish.



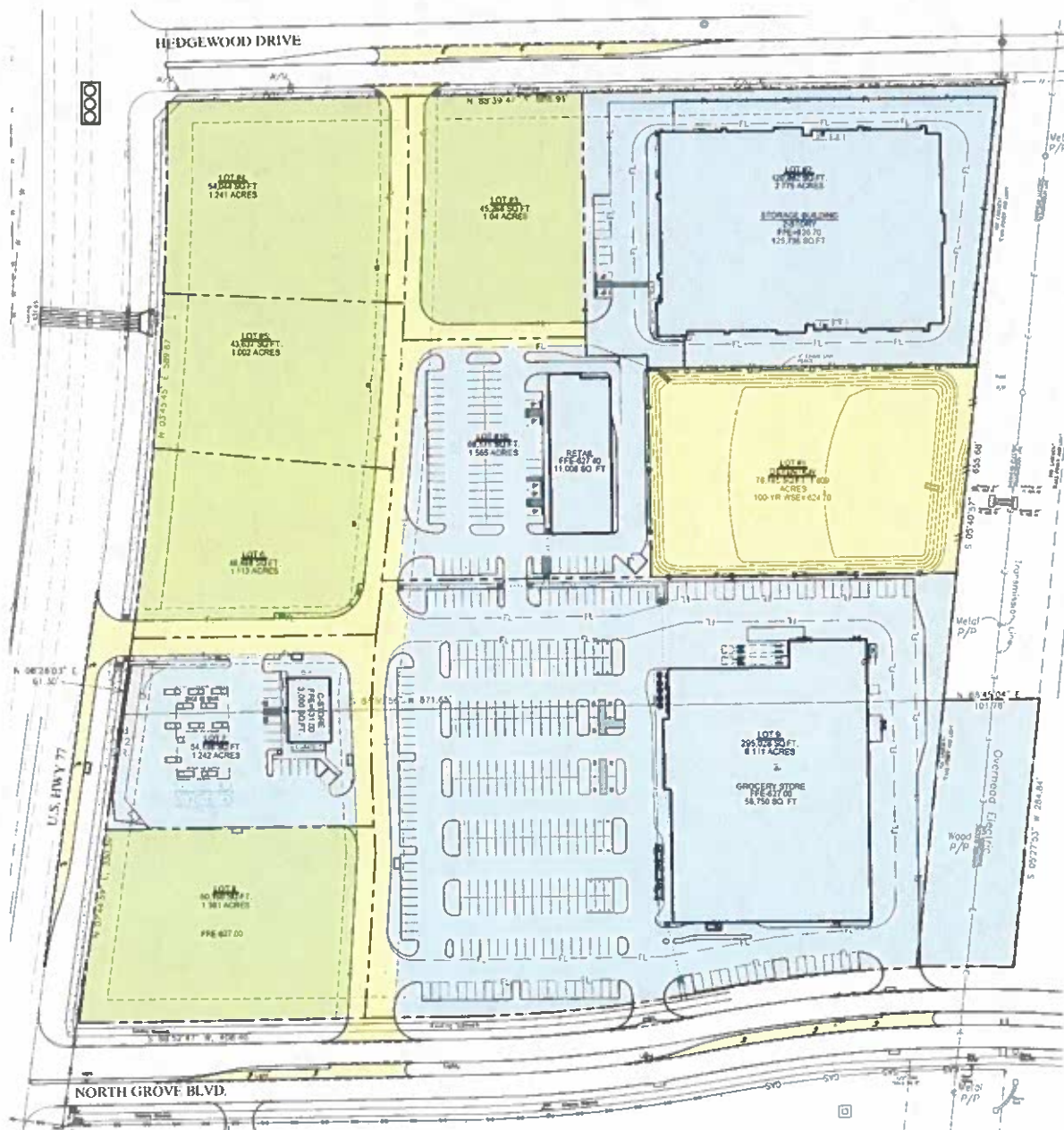


When facing residential properties, building and site lighting shall be shielded down, away from the residential lots. All lighting shall meet Waxahachie's requirements for intensity and glare.

- **Section XI. Project Phasing and Schedule**

The development of this shopping center shall occur in 3 phases. Phase I is the construction of the critical infrastructure for the shopping center. Phase I includes all offsite construction (turn lanes, deceleration lanes, median breaks, drive approaches), mass grading of the entire site, the internal drive that spans from North Grove Blvd to Hedgewood Dr, the drive that extends into the site from Hwy 77, all stormwater pipe as well as the detention pond, sanitary sewer extensions, and water extensions. We anticipate Phase I construction to take 5-8 months to complete. Phase II will immediately follow Phase I and will consist of construction of Tom Thumb on Lot 9, the mini-warehouse facility on Lot 2, the convenience store on Lot 7, and the retail building on Lot 10. The construction of these four Phase II projects is intended to happen simultaneously. During construction, the Lot 2 and Lot 10 projects will both stage from Lot 3. Lot 7 and Lot 9 will stage from their own respective lots. We anticipate construction of the mini-warehouse facility on Lot 2 to take 10 months, the convenience store on Lot 7 to take 6 months, the grocery store shown on Lot 9 to take 12 months, and the retail building on Lot 9 to take 9 months. Phase III shall consist of all other future retail uses for the remaining lots. Timing of these Phase III project is unknown and will be subject to future retail demand. The colored site plan below is a visual representation of the different phases of the project. Phase I is depicted in yellow, Phase II is shown in blue, and Phase III is shown in green.

(13)



The plat for the overall development is to be submitted with an accompanying set of civil construction documents. Upon approval of the civil construction drawings, Phase I construction shall begin. Mass grading of the overall site will take place first; all other Phase I construction shall follow the mass grading. Site work for future phase projects shall be allowed to happen concurrently with the Phase I construction. Vertical building construction on Phase II & III projects shall not be permitted until all Phase I infrastructure is accepted by the Public Works Department; vertical building construction for Phase II & III projects may proceed once the plat is filed and building permits have been issued.

Early morning construction is anticipated for concrete placement. Prior notice shall be given to Waxahachie building department for their approval.

Section XII. Management Associations

Each lot shall be responsible for maintaining their respective building, parking field, screening walls, irrigation, and landscape. Common area maintenance responsibilities of the shopping center shall be spelled out through a private declaration of easements, conditions, covenants, and restrictions. Common areas for the shopping center are defined as the detention pond, all drives encompassed in a public access easement, site lighting on undeveloped lots, and temporary vegetation on undeveloped lots. The common areas, detention pond, and multi-tenant monument signs shall be maintained by the executor of the declaration, the owner of Lot 9.

Section XIII. Architectural Standards

To maintain standards that promote uniformity in the development while still allowing design flexibility to accommodate future retail uses, the following architectural standards shall govern new, vertical construction in the shopping center.

- All buildings shall have a definitive bottom, middle, and top.
- All lots on Exhibit A that show a building footprint shall conform to the horizontal articulations shown on the building envelopes. All other lots on Exhibit A that do not show building footprints shall adhere to Waxahachie's requirements for horizontal articulation.
- All lots that show elevations on **Exhibit B** shall conform to the vertical articulations shown on the elevations. For all other lots that do not provide an elevation on Exhibit B, no horizontal wall shall extend for a distance greater than three (3) times the height of the wall without changing height by a minimum of ten (10) percent of the wall's height.

The materials and colors in **Exhibit B** have been chosen to ensure architectural compatibility between Phase II buildings. Building materials for buildings not shown on **Exhibit B** shall generally conform to the following standards to ensure design continuity throughout all phases. The following materials and color palettes are intended to a guide for future development that ensures a consistent appearance while still allowing enough flexibility for retail users to adapt their prototypes to. Strict adherence to the exact materials and/or colors is not required, so long as the proposed materials and/or colors provide the same appearance. The compatibility of the proposed building materials for Phase III buildings shall be determined administratively by the Director of Planning at the time of Site Plan submittal.

- **Stone**

- Eldorado Stacked Stone - Dry Creek



- **EIFS/Stucco**

- *Primary Colors:*

- Color: Sherwin Williams – Felted Wool (SW 9171)



- Color: Sherwin Williams – Grecian Ivory (SW 7541)



- *Accent Colors:*

- Color: Sherwin Williams – Iron Ore (SW 7069)

(13)



- Color: Sherwin Williams – Bunglehouse Blue (SW 0048)



- **Storefront**

- Color: Clear Anodized



- Color: Medium Bronze



- **Brick**

(13)

- Color: Similar colors to EIFS & Stucco paint selections
- **Concrete block**
 - Split Face CMU (Painted)

- **Paint Colors:**

- Sherwin Williams – Felted Wool (SW 9171)



- Color: Sherwin Williams – Grecian Ivory (SW 7541)



- Color: Sherwin Williams – Iron Ore (SW 7069)



- Color: Sherwin Williams – Purpoise (SW 7047)

(13)



- Color: Sherwin Williams – Urban Jungle (SW 9117)



- Integrally Colored CMU
 - Echelon Masonry – Split Face CMU
 - Malibu Sand



- Mission White



(13)

- White Limestone



- Hillcrest Gray



- **Fiber Cement Board**

- Nichiha Vintage Wood

- Color: Cedar



- Nichiha Roughsawn

- Color: Tobacco

(13)



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.

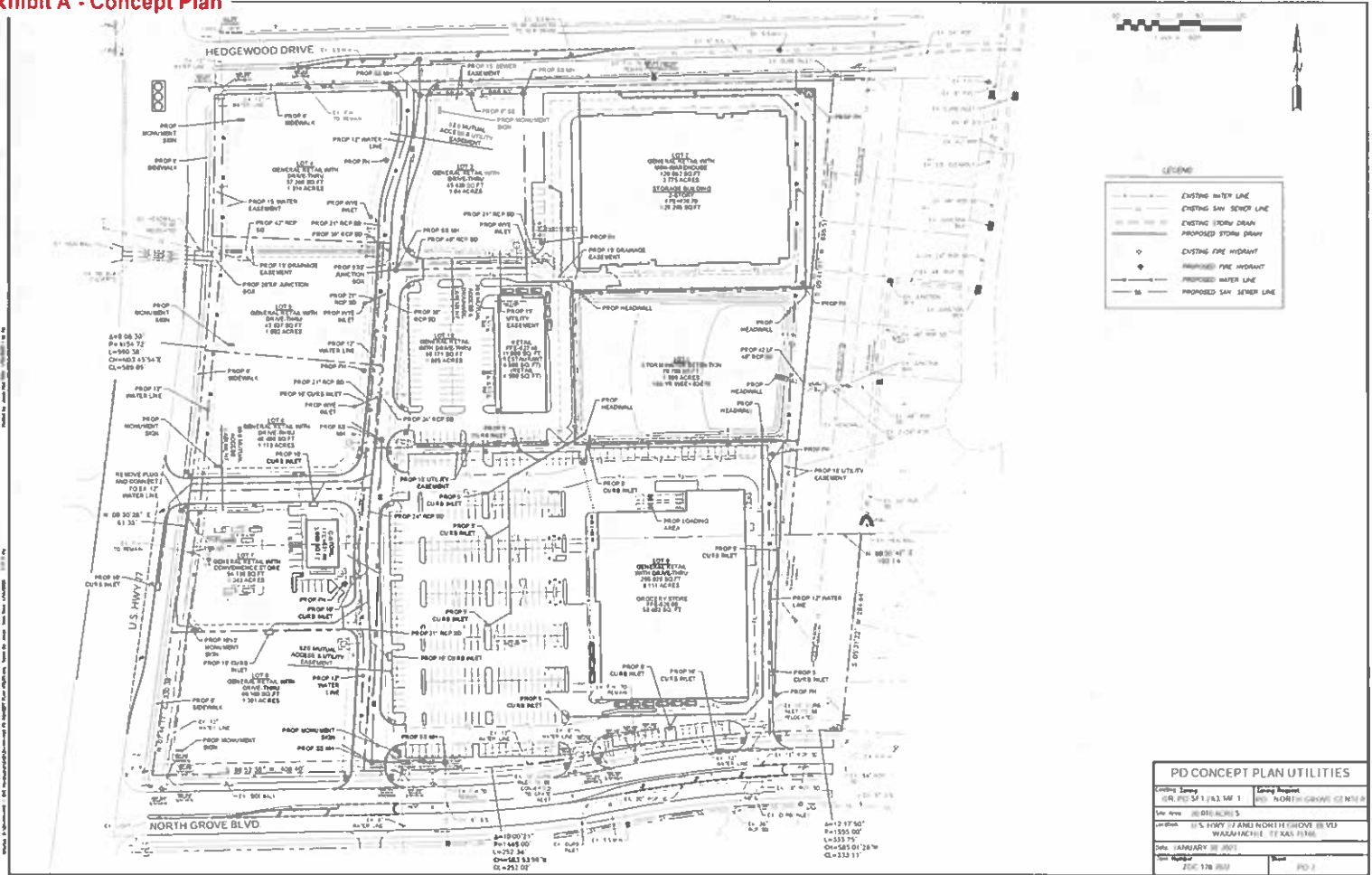
PASSED, APPROVED, AND ADOPTED on this 20th day of March, 2023.

MAYOR

ATTEST:

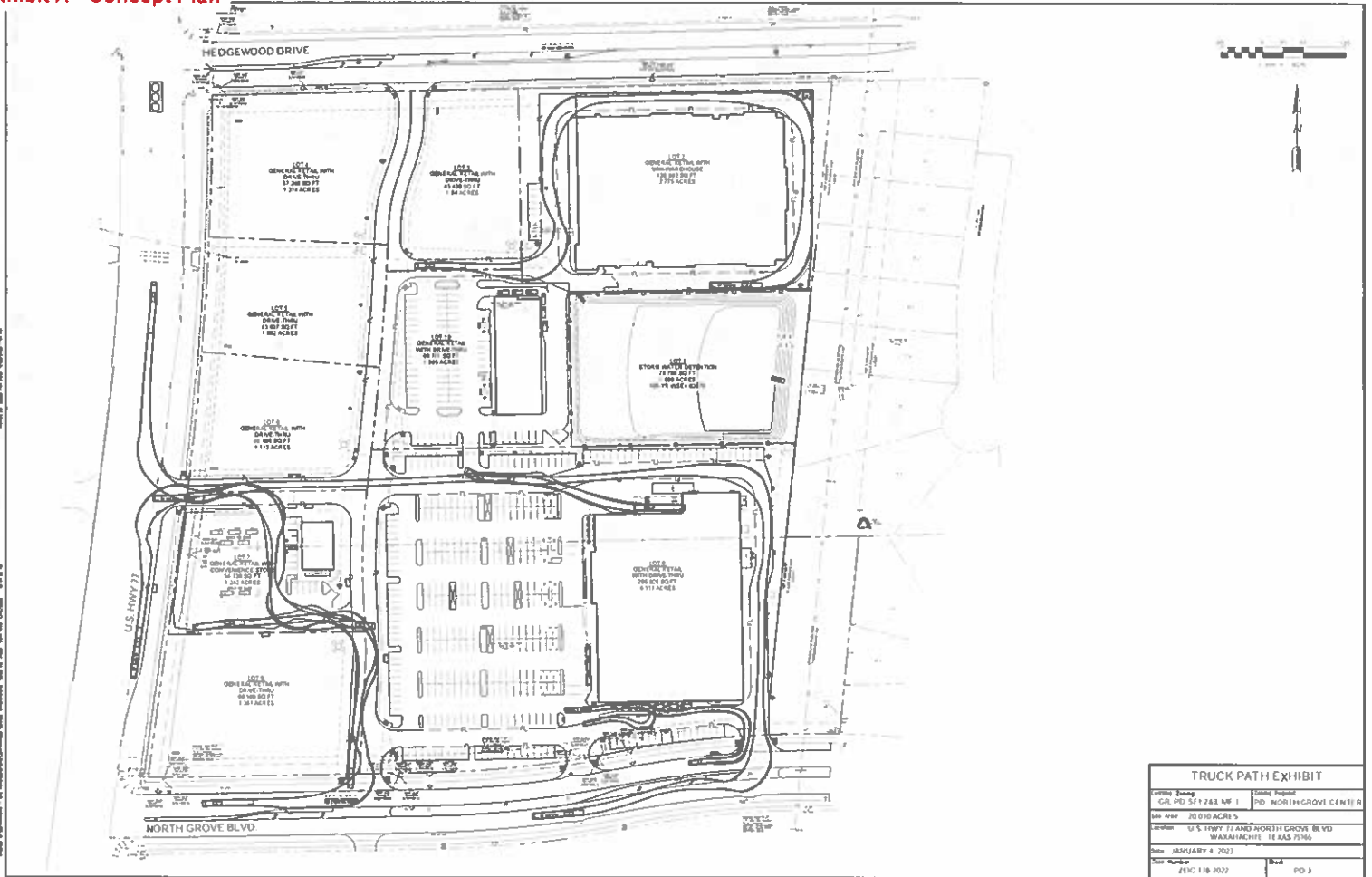
City Secretary

Exhibit A - Concept Plan



(13)

Exhibit A - Concept Plan



(13)

Exhibit A - Concept Plan



(13)

Exhibit A - Concept Plan



Heights Venture
ARCHITECTURE • THE SIGN
Not for regulatory approval or construction
Robert Halton, AIA TX 011930

WAXAHACHIE RETAIL CENTER
01.17.2023
US 77 & N G ROVE BLVD. WAXAHACHIE, TX

Exhibit B • Building Elevations

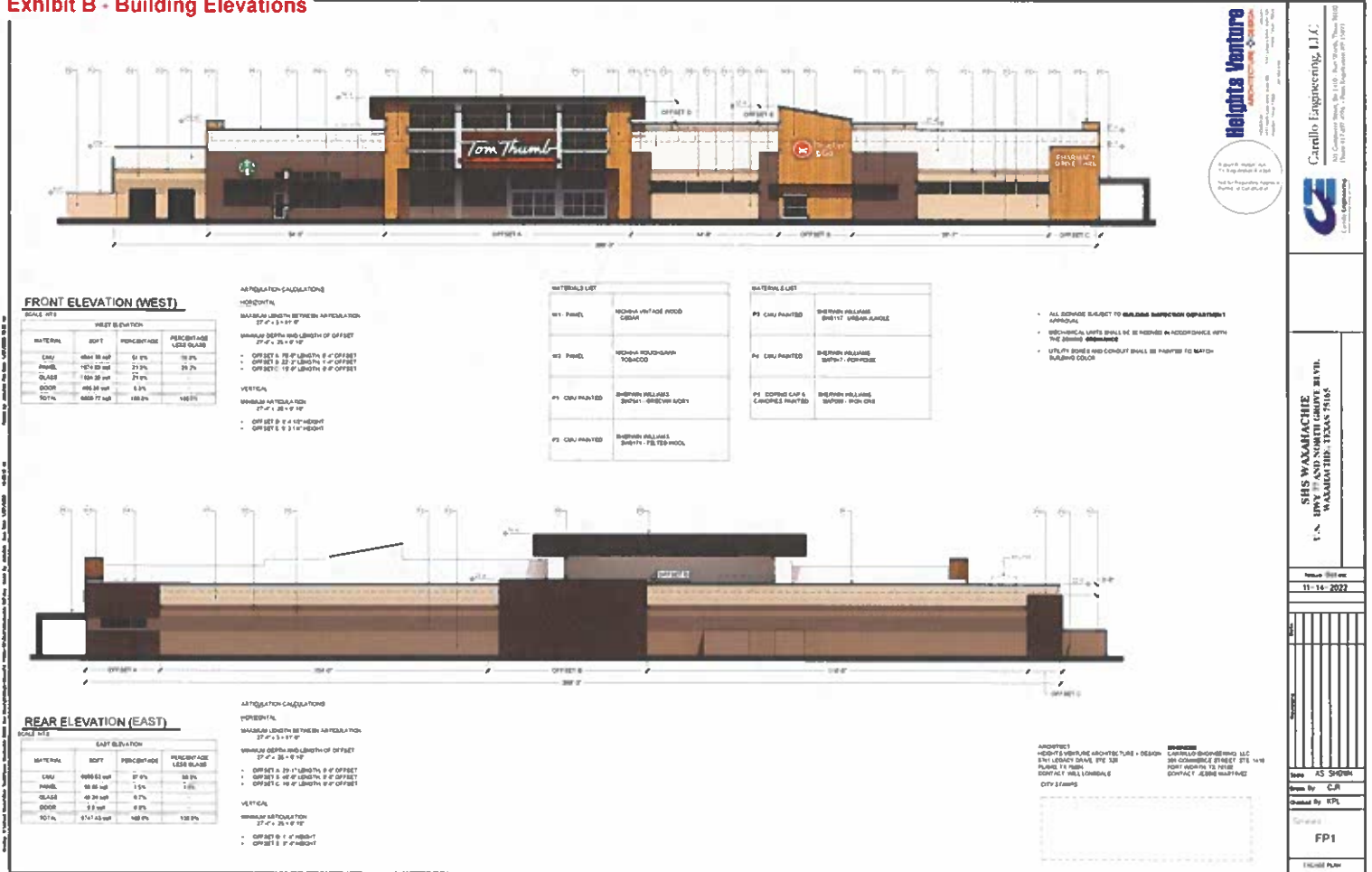
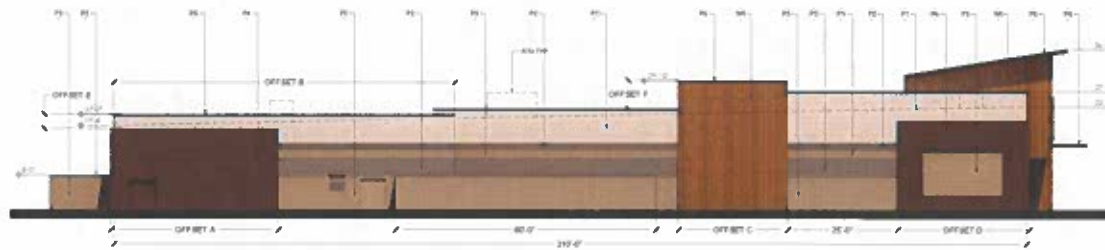


Exhibit B - Building Elevations



RIGHT ELEVATION (NORTH)

NORWELLYA FCWM			
MATERIAL	SOFT	PERCENTAGE	PERCENTAGE LIME CLASS
CLAY	6600 00 soft	77 1%	76-4%
FRAGILE	1207 00 soft	21 2%	21 6%
GLASS	00 soft	0 0%	-
DOSE	600 00 soft	7 3%	-
TOTAL	8400 00 soft	100 0%	100 0%

APPROXIMATE CALCULATIONS

HORIZONTAL
MAXIMUM LENGTH BETWEEN ARTICULATION
27" 4" ± 2" 91"

- IDENTIFY THE TWO TYPES OF OFFSET
- 27 4° 35' 9" N
- OFFSET A: 35° 4' LONGITUDE 0° 0' OFFSET
 - OFFSET B: 35° 4' LONGITUDE 35° 4' OFFSET
 - OFFSET C: 35° 4' LONGITUDE 0° 0' OFFSET
 - OFFSET D: 35° 4' LONGITUDE 35° 4' OFFSET

VERTICAL

1. $2x^2 + 3x - 4 = 0$
 $2x^2 + 3x - 4 = 0$
 $2x^2 + 3x - 4 = 0$

- OFFSET 8 7 6 5 HEXON

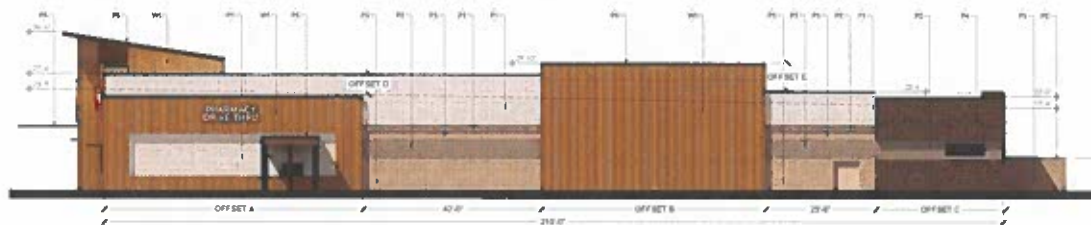
9067 *Phyllanthus*

011	PageB	MOCHN VINTAGE NOVO CEDAR
012	PageB	MOCHN ROUSH-LAHN TODD
P1	CAU Page TE	2-MERIN WILLIAMS SHUTAI GREENAWAY
P2	CAU Page TE	2-MERIN WILLIAMS SHUT P1 - RILEY HODG

www.elsevier.com/locate/bsc

P2 - CHU PAINTED	SHIRAZI HILL/MSB BANK 17 - JAGGION A/MSB
P6 - CHU PAINTED	SHIRAZI HILL/MSB JAGGION - JAGGION
P5 - COPING CAP & CARGOES PAINTED	SHIRAZI HILL/MSB JAGGION - JAGGION

- ALL CHANGES SUBJECT TO **SUPPLEMENTAL INSPECTION REQUIREMENTS** APPLICABLE
- ALL CHANGES MUST BE **RECORDED** IN RECORDING SYSTEM
- **APPLY** RULES AND CONDUCT SHALL BE **BOUND** TO MATCH **SUBSISTENCE**



LEFT ELEVATION (SOUTH)

SOUTH EAST ASIA			
TRAFFIC	SOFT	PERCENTAGE	PERCENTAGE LESS CLASS
CHU	21 28 56 sep	11 0%	10 0%
PANEL	28 22 43 sep	17 5%	16 2%
CLASS	47 28 sep	0 0%	
BOOK	47 0 sep	0 0%	
FO TA	24 15 28 sep	100 0%	100 0%

Abstract Figures Calculations

MASSAGE LENS (H) MEYERSON ATTENUATION
27-4" x 3 x 21-6"

- CH_3COCH_3 A. CH_3COCH_3 B. CH_3COCH_3
- CH_3COCH_3 C. CH_3COCH_3 D. CH_3COCH_3
- CH_3COCH_3 E. CH_3COCH_3 F. CH_3COCH_3

VERTICAL

• CAPS SET @ 1.475000

- * 098 567-8 9 0 0 0 0 0 0

680CHTCT
 680CHTCT VINTURE ARCHITECTURE - BOSTON
 5711 LEONARD DRIVE STE 320
 ALABAMA 36801
 CONTACT PULL CONTACTS
 680CHTCT
 680CHTCT

(continued)

5125 VANDERBILT AVE,
U.S. HWY 77 AND NORTH GROVE BLVD,
WAXAHACHIE, TEXAS 75105

1-14-2022

AS SHOWN

By	CJA
and By	KPL

and

FP2

Exhibit B - Building Elevations

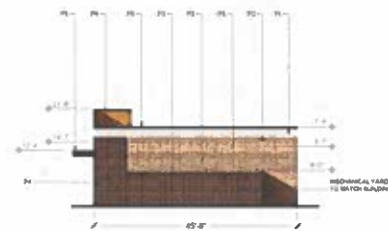


FRONT ELEVATION (WEST)

ALBERT EINSTEIN			
MA79B006	DOBT	EDUCBRTAGE	PERCENTAGE LESS CLASS
CSBL	552 71 m	20 0%	40 0%
PHN06	377 04 m	30 0%	50 0%
QUA06	586 79 m	50 0%	50 0%
DOOR	4249 m	5 0%	
FOCAL	1138 56 m	400 0%	100 0%

APICULATION (ALBULA) 20-25
 MANDIBLE 2-4
 MAXIMUM LENGTH BETWEEN ARTICULATION
 $27 \times 4 = 3 \times 27 = 81$
 MINIMUM DEPTH AND LENGTH OF OFFSET
 $27 \times 4 = 36 \times 2 = 72$
 • OFFSET A 8-12" LENGTH 8" OFF SET
 VERTICAL
 MINIMUM ARTICULATION
 $27 \times 4 = 36 \times 2 = 72$
 • OFFSET B 3-11" MINIMUM

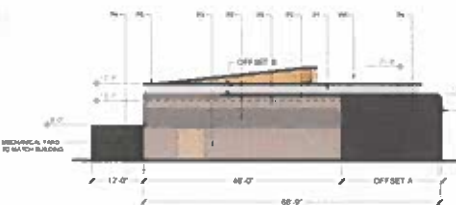
BATTERED CHILD	
01 - PAPER	WICHITA STATE HOSPITAL
02 - PAPER	WICHITA STATE HOSPITAL
04 - CHILD BATTERED	WICHITA STATE HOSPITAL
07 - CHILD BATTERED	WICHITA STATE HOSPITAL

[illegible]

RIGHT ELEVATION (SOUTH)

150° ± 1°	B3/74 B3/74 TBM		
	150°	150° ± 1°	150° ± 1°
Case	775.38 m/s	82.4%	88.9%
150°	12.72 m/s	6.4%	6.4%
150°	0.6 m/s	0.0%	0.0%
150°	0.9 m/s	0.0%	0.0%
150°	0.26 m/s	0.0%	0.0%

- LENGTH OF BUILDING IS LESS THAN 30 METER



REAR ELEVATION (EAST)

Qualidade	2017	2018 (até 2020)	Previsão 2020 (até 2025)
Cabo	1,21 m/s	0,0%	3,2%
Arco	0,04 m/s	70%	20%
Outro	0 m/s	0%	
Outro	0,02 m/s	2%	
Total	1,27 m/s	100%	100%

ARTICULATION (EQUATIONS)

HORIZONTAL

MAXIMUM LENGTH BETWEEN ARTICULATION
 $17^{\circ} \leq \phi \leq 90^{\circ}$

MINIMUM DEPTH AND LENGTH OF OFFSET
 $17^{\circ} \leq \phi \leq 20^{\circ} \leq 10^{\circ}$

- OFFSET $\leq 22^{\circ}$ & 1/2 LENGTH OF ϕ OFFSET

VERTICAL

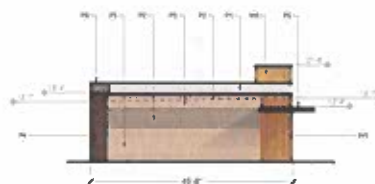
MINIMUM ARTICULATION
 $17^{\circ} \leq \phi \leq 20^{\circ} \leq 10^{\circ}$

- OFFSET $\geq 2^{\circ}$ & 1/2 HEIGHT

LEFT ELEVATION (NORTH)

NON-BEGLIATION			
SEAWEED	SOFT	PERCENTAGE	PERCENTAGE LESS CLASS
CHL	100.00 soft	00.0%	00.0%
PHL	100.00 soft	10.0%	10.0%
GLASS	00.00 soft	0.0%	
DOOR	00.00 soft	0.0%	
ROSE	00.00 soft	00.0%	100.0%

- LESSON OF BUILDING IS LESS THAN IN THE WILDLIFE



66CHRYSLER
 66CHRYSLER V8 350HP 66CHRYSLER 66CHRYSLER
 66CHRYSLER 66CHRYSLER 66CHRYSLER 66CHRYSLER
 66CHRYSLER 66CHRYSLER 66CHRYSLER 66CHRYSLER
 66CHRYSLER 66CHRYSLER 66CHRYSLER 66CHRYSLER

DATE: _____

Heights Venture

(continued from page 11)



U.S. 10077 AND SUMMIT GARDEN BLVD.
WAXALAHTIP, TEXAS 75164

11-14-2022

AS SHOWN

By CR

and By K

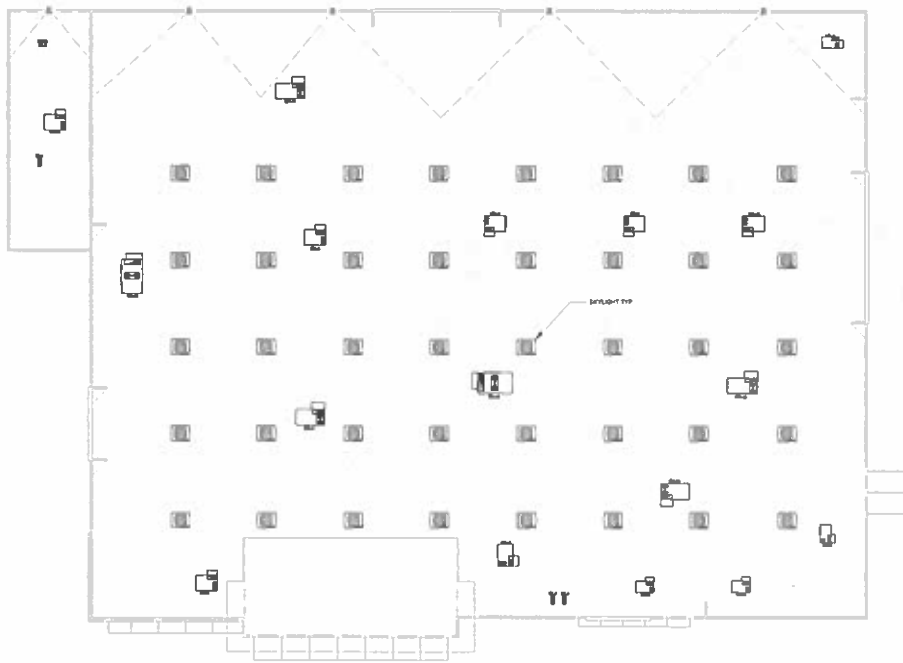
0-0000

FP3

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(13)

Exhibit B - Building Elevations



FOODSTORE ROOF PLAN

Heights Ventures
ARCHITECTURE + DESIGN

3000 N. Central Expressway, Suite 100
Dallas, Texas 75204
Phone: (214) 750-1234
Fax: (214) 750-1235
www.heightsventures.com

Cardo Engineering, LLC
10000 Preston Road, Suite 1000
Dallas, Texas 75242
Phone: (214) 343-1234
Fax: (214) 343-1235
www.cardoengineering.com

SRS WAXAHACHE
10000 WAXAHACHE BLVD.
WAXAHACHE, TEXAS 75165

Issue
11-14-2022

NO.	DESCRIPTION
1	REVISION
2	REVISION
3	REVISION
4	REVISION
5	REVISION
6	REVISION
7	REVISION
8	REVISION
9	REVISION
10	REVISION

Date: 11-14-2022

Drawn By: J. Smith

Checked By: J. Smith

Sheet: FP4

ROOF PLAN

(13)

Exhibit B - Building Elevations



(13)

Exhibit B - Building Elevations



Heights Venture
ARCHITECTURE • DESIGN

Not for regulatory approval, permitting, or construction
Robert R. Horton, AIA TX #14936

GROCERY CENTER

WAXAHACHIE, TX
EXTERIOR
01/30/2023

(13)

Exhibit B - Building Elevations



Heights Venture
ARCHITECTURE ✦ DESIGN

Not for regulatory approval, permitting, or construction
Robert R. Holton, AIA TX #11938

GROCERY CENTER

WAXAHACHIE, TX
EXTERIOR
11/07/22

(13)

Exhibit B - Building Elevations



Heights Venture
ARCHITECTURE ♦ DESIGN

Not for regulatory approval, permitting, or construction
Robert R. Holton, AIA TX #14938

GROCERY CENTER

WAXAHACHIE, TX
EXTERIOR
11/07/22

(13)

Exhibit B - Building Elevations



(13)

Exhibit B - Building Elevations



Haights Venture
ARCHITECTURE • DESIGN

Not for regulatory approval, permitting, or construction
Robert R. Holton, AIA TX #14938

GROCERY CENTER

WAXAHACHIE, TX
EXTERIOR - C STORE
11/09/22

(13)

Exhibit B - Building Elevations



Heights Venture
ARCHITECTURE • DESIGN

Not for regulatory approval, permitting, or construction
Robert R. Hooton, AIA TX #14938

GROCERY CENTER

WAXAHACHIE, TX
EXTERIOR - C-STORE
11/09/22

(13)

Exhibit B - Building Elevations



Heights Venture

ARCHITECTURE • DESIGN

Not for regulatory approval, permitting, or construction
Robert R. Horton, AIA TX #14938

GROCERY CENTER

WAXAHACHIE, TX
EXTERIOR - C STORE
11/09/22

Exhibit B - Building Elevations



Heights Venture
ARCHITECTURE • DESIGN

Not for regulatory approval, permitting, or construction
Robert R. Hobson, AIA TX #14936

GROCERY CENTER

WAXAHACHIE, TX
EXTERIOR - C-STORE
11/09/22

Exhibit B - Building Elevations



Heights Venture
ARCHITECTURE • DESIGN

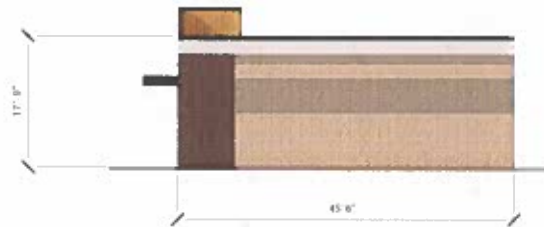
Not for regulatory approval, permitting, or construction
Robert R. Holton, AIA TX #14938

GROCERY CENTER

WAXAHACHIE, TX
EXTERIOR - C STORE
11/09/22

(13)

Exhibit B - Building Elevations



Heights Venture
ARCHITECTURE • DESIGN

Not for regulatory approval, permitting, or construction
Robert R. Holton, AIA TX #14938

GROCERY CENTER

WAXAHACHIE, TX
EXTERIOR - C-STORE
11/09/22

(13)

Exhibit B - Building Elevations

PRELIMINARY
NOT TO BE USED
FOR
REGULATORY
APPROVAL
PERMITTING OR
CONSTRUCTION



STORE HOUSE
STORAGE
U.S. HWY 77 & NORTH GROVE BLVD
VIA MARSH, TX 75165



1 EXTERIOR ELEVATION - WEST

GENERAL NOTES: 1. ALL DIMENSIONS ARE IN FEET AND INCHES (F'-INCHES). 2. FINISH GRADE IS INDICATED BY A DOTTED LINE. 3. ELEVATIONS ARE BASED ON THE FINISH GRADE. 4. ELEVATIONS ARE BASED ON THE FINISH GRADE. 5. ELEVATIONS ARE BASED ON THE FINISH GRADE.	
FINISH GRADE	1.000
FINISH GRADE	1.000
FINISH GRADE	1.000
FINISH GRADE	1.000
FINISH GRADE	1.000



2 EXTERIOR ELEVATION NORTH

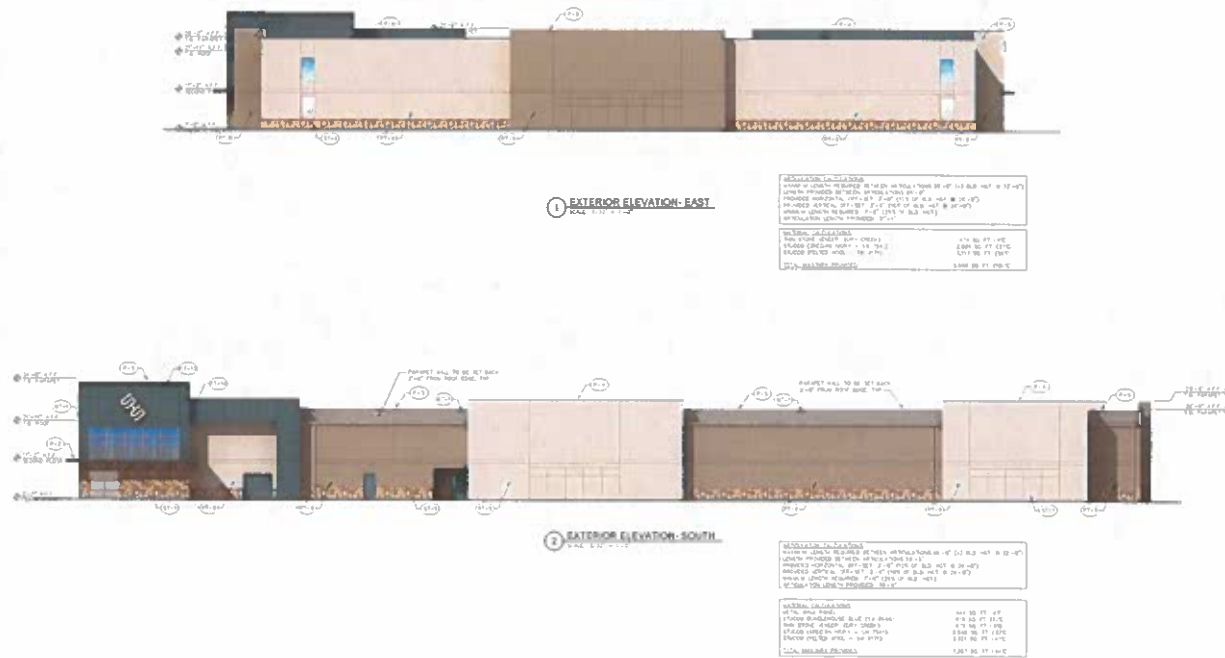
GENERAL NOTES: 1. ALL DIMENSIONS ARE IN FEET AND INCHES (F'-INCHES). 2. FINISH GRADE IS INDICATED BY A DOTTED LINE. 3. ELEVATIONS ARE BASED ON THE FINISH GRADE. 4. ELEVATIONS ARE BASED ON THE FINISH GRADE. 5. ELEVATIONS ARE BASED ON THE FINISH GRADE.	
FINISH GRADE	1.000
FINISH GRADE	1.000
FINISH GRADE	1.000
FINISH GRADE	1.000
FINISH GRADE	1.000

EXTERIOR FINISH SCHEDULE

NO.	DESCRIPTION	FINISH
1	WALLS	CONCRETE
2	CEILING	CONCRETE
3	FLOOR	CONCRETE
4	DOORS	STEEL
5	WINDOWS	ALUMINUM
6	ROOF	ASPHALT/FLY
7	CLADDING	CONCRETE
8	PAINT	WHITE
9	GLASS	GLASS
10	STEEL	STEEL
11	ALUMINUM	ALUMINUM
12	CONCRETE	CONCRETE
13	ASPHALT/FLY	ASPHALT/FLY
14	GLASS	GLASS
15	STEEL	STEEL
16	ALUMINUM	ALUMINUM
17	CONCRETE	CONCRETE
18	ASPHALT/FLY	ASPHALT/FLY
19	GLASS	GLASS
20	STEEL	STEEL
21	ALUMINUM	ALUMINUM
22	CONCRETE	CONCRETE
23	ASPHALT/FLY	ASPHALT/FLY
24	GLASS	GLASS
25	STEEL	STEEL
26	ALUMINUM	ALUMINUM
27	CONCRETE	CONCRETE
28	ASPHALT/FLY	ASPHALT/FLY
29	GLASS	GLASS
30	STEEL	STEEL
31	ALUMINUM	ALUMINUM
32	CONCRETE	CONCRETE
33	ASPHALT/FLY	ASPHALT/FLY
34	GLASS	GLASS
35	STEEL	STEEL
36	ALUMINUM	ALUMINUM
37	CONCRETE	CONCRETE
38	ASPHALT/FLY	ASPHALT/FLY
39	GLASS	GLASS
40	STEEL	STEEL
41	ALUMINUM	ALUMINUM
42	CONCRETE	CONCRETE
43	ASPHALT/FLY	ASPHALT/FLY
44	GLASS	GLASS
45	STEEL	STEEL
46	ALUMINUM	ALUMINUM
47	CONCRETE	CONCRETE
48	ASPHALT/FLY	ASPHALT/FLY
49	GLASS	GLASS
50	STEEL	STEEL
51	ALUMINUM	ALUMINUM
52	CONCRETE	CONCRETE
53	ASPHALT/FLY	ASPHALT/FLY
54	GLASS	GLASS
55	STEEL	STEEL
56	ALUMINUM	ALUMINUM
57	CONCRETE	CONCRETE
58	ASPHALT/FLY	ASPHALT/FLY
59	GLASS	GLASS
60	STEEL	STEEL
61	ALUMINUM	ALUMINUM
62	CONCRETE	CONCRETE
63	ASPHALT/FLY	ASPHALT/FLY
64	GLASS	GLASS
65	STEEL	STEEL
66	ALUMINUM	ALUMINUM
67	CONCRETE	CONCRETE
68	ASPHALT/FLY	ASPHALT/FLY
69	GLASS	GLASS
70	STEEL	STEEL
71	ALUMINUM	ALUMINUM
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73	ASPHALT/FLY	ASPHALT/FLY
74	GLASS	GLASS
75	STEEL	STEEL
76	ALUMINUM	ALUMINUM
77	CONCRETE	CONCRETE
78	ASPHALT/FLY	ASPHALT/FLY
79	GLASS	GLASS
80	STEEL	STEEL
81	ALUMINUM	ALUMINUM
82	CONCRETE	CONCRETE
83	ASPHALT/FLY	ASPHALT/FLY
84	GLASS	GLASS
85	STEEL	STEEL
86	ALUMINUM	ALUMINUM
87	CONCRETE	CONCRETE
88	ASPHALT/FLY	ASPHALT/FLY
89	GLASS	GLASS
90	STEEL	STEEL
91	ALUMINUM	ALUMINUM
92	CONCRETE	CONCRETE
93	ASPHALT/FLY	ASPHALT/FLY
94	GLASS	GLASS
95	STEEL	STEEL
96	ALUMINUM	ALUMINUM
97	CONCRETE	CONCRETE
98	ASPHALT/FLY	ASPHALT/FLY
99	GLASS	GLASS
100	STEEL	STEEL

A2.0

Exhibit B - Building Elevations

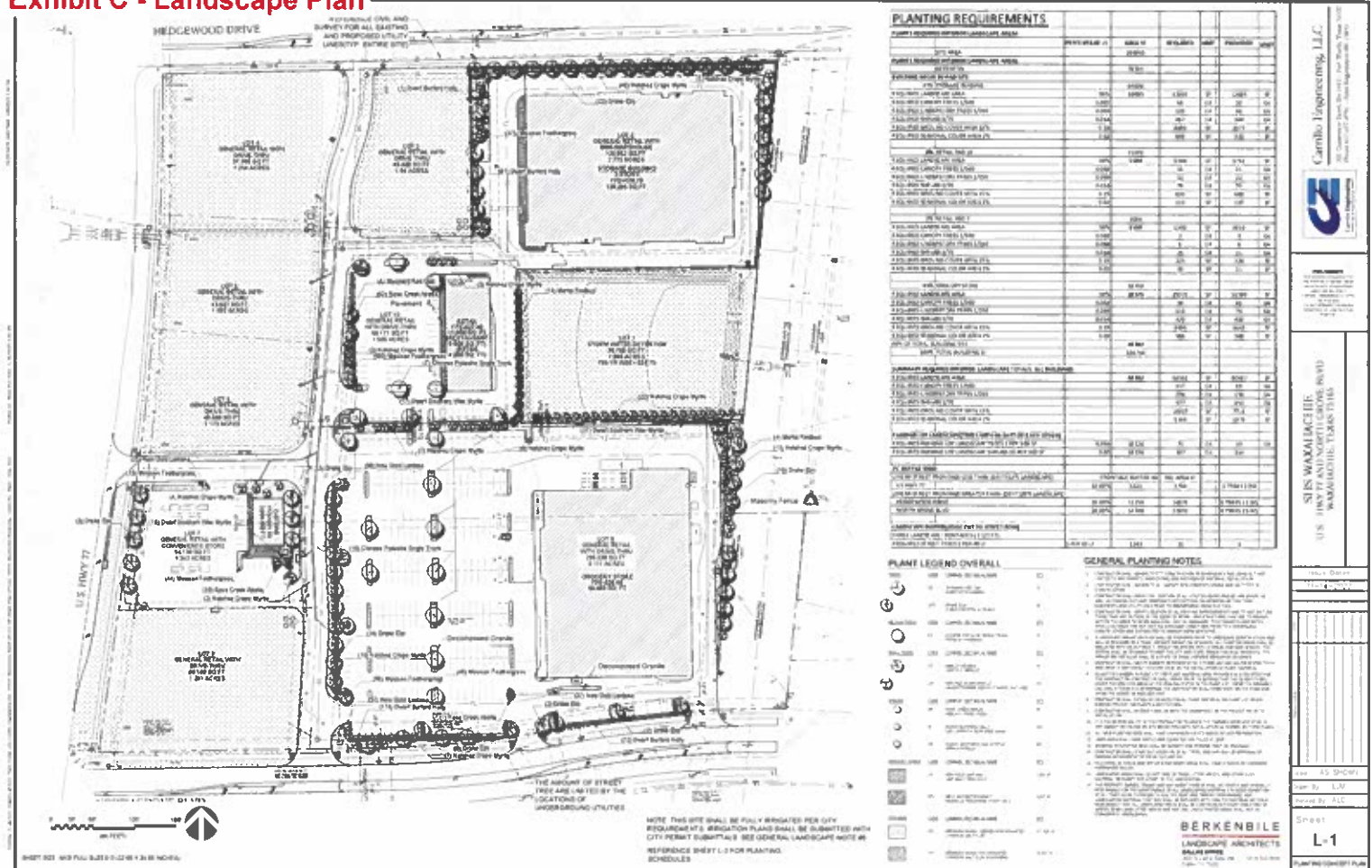


EXTERIOR FINISH SCHEDULE		
SYMBOL	FINISH	DESCRIPTION
101	CONCRETE	CONCRETE
102	BRICK	BRICK
103	STONE	STONE
104	GLASS	GLASS
105	WOOD	WOOD
106	ROOFING	ROOFING
107	PAINT	PAINT
108	PLASTER	PLASTER
109	CEILING	CEILING
110	FLOORING	FLOORING
111	WALLS	WALLS
112	ROOF	ROOF
113	FOUNDATION	FOUNDATION
114	LANDSCAPE	LANDSCAPE
115	INTERIOR	INTERIOR
116	MECHANICAL	MECHANICAL
117	ELECTRICAL	ELECTRICAL
118	PLUMBING	PLUMBING
119	HEATING	HEATING
120	Cooling	Cooling

Exhibit C - Landscape Plan



Exhibit C - Landscape Plan



(13)

Exhibit C - Landscape Plan

PLANT SCHEDULE STORAGE BUILDING

TREES	CODE	QTY	COMMON / BOTANICAL NAME	SIZE	CONTAINER	HEIGHT	SPREAD	REMARKS
	06	1	SHRUBBARD RED OAK QUERCUS BRUNNIFLORA	4" CAL	POT	10-12	8-10	SINGLE TRUNK FULL AND MATCHED
	UPD	22	DRYAS ELM ULMUS PARVIFOLIUS	4" CAL	POT	10-12	8-10	SINGLE TRUNK FULL AND MATCHED
SMALL TREES	CODE	QTY	COMMON / BOTANICAL NAME	SIZE	CONTAINER	HEIGHT	SPREAD	REMARKS
	LA	16	MATCHES CRANE WHITE LAGERSTROEMIA INDICA x FAUVETI MATCHES	2" CAL	POT	6-8	6-8	
	06	17	SHRUBBARD RED OAK QUERCUS BRUNNIFLORA	3" CAL	POT	10-12	8-10	
	UP	347	SHRUBBARD RED OAK QUERCUS BRUNNIFLORA	3" CAL	POT	10-12	8-10	
GROUND COVERS	CODE	QTY	COMMON / BOTANICAL NAME	SIZE	CONTAINER	HEIGHT	SPREAD	REMARKS
	LA	100	NEW GOLD LANTANA LANTANA X NEW GOLD	1" GAL	POT	10-12	8-10	
	WT	100	MEXICAN FEATHER GRASS NAUSELLA TENUESERRA PONY TAILS	1" GAL	POT	10-12	8-10	
ROCKS	CODE	QTY	COMMON / BOTANICAL NAME	SIZE	CONTAINER	HEIGHT	SPREAD	REMARKS
	CH	1 220 SF	BERKSHIRE GRASS-ROCK CYMBIDIUM DACTYLON 412 W/ROCK					SOLID ROCK STAGGERS JOINTS THICK AND GREEN NO GAPS BETWEEN ROCK PIECES

PLANT SCHEDULE RETAIL

TREES	CODE	QTY	COMMON / BOTANICAL NAME	SIZE	CONTAINER	HEIGHT	SPREAD	REMARKS
	06	1	SHRUBBARD RED OAK QUERCUS BRUNNIFLORA	4" CAL	POT	10-12	8-10	SINGLE TRUNK FULL AND MATCHED
MEDIUM TREES	CODE	QTY	COMMON / BOTANICAL NAME	SIZE	CONTAINER	HEIGHT	SPREAD	REMARKS
	PC	1	CHINESE PISTACHE PSTACHIA CHINESE	4" CAL	POT	10-12	8-10	SINGLE TRUNK FULL AND MATCHED WITH BRANCH HEIGHT 7-8'
SMALL TREES	CODE	QTY	COMMON / BOTANICAL NAME	SIZE	CONTAINER	HEIGHT	SPREAD	REMARKS
	CC	15	WEINLOT REBUND CERCIS X WEINLOT	4" CAL	POT	10-12	8-10	SINGLE TRUNK FULL AND MATCHED
	LA	7	MATCHES CRANE WHITE LAGERSTROEMIA INDICA x FAUVETI MATCHES	2" CAL	POT	6-8	6-8	
SHRUBS	CODE	QTY	COMMON / BOTANICAL NAME	SIZE	CONTAINER	HEIGHT	SPREAD	REMARKS
	AA	10	ROSE CREEK ABELIA ABELIA X ROSE CREEK	3" GAL	POT	24-30"	24"	
	UP	20	SHRUBBARD RED OAK QUERCUS BRUNNIFLORA	3" GAL	POT	10-12	8-10	
GROUND COVERS	CODE	QTY	COMMON / BOTANICAL NAME	SIZE	CONTAINER	HEIGHT	SPREAD	REMARKS
	LA	100	NEW GOLD LANTANA LANTANA X NEW GOLD	1" GAL	POT	10-12	8-10	
	WT	100	MEXICAN FEATHER GRASS NAUSELLA TENUESERRA PONY TAILS	1" GAL	POT	10-12	8-10	
ROCKS	CODE	QTY	COMMON / BOTANICAL NAME	SIZE	CONTAINER	HEIGHT	SPREAD	REMARKS
	CH	1 220 SF	BERKSHIRE GRASS-ROCK CYMBIDIUM DACTYLON 412 W/ROCK					SOLID ROCK STAGGERS JOINTS THICK AND GREEN NO GAPS BETWEEN ROCK PIECES

PLANT SCHEDULE GROCERY STORE LOT #9

TREES	CODE	QTY	COMMON / BOTANICAL NAME	SIZE	CONTAINER	HEIGHT	SPREAD	REMARKS
	UPD	14	DRYAS ELM ULMUS PARVIFOLIUS	4" CAL	POT	10-12	8-10	SINGLE TRUNK FULL AND MATCHED
MEDIUM TREES	CODE	QTY	COMMON / BOTANICAL NAME	SIZE	CONTAINER	HEIGHT	SPREAD	REMARKS
	PC	1	CHINESE PISTACHE PSTACHIA CHINESE	4" CAL	POT	10-12	8-10	SINGLE TRUNK FULL AND MATCHED WITH BRANCH HEIGHT 7-8'
SMALL TREES	CODE	QTY	COMMON / BOTANICAL NAME	SIZE	CONTAINER	HEIGHT	SPREAD	REMARKS
	CC	15	WEINLOT REBUND CERCIS X WEINLOT	4" CAL	POT	10-12	8-10	SINGLE TRUNK FULL AND MATCHED
	LA	10	MATCHES CRANE WHITE LAGERSTROEMIA INDICA x FAUVETI MATCHES	2" CAL	POT	6-8	6-8	
SHRUBS	CODE	QTY	COMMON / BOTANICAL NAME	SIZE	CONTAINER	HEIGHT	SPREAD	REMARKS
	AA	10	ROSE CREEK ABELIA ABELIA X ROSE CREEK	3" GAL	POT	24-30"	24"	
	UP	20	SHRUBBARD RED OAK QUERCUS BRUNNIFLORA	3" GAL	POT	10-12	8-10	
GROUND COVERS	CODE	QTY	COMMON / BOTANICAL NAME	SIZE	CONTAINER	HEIGHT	SPREAD	REMARKS
	LA	100	NEW GOLD LANTANA LANTANA X NEW GOLD	1" GAL	POT	10-12	8-10	
	WT	100	MEXICAN FEATHER GRASS NAUSELLA TENUESERRA PONY TAILS	1" GAL	POT	10-12	8-10	
ROCKS	CODE	QTY	COMMON / BOTANICAL NAME	SIZE	CONTAINER	HEIGHT	SPREAD	REMARKS
	CH	1 220 SF	BERKSHIRE GRASS-ROCK CYMBIDIUM DACTYLON 412 W/ROCK					SOLID ROCK STAGGERS JOINTS THICK AND GREEN NO GAPS BETWEEN ROCK PIECES

PLANT SCHEDULE C-STORE LOT #7

TREES	CODE	QTY	COMMON / BOTANICAL NAME	SIZE	CONTAINER	HEIGHT	SPREAD	REMARKS
	UPD	14	DRYAS ELM ULMUS PARVIFOLIUS	4" CAL	POT	10-12	8-10	SINGLE TRUNK FULL AND MATCHED
SMALL TREES	CODE	QTY	COMMON / BOTANICAL NAME	SIZE	CONTAINER	HEIGHT	SPREAD	REMARKS
	LA	10	MATCHES CRANE WHITE LAGERSTROEMIA INDICA x FAUVETI MATCHES	2" CAL	POT	6-8	6-8	
SHRUBS	CODE	QTY	COMMON / BOTANICAL NAME	SIZE	CONTAINER	HEIGHT	SPREAD	REMARKS
	AA	10	ROSE CREEK ABELIA ABELIA X ROSE CREEK	3" GAL	POT	24-30"	24"	
	UP	20	SHRUBBARD RED OAK QUERCUS BRUNNIFLORA	3" GAL	POT	10-12	8-10	
GROUND COVERS	CODE	QTY	COMMON / BOTANICAL NAME	SIZE	CONTAINER	HEIGHT	SPREAD	REMARKS
	LA	100	NEW GOLD LANTANA LANTANA X NEW GOLD	1" GAL	POT	10-12	8-10	
	WT	100	MEXICAN FEATHER GRASS NAUSELLA TENUESERRA PONY TAILS	1" GAL	POT	10-12	8-10	
ROCKS	CODE	QTY	COMMON / BOTANICAL NAME	SIZE	CONTAINER	HEIGHT	SPREAD	REMARKS
	CH	1 220 SF	BERKSHIRE GRASS-ROCK CYMBIDIUM DACTYLON 412 W/ROCK					SOLID ROCK STAGGERS JOINTS THICK AND GREEN NO GAPS BETWEEN ROCK PIECES

Carillo Engineering, LLC
Landscape Architects
10000 Highway 100, Suite 100
Houston, Texas 77036
Phone: 281.441.1111
Fax: 281.441.1112
www.carilloeng.com

SUN WAXAHACHIE
10000 Highway 100, Suite 100
WAXAHACHIE, TEXAS 75165

BERKENBIL
LANDSCAPE ARCHITECTS
10000 Highway 100, Suite 100
Houston, Texas 77036
Phone: 281.441.1111
Fax: 281.441.1112
www.berkenbil.com

Sheet
L-2
PLANNING CONCEPT PLAN

SALES REPRESENTATIVE: Orlando Batista | PROJECT MANAGER: Rebecca Williams

Exhibit D - Signage Plan

SIGN PACKAGE PROPOSAL

WAXAHACHIE, TX

Tom Thumb

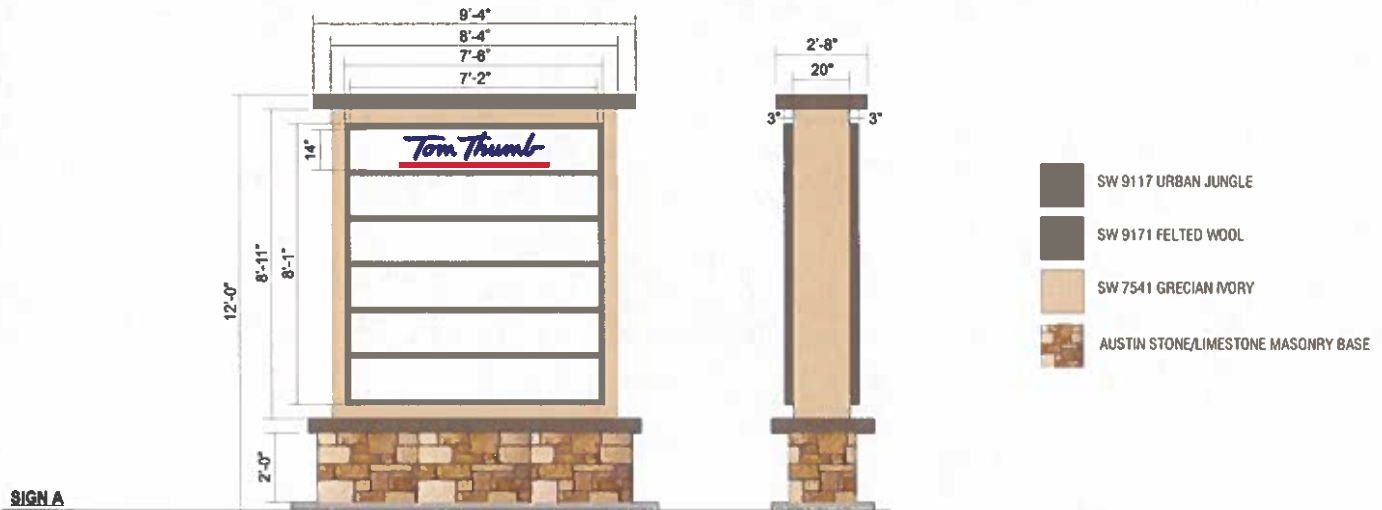
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(13)

SIGN A - LOT 3 & LOT 6 - QTY. 2, D/F LED ILLUM. MULTI-TENANT PLYON SIGN

Exhibit D - Signage Plan



SCOPE OF WORK:
- MANUFACTURE & INSTALL NEW D/F LED ILLUM. MULTI-TENANT PYLON
- OVERALL HEIGHT: 12'-0"
- OVERALL WIDTH: 9'-4"
- TOTAL SQ. FT.: 112 ft²

CALL OUTS

- 1 .125 ALUM.
- 2 WHITE ACRYLIC
- 3 X
- 4 X

COLOR SCHEDULE

- A ☐ X
- B ☐ X
- C ☐ X
- D ☐ X

JOB #: 221247-05

CLIENT:	Horton TX Developments - Waxahachie SUP	CONCEPT:	11/14/22	AR	REVISION 3	11/21/22	AR
SALES REP:	Orlando B.	REVISION 1			REVISION 4		
ADDRESS:	Waxahachie SUP	REVISION 2	11/16/22	AR	REVISION 5	1/27/23	AR

APPROVAL SIGNATURE

DATE

1800 Old Sycamore Ave
Huntsville, TX 77340
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Toll Free: 1-855-661-7446
Fax: 1-936-435-1115
www.ExtremeSignsUSA.com

PG 2 OF 6

CLAUSE: BY APPROVING THIS WORK YOU ARE APPROVING ALL COLORS, SIZES AND SPELLING OF PROPOSED IF ERRORS ARE FOUND AFTER APPROVAL IS RECEIVED AND PRODUCTION HAS STARTED, YOU THE CUSTOMER ARE RESPONSIBLE FOR ALL ADDITIONAL FEES

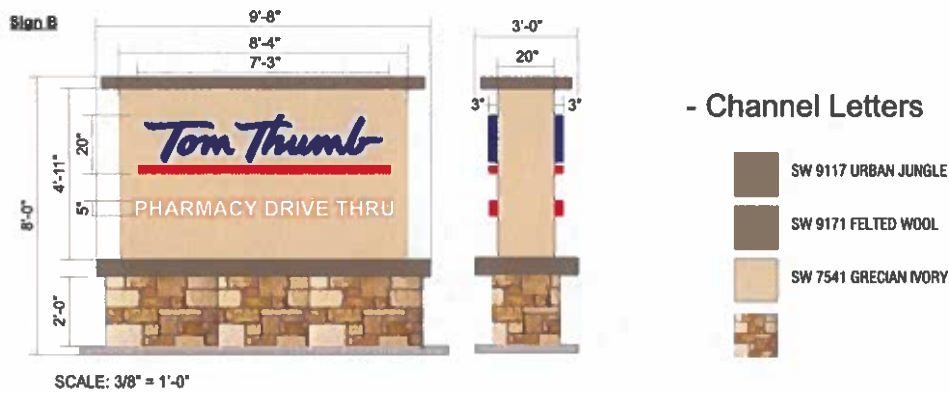
THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.



(13)

SIGN B - LOT 9- QTY. 3, D/F SINGLE TENANT MONUMENT SIGN W/LED ILLUM. CHANNEL LETTERS

Exhibit D - Signage Plan



SCOPE OF WORK:

- MANUFACTURE & INSTALL NEW D/F MONUMENT WITH LED ILLUM. CHANNEL LETTERS
- OVERALL HEIGHT: 8'-0"
- OVERALL WIDTH: 9'-8"
- TOTAL SQ. FT.: 77 ft²

CALL OUTS

- 1 .125 ALUM.
- 2 ACRYLIC
- 3 X
- 4 X

COLOR SCHEDULE

- A BLUE (COLOR TBD)
- B RED (COLOR TBD)
- C WHITE
- D X

JOB #: 221247-05

CLIENT:	Horton TX Developments - Waxahachie SUP	CONCEPT:	11/14/22	AR	REVISION 3:	11/21/22	AR
SALES REP:	Orlando B.	REVISION 1:			REVISION 4:	12/6/22	AR
ADDRESS:	Waxahachie SUP	REVISION 2:	11/16/22	AR	REVISION 5:	1/27/23	AR

APPROVAL SIGNATURE

DATE

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PG 3 OF 6

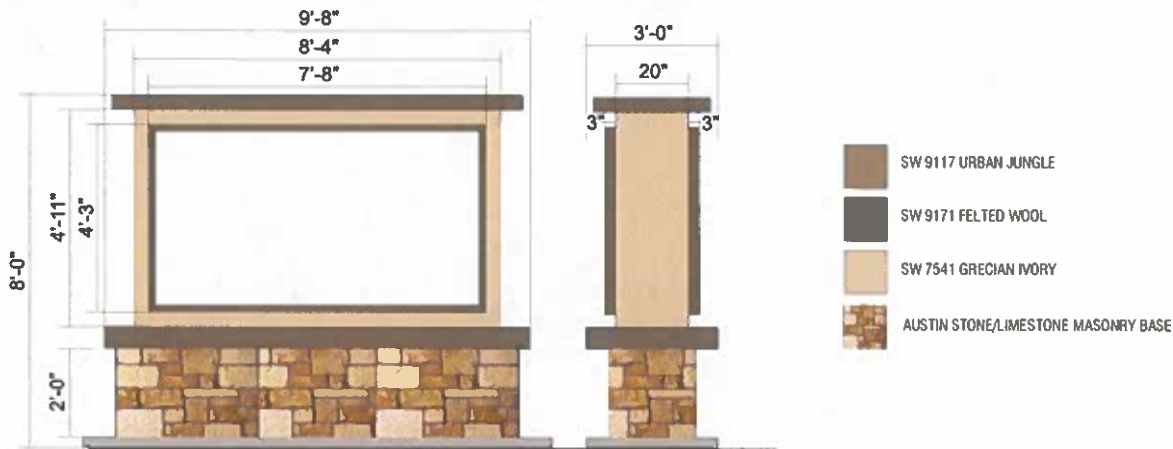


CLAUSE: BY APPROVING THIS ARTWORK YOU ARE APPROVING ALL COLORS, SIZES AND SPELLING OF PROPOSED IF ERRORS ARE FOUND AFTER APPROVAL IS RECEIVED AND PRODUCTION HAS STARTED. YOU THE CUSTOMER ARE RESPONSIBLE FOR ALL ADDITIONAL FEES THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

(13)

SIGN C - LOTS 4, 5 AND 8 - QTY. 3, D/F SINGLE TENANT MONUMENT SIGN W/LED ILLUM. S/F CABINET

Exhibit D - Signage Plan



SCOPE OF WORK:
- MANUFACTURE & INSTALL NEW D/F MONUMENT
WITH S/F LED ILLUM. CABINET
- OVERALL HEIGHT: 8'-0"
- OVERALL WIDTH: 9'-8"
- TOTAL SQ. FT. 77 ft²

CALL OUTS

- 1 .125 ALUM.
- 2 WHITE ACRYLIC
- 3 X
- 4 X

COLOR SCHEDULE

- A ☐ X
- B ☐ X
- C ☐ X
- D ☐ X

JOB #: 221247-05

CLIENT:	Horton TX Developments - Waxahachie SUP	CONCEPT:	11/14/22	AR	REVISION 3	11/21/22	AR
SALES REP:	Orlando B.	REVISION 1			REVISION 4	12/6/22	AR
ADDRESS:	Waxahachie SUP	REVISION 2	11/16/22	AR	REVISION 5	1/27/23	AR

APPROVAL SIGNATURE

DATE

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Huntsville, TX 77340
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Fax 1936 435 1113
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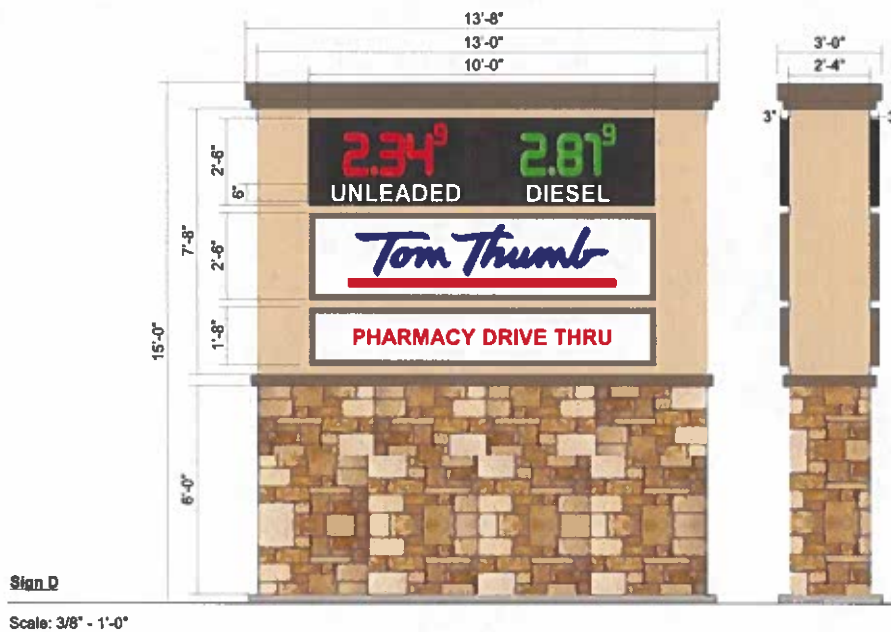
PG 4 OF 6

CLAUSE: BY APPROVING THIS AFWORK YOU ARE APPROVING ALL COLORS, SIZES AND SPELLINGS OF PROPOSED IF ERRORS ARE FOUND AFTER APPROVAL IS RECEIVED AND PRODUCTION HAS STARTED, YOU THE CUSTOMER ARE RESPONSIBLE FOR ALL ADDITIONAL FEES.
THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

(13)

SIGN D - LOT 7 - QTY. 1, D/F LED ILLUM. MONUMENT & FUEL PRICER

Exhibit D - Signage Plan



	SW 9117 URBAN JUNGLE
	SW 9171 FELTED WOOL
	SW 7541 GRECIAN IVORY
	AUSTIN STONE/LIMESTONE MASONRY BASE

SCOPE OF WORK:

- MANUFACTURE & INSTALL NEW D/F MONUMENT WITH LED ILLUM. CHANNEL LETTERS & (2) S/F LED EMC CABINET AND LED FUEL PRICER CABINET
- OVERALL HEIGHT: 15'-0"
- OVERALL WIDTH: 13'-8"
- TOTAL SQ. FT.: 205 ft²

CALL OUTS

- | | |
|---|---------------|
| 1 | .125 ALUM. |
| 2 | WHITE ACRYLIC |
| 3 | X |
| 4 | X |

COLOR SCHEDULE

- | | |
|---|-------------------------|
| A | <input type="radio"/> X |
| B | <input type="radio"/> X |
| C | <input type="radio"/> X |
| D | <input type="radio"/> X |

JOB #: 221247-05

PG 5 OF 6

CLIENT:	Horton TX Developments - Waxahachie SUP	CONCEPT:	11/14/22	AR	REVISION 3	11/21/22	AR
SALES REP:	Orlando B.	REVISION 1			REVISION 4	12/6/22	AR
ADDRESS:	Waxahachie SUP	REVISION 2	11/16/22	AR	REVISION 5	1/27/23	AR

APPROVAL SIGNATURE

DATE

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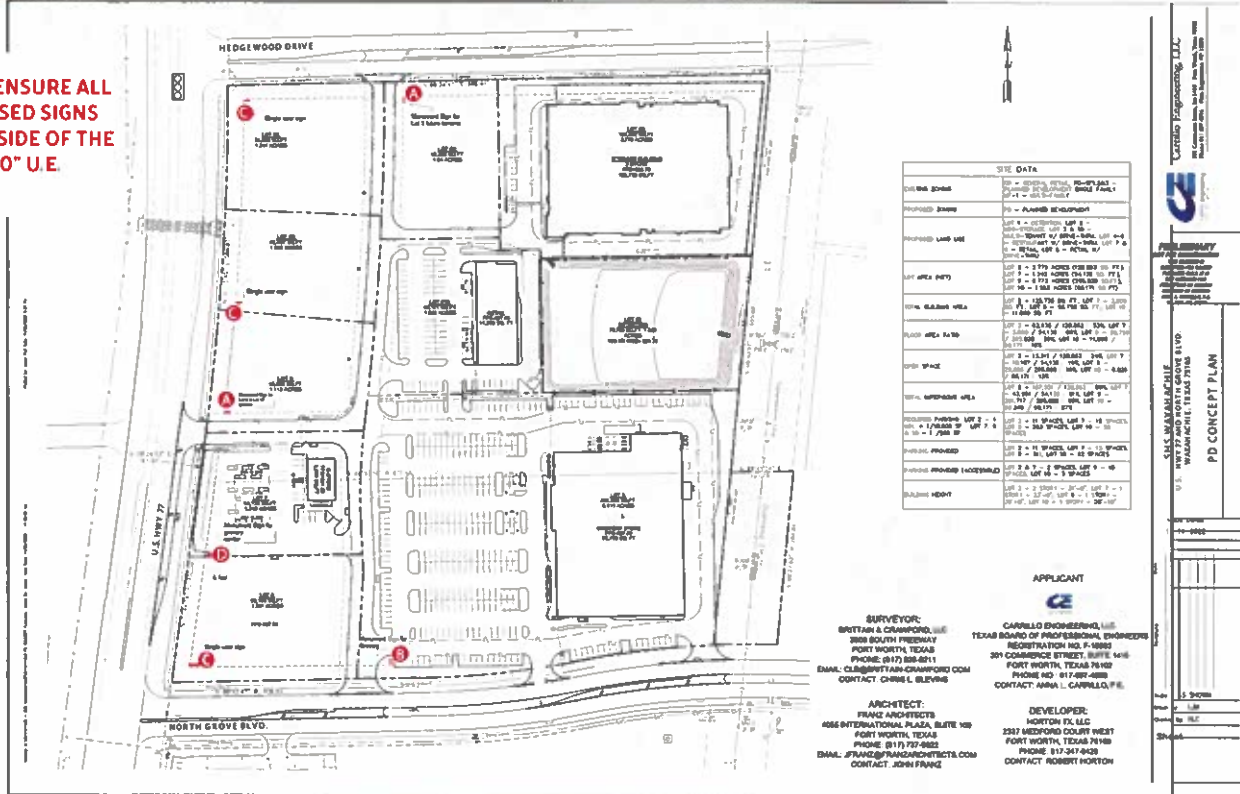
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(13)

SITE MAP

Exhibit D - Signage Plan

PLEASE ENSURE ALL
PROPOSED SIGNS
ARE OUTSIDE OF THE
15'-0" U.E.



JOB #: 221247-05

PG 6 OF 6

CLIENT:	Horton TX Developments - Waxahachie SUP CONCEPT:	11/14/22	AR	REVISION 3	11/21/22	AR	APPROVAL SIGNATURE
SALES REP:	Orlando B.	REVISION 1		REVISION 4	12/6/22	AR	
ADDRESS:	Waxahachie SUP	REVISION 2	11/16/22	AR	REVISION 5	1/27/23	

APPROVAL SIGNATURE

DATE

DISCLAIMER: BY APPROVING THIS WORK, YOU ARE APPROVING ALL COLORS, SIZES AND SPELLING OF THE SIGNAGE. IF ERRORS ARE FOUND AFTER APPROVAL IS RECEIVED AND PRODUCTION HAS STARTED, YOU THE CUSTOMER ARE RESPONSIBLE FOR ALL ADDITIONAL FEES.

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

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Huntsville, TX 77340
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Toll Free: 1-855-661-3446
Fax: 1936-435-1111
www.ExtremeSignsUSA.com



- SIGNAGE**
1. 5' - 0" diameter "Starbucks" signage
 2. 7' - 4" tall by 34' - 1" long "Tom Thumb" signage
 3. 5' - 0" diameter DUG sign with 18" tall letters
 4. 18" tall "Pharmacy" and 18" tall "Drive Thru" letters
 5. 24" tall "Pharmacy" and 24" tall "Drive Thru" letters
 6. 6' - 1" tall by 28' - 6" long "Tom Thumb" signage

Exhibit D - Signage Plan



Heights Venture
ARCHITECTURE + DESIGN

Not for regulatory approval, permitting, or construction
Robert R. Holton, AIA TX #14938

GROCERY CENTER

WAXAHACHIE, TX
EXTERIOR
3/13/2023

(13)

- SIGNAGE**
1. 5' - 0" diameter "Starbucks" signage
 2. 7' - 4" tall by 34' - 1" long "Tom Thumb" signage
 3. 5' - 0" diameter DUG sign with 18" tall letters
 4. 18" tall "Pharmacy" and 18" tall "Drive Thru" letters
 5. 24" tall "Pharmacy" and 24" tall "Drive Thru" letters
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Exhibit D - Signage Plan



Heights Venture
ARCHITECTURE • DESIGN

Not for regulatory approval, permitting, or construction
Robert R. Holton, AIA TX #14938

GROCERY CENTER

WAXAHACHIE, TX
EXTERIOR
3/13/2023

(13)

- SIGNAGE**
1. 5' 0" diameter "Starbucks" signage
 2. 7' 4" tall by 34' - 1" long "Tom Thumb" signage
 3. 5' 0" diameter DUG sign with 18" tall letters
 4. 18" tall "Pharmacy" and 18" tall "Drive Thru" letters
 5. 24" tall "Pharmacy" and 24" tall "Drive Thru" letters
 6. 6' - 1" tall by 28' - 6" long "Tom Thumb" signage

Exhibit D - Signage Plan



Heights Venture
ARCHITECTURE • DESIGN

Not for regulatory approval, permitting, or construction
Robert R. Holton, AIA TX #14938

GROCERY CENTER

WAXAHACHIE, TX
EXTERIOR
3/13/2023

Exhibit D - Signage Plan

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1. 5' - 0" diameter "Starbucks" signage
 2. 7' - 4" tall by 34' - 1" long "Tom Thumb" signage
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 4. 18" tall "Pharmacy" and 18" tall "Drive Thru" letters
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GROCERY CENTER

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GROCERY CENTER

WAXAHACHIE, TX
EXTERIOR
3/13/2023

(13)

- SIGNAGE**
1. 5' - 6" tall by 27' - 7" long "Tom Thumb" signage
 2. 2' - 7" tall by 13' - 7" long "express" signage
 3. 3' - 2" tall by 14' - 9" long "Tom Thumb" signage
 4. 1' - 11" tall by 10' - 2" long "express" signage
 5. 3' - 0" tall by 7' - 11" long price display

Exhibit D - Signage Plan



Heights Venture
ARCHITECTURE • DESIGN

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Robert R. Holton, AIA TX #14938

GROCERY CENTER

WAXAHACHIE, TX
EXTERIOR - C STORE
3/13/2023

(13)

- SIGNAGE**
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GROCERY CENTER

WAXAHACHIE, TX
EXTERIOR - C STORE
3/13/2023

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GROCERY CENTER

WAXAHACHIE, TX
EXTERIOR - C-STORE
3/13/2023

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GROCERY CENTER

WAXAHACHIE, TX
EXTERIOR - C-STORE
3/13/2023

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GROCERY CENTER

WAXAHACHIE, TX
EXTERIOR - C STORE
3/13/2023

STATE OF TEXAS	§	DEVELOPMENT AGREEMENT
	§	FOR NORTH GROVE CENTER
COUNTY OF ELLIS	§	

This Development Agreement for North Grove Center ("**Agreement**") is entered into effective as of March 20, 2023, between R-Waxahachie, LLC, a Texas limited liability company ("**Developer**"), Waxahachie Community Development Corporation ("**WCDC**"), and the City of Waxahachie, Texas ("**City**"). Developer and the City are sometimes referred herein together as the "Parties" and individually as a "**Party**."

Recitals:

WHEREAS, Developer and Mark Allsup, Trustee of the High Five Trust – BJA (Mark) (the "**High Five Trust**") are the owners of approximately 20.010 acres of real property generally located East of North US Highway 77, South of Hedgewood Drive, and North of E. North Grove Boulevard, Parcel Numbers 191121, 262125, & 262126 in the City of Waxahachie, Texas (the "**Property**"), for which Horton TX, LLC, as the authorized agent of Developer, has requested a change in the Property's General Retail and Planned Development zoning to a ("**PD**") Planned Development Zoning with revised specific development standards. The Property is currently zoned General Retail and Planned Development by the City and is anticipated to have the PD reviewed by City Council on March 20, 2023.

WHEREAS, the planned use of the Property is to create a Planned Development to allow for the use of a commercial development (the "**Project**"). The PD zoning process is utilized to ensure that the Property will be developed in a manner that meets the City's desired development standards, as well as providing Developer with agreed-upon and negotiated standards consistent with their business objectives.

WHEREAS, the City and Developer acknowledge that the construction of the Project is desirable; however, both Parties recognize that there are capital costs associated with the proposed construction; and

WHEREAS, the City wishes to partner with Developer and provide incentives to the Developer to assist in the continued economic development of the Property,

WHEREAS, this Agreement clearly is in the best interests of the City and Developer and it is deemed mutually beneficial to each; and

WHEREAS, Chapter 380 of the Texas Local Government Code provides that Texas municipalities may create programs to promote local economic development; and

WHEREAS, the City has concluded and hereby finds that this Agreement clearly promotes economic development in the City and, as such, meets the requisites under Chapter 380 of the Texas Local Government Code and, further, is in the best interests of the City and Developer; and

WHEREAS, Developer has applied to the City for financial accommodations, including those which are described in this Agreement.

WHEREAS, as reflected by the public records of the City, significant discussions and negotiations between representatives of Developer 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 "**North Grove Center PD Ordinance**"), a copy of which is attached hereto as Exhibit A and which contains the negotiated zoning and development standards for North Grove Center.

WHEREAS, this Agreement seeks to incorporate the negotiated and agreed upon zoning and development standards contained in the North Grove Center PD Ordinance as contractually-binding obligations between the City of Waxahachie and Developer, and to recognize Developer's reasonable investment-backed expectations in the North Grove Center PD Ordinance and the planned development of North Grove Center.

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

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

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

Section 3. Agreements. The Parties agree as follows:

Incorporation of Zoning and Recognition of Investment-Backed Expectations:

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

The Developer agrees as follows:

- (A) The Project shall conform as approved by the City Council under case number ZDC-178-2022.
- (B) All development within the Property will be subject to obtaining building permits from the City in accordance with the City's applicable rules and regulations governing such permits.

- (C) The Property shall be platted prior to any construction and development on the site.
- (D) The exterior construction materials and façade of development on Lots 2, 7, 9, & 10 shall adhere to the Elevation/Façade Plan identified in Exhibit D. The exterior construction materials and architectural features of development on Lots 3, 4, 5, 6, & 8 shall adhere to the Development Standards identified in Exhibit F.
- (E) Any zoning, land use requirement, or restriction not contained within this Development Agreement or Zoning Ordinance (XXXX), shall conform to those requirements and/or standards prescribed in Exhibits B – Site Plan, Exhibit C – Landscape Plan, Exhibit D – Elevation/Façade Plan, Exhibit E – Signage Plan, Exhibit F – Development Standards, and Exhibit G – Staff Report. Where regulations are not specified in this Development Agreement, Exhibits B, C, D, E, F, G, in this agreement, or North Grove Center Zoning Ordinance (**Ord. XXXX**), the regulations of General Retail zoning of the City of Waxahachie Zoning Ordinance shall apply to the Project.
- (F) A Detailed Site Plan Application, including a Landscape Plan, shall be required to be approved by the Planning & Zoning Commission and City Council, in accordance with the Planned Development for Lots 3, 4, 5, 6, & 8.
- (G) The Project 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.

The City of Waxahachie agrees as follows:

- (H) The Waxahachie Community Development Corporation (WCDC) will provide reimbursement to the Developer, not to exceed a total of \$1,000,000.00. Reimbursement shall be limited specifically to the following improvements, including associated engineering and testing costs, and shall require the delivery of an itemized invoice to the City prior to distribution.
 - Extension of Victory Drive and right turn lanes on Highway 77 and E North Grove Boulevard.
 - Sidewalks along Highway 77, E North Grove Boulevard, and Hedgewood Drive.
 - Signalization and street lights for the Highway 77 and Hedgewood Drive intersection.
 - Median breaks on E North Grove Boulevard and Hedgewood Drive.
 - Right-of-Way landscaping

In consideration of Developer's agreement in this regard, the City of Waxahachie agrees that Developer has reasonable investment-backed expectations in the North Grove Center PD Ordinance, and that the City of Waxahachie may not unilaterally change the zoning and development standards contained in the North Grove Center PD Ordinance without impacting Developer'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's current rules, regulations, procedures and ordinances, and all applicable laws, rules, and regulations of the State of Texas and the United States.

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

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

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

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

L. This Agreement shall be recorded in the real property records of Ellis County, Texas. This Agreement and all of its terms, conditions, and provisions is and shall constitute a restriction and condition upon the development of the Property and all portions thereof and a covenant running with the Property and all portions thereof, and is and shall be binding upon Developer and all heirs, successors, and assigns and the future owners of the Property and any portion thereof.

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

N. **Undocumented Workers Provision.** The Developer certifies that Developer does not and will not knowingly employ an undocumented worker in accordance with Chapter 2264 of the Texas Government Code, as amended. If during the Term of this Agreement, Developer is convicted of a violation under 8 U.S.C. § 1324a(f), Developer shall repay the amount of any public subsidy provided under this Agreement to Developer plus six percent (6.0%), not later than the 120th day after the date the City notifies Developer of the violation.

O. **Non-Boycott of Israel Provision.** In accordance with Chapter 2270 of the Texas Government Code, a Texas governmental entity may not enter into an agreement with a business entity for the provision of goods or services unless the agreement contains a written verification from the business entity that it: (1) does not boycott Israel; and (2) will not boycott Israel during the term of the agreement. Chapter 2270 of the Texas Government Code does not apply to a (1) a company that is a sole proprietorship; (2) a company that has fewer than ten (10) full-time employees; or (3) the contract has a value of less than One Hundred Thousand Dollars (\$100,000.00). Unless Developer is not subject to Chapter 2270 of the Texas Government Code for the reasons stated herein, the signatory executing this Agreement on behalf of Developer verifies that Developer does not boycott Israel and will not boycott Israel during the Term of this Agreement.

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

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

R. Verification Against Discrimination Developer Does Not Boycott Energy Companies. Pursuant to Texas Government Code Chapter 2274, (as added by Texas Senate Bill 13, 87th Tex. Reg. Session (2021) (effective September 1, 2021)) unless otherwise exempt, if the Developer employs at least ten (10) fulltime employees and this Agreement has a value of at least \$100,000 that is paid wholly or partly from public funds of the City, the Developer represents that: (1) the Developer does not boycott energy companies; and (2) the Developer will not boycott energy companies during the Term of this Agreement.

S. The High Five Trust joins in the execution of this Agreement as the owner of that portion of the Property not owned by the Developer and to evidence its agreement to subject such portion of the Property owned by the High Five Trust to the terms of this Agreement; provided, however, the High Five Trust does not assume any liabilities or obligations of Developer under this Agreement, and the City acknowledges and agrees that the High Five Trust shall have no liabilities or obligations under this Agreement.

{Signature Pages Follow}

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

CITY OF WAXAHACHIE, TEXAS

By: _____
Michael Scott, City Manager

Date: _____

ATTEST:

By: _____
City Secretary

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

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

[Seal]

By: _____
Notary Public, State of Texas

My Commission Expires: _____

WAXAHACHIE COMMUNITY DEVELOPMENT CORPORATION

By: _____
Dan Morton Jr., President

Date: _____

ATTEST:

By: _____
City Secretary

STATE OF TEXAS §
 §
COUNTY OF ELLIS §

Before me, the undersigned authority, on this ____ day of _____, personally appeared Dan Morton Jr., Waxahachie Community Development Corporation, 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: _____

DEVELOPER:

R-Waxahachie, LLC, a Texas limited liability company

By: _____

Name: _____

Title: _____

Date: _____

STATE OF TEXAS §

§

COUNTY OF TARRANT §

This instrument was acknowledged before me on this _____ day of _____, 2023, by Robert S. Horton, Manager of R-WAXAHACHIE, LLC, a Texas limited liability company, on behalf of said limited liability company.

[seal]

Notary Public in and for the State of Texas

High Five Trust

Mark Allsup, Trustee of the High Five Trust – BJA (Mark)

Date: _____

STATE OF TEXAS §

§

COUNTY OF TARRANT §


This instrument was acknowledged before me on this _____ day of _____, 2023, by Mark Allsup, Trustee of the High Five Trust – BJA (Mark).

[seal]

Notary Public in and for the State of Texas



Memorandum

To: Honorable Mayor and City Council
From: James Gaertner, PE, CFM, CPM Director of Public Works and Engineering
Thru: Michael Scott, City Manager 
Date: March 20, 2023
Re: Consider the Approval of a Construction Contract with Advance Paving Company for the 2022 Asphalt Street Rehabilitation

Recommended Motion: "I move to award a construction contract to Advance Paving Company for the 2022 Asphalt Street Rehabilitation in the amount of \$1,588,041 and a contingency of \$397,000."

Item Description: Consider awarding a construction contract to Advance Paving Company for the 2022 Asphalt Street Rehabilitation in the amount of \$1,588,041 and a contingency of \$397,000. The project consists of the asphalt rehabilitation for multiple streets throughout the city, including the scarification, cement stabilization and compaction of the pavement subgrade, and repaving the asphalt driving surface. It also includes the concrete flume and some curb repair to improve drainage.

Item Summary: There were seven (7) bidders for this project and Advance Paving Company was selected as the lowest responsible bidder with a base bid of \$1,208,356. There is also an alternate bid item for four (4) streets at a cost of \$379,685. Staff is also recommending a construction contingency of \$397,000 (25% maximum allowed by state) to maximize the number of streets that can be constructed. The total cost for the base bid, alternate bid and contingency is \$1,985,041.

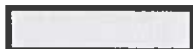
(15)

The project includes scarification of the existing pavement, cement stabilization and re-compaction of the subgrade, and repaving the asphalt driving surface for the following streets:

**CITY OF WAXAHACHIE, TEXAS
2022 ASPHALT PAVEMENT REHABILITATION**

PROGRAM SUMMARY TABLE

Street Name	From	To	Length (ft)	Width (ft)
Breezeway St	E Marvin Ave	Lake Park Ave	814	25
Lancaster St	Ross St	Lewis St	665	15
Coleman St	E Marvin Ave	Lake Park	1,482	22/25
E Marvin Ave	Ennis St	Emanuel St	1,249	25
W Jefferson St	S Grand Ave	W Main St	903	25/30
McClain St	Oldham Ave	Smokey Ln	652	12/20
Montgomery St	Kaufman St	McClain St	612	12
Gardner St	N Aiken St	208 Gardner St	480	10/15/18
John Arden Dr	Civic Center Ln	1900 John Arden	2,805	24
Floyd St	E University Ave	Harbin Ave	1,607	25
Pecan St	E Marvin Ave	N. End	1,180	20/28
Lewis St	E Marvin Ave	Lancaster St	1,324	20
Pueblo Drive & Pueblo Cir	Buffalo Creek Dr	104 Pueblo Dr	1,221	25/29
Redman Ln	Buffalo Creek Dr	116 Redman Ln	695	27



Bid Add Alternate Locations

The streets in the table below will be considered for the \$397,000 contingency as project budget allows. These streets were selected based on conditions of the streets and proximity to other streets within the project.

Street Name	From	To
Amanda	Solon Place Way	Rusty
Solon Place Way	Solon	US 287
McMillan	US77	College
Virginia	Almond	Sycamore
East Light	US77	College

Fiscal Impact: The total cost of the Asphalt Street Rehabilitation project (with contingency) will be \$1,985,041. Funding for this project is available from FY22 Asphalt Street Rehabilitation (\$943,500 now in Street Capital Fund) and the FY23 Operating Fund (\$1,105,000) for a total available budget of \$2,048,500.



(114)

Memorandum

To: Honorable Mayor and City Council
From: James Gaertner, Executive Director of Development Services
Thru: Michael Scott, City Manager 
Date: March 20, 2023
Re: Consider Approval of a Construction Contract for Grove Creek Parallel Gravity Trunk Sewer Phase IV Project

Recommended Motion: "I move to approve a construction contract with Circle H Contractors, LP for \$6,924,000 and a \$150,000 contingency for the Grove Creek Parallel Gravity Trunk Sewer Phase IV Project and authorize the City Manager to execute all necessary documents."

Item Description: Consider authorizing the award of a construction contract for the Grove Creek Parallel Gravity Trunk Sewer Phase IV Project to Circle H Contractors, LP in the amount of for \$6,924,000. City staff recommends a \$150,000 contingency, for a total construction amount of \$7,074,000.

Item Summary: The project is for the construction of approximately 18,675 linear feet of new 33-inch diameter sanitary sewer line, manholes, and appurtenances upstream of the Grove Creek Lift Station. The project will extend along Grove Creek to the confluences of the north and south prong of Grove Creek at Highland Village. These improvements are necessary to accommodate the growing demand for sanitary sewer services in the northeast portion of the city. The total project budget, including engineering and construction, is \$7,920,067. This item would approve the construction portion of this project.

A total of 7 bids were received and opened on Thursday, February 22nd with Circle H Contractors, LP providing the lowest responsible bid in the amount of \$6,924,000.

Fiscal Impact: The proposed construction contract is part of an approved project and is currently within the project budget. The project is funded through 2021 Wastewater Bonds and Wastewater Impact Fees.